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XIFUNDZANKULU XA LIMPOPO
PROFENSE YA LIMPOPO
VUNDU LA LIMPOPO
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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 100 OF 2019

COLLINS CHABANE LAND USE SCHEME, 2018 AMENDMENT SCHEME NUMBER: 44

NOTICE OF APPLICATION FOR REZONING IN TERMS OF SECTION 64 OF THE COLLINS CHABANE SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2019.

I, Muthivhi Thabelo of Afriplan Development Consultants (PTY) Ltd, being the authorized Town Planner by owner of Stand No.M206 Mavambe on Portion of The Farm Mawambe's Location 281- MT, hereby give notice for the application lodged in terms of Section 64 of The Collins Chabane Spatial Planning and Land Use Management Bylaw, 2019 that the owner of the aforesaid property has applied to Collins Chabane Local Municipality for the "Rezoning" on the property from "Agriculture" to "Business 1" to allow for the development of Carwash, Offices and Residential Buildings. Particulars of the application will lie for inspection during normal office hours at the office of the Manager, Spatial Planning and Land Use, Collins Chabane Local Municipality, Malamulele for the period of 30 days from the first day of the notice. Objections and/or comments or representation in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at Collins Chabane Local Municipality, Private Bag X9271, MALAMULELE, 0982 within 30 days from the date of first publication. Address of the applicant: P. O Box 1346, Thohoyandou, 0950; Cell: 079 473 7531; Email: afriplan.consultants@gmail.com.

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COLLINS CHABANE LAND USE SCHEME, 2018 AMENDMENT SCHEME NUMBER: 44

XITIVISO XA XIKOMBELO XO CINCA MATIRHISELO YA MISAVA HI KU LANDZA NAWU WA SECTION 64 OF THE COLLINS CHABANE SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2019.

Mina, Muthivhi Thabelo wa Afriplan Development Consultants (PTY) Ltd, muimeri (Town Planner) wa nwinyi wa ndhawu ya Stand No.M206 Mavambe ka Portion of The Farm Mawambe's Location 281- MT, mi tivisa xikombelo lexi endliweke hi ku landza nawu wa Section 64 ya Collins Chabane Spatial Planning and Land Use Management By-Law, 2019 lowu va endleke xikombelo eka Masipala wa Collins Chabane xa ku cinca matirhiselo ya misava eka xitirhiswa lexi boxiweke laha henhla xa "Agriculture" lexi xi va xa "Business 1" ra Carwash, Offices na Residential Buildings". Swilo swa xikombelo lexi swi ta lawuriwa eka mufambisi wa Doroba ni vufambisi bya masipala, Spatial Planning and Land Use, Collins Chabane Local Municipality, Malamulele hi masiku yo ringana 30 ku sukela siku ro sungula ra xitiviso. Swibumabumelo ni swiletelo swa xikombelo swi fanele ku rhumeriwa eka masipala eka address leyi landzelaka: Collins Chabane Local Municipality, Private Bag X9271, MALAMULELE, 0982 ku nga si hela masiku ya 30 ya xitiviso lexi tivisiweke. Address ya mukomeri: P. O Box 1346, Thohoyandou, 0950; Cell: 079 473 7531; Email: afriplan.consultants@gmail.com.

NOTICE 101 OF 2019

GROBLERSDAL AMENDMENT SCHEME DP001/2019

NOTICE OF APPLICATION FOR AMENDMENT OF THE GROBLERSDAL TOWN-PLANNING SCHEME 2006 AND REMOVAL OF RESTRICTIVE TITLE CONDITIONS IN THE TITLE DEED IN TERMS OF CHAPTER 5, SECTIONS 62 & 63 OF THE ELIAS MOTSOLEDI MUNICIPAL SPLUMA BY-LAWS 2016

I, Willem Johannes Jacobsz of Omniplan Town Planners, being the authorised agent of the registered owner of Erf 1/156 Groblersdal Ext 1 hereby give notice in terms of Chapter 5, Part C: Section 62 & Part D: Section 63 of the Elias Motsoaledi Local Municipality's SPLUMA By-Laws 2016, that I have applied to the Elias Motsoaledi Local Municipality for the removal of restrictive title conditions in Title Deed T81058/2012 and amendment of the town-planning scheme known as the Greater Groblersdal Town Planning Scheme, 2006 by the rezoning of the property described above, situated at 46A Haarhoff Street, Groblersdal X1, from "Residential 1" to "Residential 2". Particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Municipal Offices, Groblersdal for a period of 30 days from 27 September 2019 (the date of the first publication of the notice). Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at PO Box 48, Groblersdal, 0470 within a period of 30 days from 27 October 2019, by quoting the above-mentioned heading, the objector's interest in the matter, the ground(s) of the objection/representation, the objector's property description, phone numbers and address. A person who cannot write may during office hours visit the abovementioned Municipality requesting assistance to transcribe his/her objections, comments or representations. Contact person: Mr. B Sethojoa (013 262 3056). Address of authorised agent: Omniplan CC Town Planners, PO Box 2071, TZANEEN, 0850, Tel No (015) 3071041. Ref No: J211.

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KENNISGEWING 101 VAN 2019**GROBLERSDAL WYSIGINGSKEMA DP001/2019**

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DIE GROBLERSDAL DORPSBEPLANNINGSKEMA 2006 EN OPHEFFING VAN BEPERKENDE TITELVOORWAARDES IN DIE TITELAKTE INGEVOLGE HOOFSTUK 5, ARTIKELS 62 & 63 VAN DIE ELIAS MOTSOLEDI MUNISIPALE SPLUMA BY-WETTE, 2016.

Ek, Willem Johannes Jacobsz van Omniplan Stadsbeplanners, synde die gemagtigde agent van die geregistreerde eienaar van Erf 1/156 Groblersdal Uitbreiding 1 gee hiermee ingevolge Hoofstuk 5, Deel C: Artikel 62 en Deel D: Artikel 63 van die Elias Motsoaledi Munisipale SPLUMA By-Wette, 2016 kennis dat ek by die Elias Motsoaledi Munisipaliteit aansoek gedoen het vir die opheffing van beperkende titelvoorwaardes in Titelakte T81058/2012 en die wysiging van die Dorpsbeplanningskema bekend as die Groter Groblersdal Dorpsbeplanningskema, 2006 deur die hersonering van die eiendom hierbo beskryf, geleë te 46A Haarhoff Straat Groblersdal Uitbreiding 1, vanaf "Residensieel 1" na "Residensieel 2". Besonderhede van die aansoek lê ter insae gedurende gewone kantoor ure by die kantoor van die Munisipale Bestuurder, Musipale kantore, Groblersdal vir 'n tydperk van 30 dae vanaf 27 September 2019 (die datum van eerste publikasie van hierdie kennisgewing). Besware teen of verhoë ten opsigte van die aansoeke moet binne 'n tydperk van 30 dae vanaf 27 Oktober 2019 skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Posbus 48, Groblersdal, 0470 ingedien of gerig word deur die verwysing na bostaande opskrif, die beswaarmaker se belang in die saak, die gronde/redes vir die beswaar, die beswaarmaker se eiendomsbeskrywing, telefoonnommer en adres.

Enige persoon wat nie kan skryf nie mag gedurende kantoorure die bovermelde Munisipaliteit besoek en hulp versoek om sy/haar besware, kommentare of voorstelle op skrif te stel. Kontak persoon: Mnr. B Sethojoa (013 262 3056). *Adres van gemagtigde agent: Omniplan CC Stadsbeplanners, Posbus 2071, Tzaneen, 0850, Tel. No. (015) 307 1041. Verw. No. J211.*

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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS**LOCAL AUTHORITY NOTICE 136 OF 2019****NOTICE**

Notice is hereby given in terms of the MAKHADO MUNICIPALITY SPATIAL PLANNING, LAND DEVELOPMENT AND LAND USEMANAGEMENT BY-LAW 2016 (Part C, Section 63) that the under-mentioned application has been received by the Makhado Local municipality and is open for inspection during normal office hours at the office of the Director, Municipal Secretariat, 1st floor, Civic centre, Makhado (Louis Trichardt), (83 Krogh street), for a period of 30 days from 20 September 2019. Any objections/representations must be lodged with or made in writing, or verbally if unable to write, to the Municipal Manager, at the above-mentioned address or posted to Private bag x2596, Makhado, 0920 on or before the closing date for the submission of objections/representations, quoting the below mentioned application description and/or amendment scheme number, the objector's interest in the matter, the ground(s) of the objection/representation, the objector's erf number and phone numbers and address. CLOSING DATE FOR SUBMISSION OF OBJECTIONS/REPRESENTATIONS: 20 September 2019: MAKHADO AMENDMENT SCHEME: NATURE OF APPLICATION - REZONING OF PORTION 4 OF ERF 1 ELTI VILLAS FROM "MUNICIPAL" TO "BUSINESS 1". After rezoning of the erf, the normal conditions as contained in the Makhado Land Use Scheme, 2009 pertaining to a "Business 1" zoning shall apply to the erf. OWNER: Makhado local municipality. I, Theo Kotze, as the agent of the owner of the property mentioned below, hereby also give notice that I have applied to the Makhado municipality for the following: A) In terms of Section 75(1) of the Makhado Local Municipality Spatial Planning, Land Development and Land use Management By-Law, 2016, read together with Clause 22 of the Makhado Land-use Scheme, 2009, for Special Consent to conduct a Guest House and related facilities on Portion 34 of the farm Cloudend 279 – LS, and B) Simultaneous application in terms of Section 64(2) of the Makhado Local Municipality Spatial Planning, Land Development and Land Use Management By-Law, 2016 for removal of the following conditions registered against Title Deed T5692/2018 – Conditions B2 & B3. Owner: Mubvumela Corporation Pty Ltd. I, Theo Kotze, as the agent of the owner of the property mentioned below, hereby also give notice that I have applied to the Makhado municipality for the following: A) Application in terms of Section 56 of the Makhado Spatial Planning, Land Development and Land use Management By-law (2016), for the expansion of the boundaries of the township known as Louis Trichardt ext 5 by the incorporation of Portion 35 of the farm Rondebosch 287-LS into the mentioned township, & B) simultaneous application for the amendment of the general plan of Louis Trichardt ext 5 (in lieu of the above proposed incorporation). Particulars of the applications will lie for inspection during normal office hours at the office of the Director, Municipal Secretariat, 1st floor, Civic centre, Makhado (Louis Trichardt), (83 Krogh street), for a period of 30 days from 20 September 2019. Any objections/representations must be lodged with or made in writing, or verbally if unable to write, to the Municipal Manager, at the above-mentioned address or posted to Private bag x2596, Makhado, 0920 on or before the closing date for the submission of objections/representations, quoting the below mentioned application description and/or amendment scheme number, the objector's interest in the matter, the ground(s) of the objection/representation, the objector's erf number and phone numbers and address. CLOSING DATE FOR SUBMISSION OF OBJECTIONS/REPRESENTATIONS: 20 October 2019. AGENT: DEVELOPLAN TOWN PLANNERS, P.O. Box 1883, Polokwane, 0700. Fax: 086 218 3267. Email: tecoplan@mweb.co.za. Fax: 0862183267. BA-PHALABORWA AMENDMENT SCHEME 69 - NOTICE OF APPLICATION FOR AMENDMENT OF TOWN-PLANNING SCHEME IN TERMS OF SECTION 57 OF THE BA-PHALABORWA MUNICIPAL SPLUMA BY-LAWS 2016: I, THEO KOTZE FROM DEVELOPLAN TOWN PLANNERS, BEING THE AUTHORISED AGENT OF THE REGISTERED OWNER OF PORTION 17 OF ERF 1810 PHALABORWA X1 HEREBY GIVE NOTICE IN TERMS SECTION 57 OF THE BA-PHALABORWA MUNICIPALITY'S SPLUMA BY-LAWS 2016, THAT I HAVE APPLIED TO THE BA-PHALABORWA MUNICIPALITY FOR THE AMENDMENT OF THE TOWN-PLANNING SCHEME KNOWN AS THE BA-PHALABORWA LAND USE MANAGEMENT SCHEME, 2008 BY THE REZONING OF THE PROPERTY DESCRIBED ABOVE, SITUATED AT THE CORNER OF SEALENE & ROBERT BROOM STREETS, PHALABORWA X1, FROM "RESIDENTIAL 1" TO "BUSINESS 4" SO THAT THE PREMISES CAN BE USED FOR OFFICE PURPOSES. PARTICULARS OF THE APPLICATION WILL LIE FOR INSPECTION DURING NORMAL OFFICE HOURS AT THE OFFICE OF THE MUNICIPAL MANAGER, BAPHALABORWA MUNICIPAL OFFICES, PHALABORWA FOR A PERIOD OF 30 DAYS FROM 20 SEPTEMBER 2019 (THE DATE OF THE FIRST PUBLICATION OF THE NOTICE). OBJECTIONS TO OR REPRESENTATIONS IN RESPECT OF THE APPLICATIONS MUST BE LODGED WITH OR MADE IN WRITING TO THE MUNICIPAL MANAGER AT THE ABOVE ADDRESS OR AT P/BAG X01 PHALABORWA 1390 WITHIN A PERIOD OF 30 DAYS FROM 20 SEPTEMBER 2019. ADDRESS OF AUTHORISED AGENT: DEVELOPLAN TOWN PLANNERS, PO BOX 1883, POLOKWANE 0700, TEL NO (015) 2914177. FAX: 0862183267. EMAIL: TECOPLAN@MWEB.CO.ZA. MARULENG AMENDMENT SCHEMES - NOTICE OF APPLICATION FOR AMENDMENT OF LAND USE MANAGEMENT SCHEME IN TERMS OF SECTION 52 (1) (b) OF MARULENG SPATIAL PLANNING & LAND USE MANAGEMENT BY-LAW OF 2016 READ TOGETHER WITH THE PROVISIONS OF SPATIAL PLANNING AND LAND USE MANAGEMENT ACT 2013 (ACT 16 OF 2013): I, Theo Kotze, from DEVELOPLAN Town planners, being the duly authorised agent of the owners of the properties mentioned below, hereby give notice in terms of Section 52(1)(b) of Maruleng Spatial Planning and Land Use Management By-law of 2016, that I have applied to Maruleng Municipality for the amendment of Maruleng Land Use Management Scheme 2008, by the rezoning of: a) Erf 1 Kampersrus from 'Residential 1' to 'Residential 2' with simultaneous application for relaxation of the permitted density to 45 units per hectare and simultaneous application for consent to conduct overnight accommodation on the property; and b) Erf 2 Kampersrus from 'Residential 1' to 'Residential 2' with simultaneous application for relaxation of the permitted density to 45 units per hectare and simultaneous application for consent to conduct overnight accommodation on the property. Particulars of the applications will lie for inspection during office hours at the office of the Chief Town Planner, Municipal building (civic centre), 64 Springbok Street, Hoedspruit, for a period of 30 days from 20 September 2019. Objections to or representations in respect of the applications must be lodged with or in writing to the Municipal Manager at this address P. O. Box 627, Hoedspruit, 1380, within a period of 30 days from the 20 September 2019. Address of the Agent: AGENT: DEVELOPLAN TOWN PLANNERS, P.O. Box 1883, Polokwane, 0700. Fax: 086 218 3267. Email: tecoplan@mweb.co.za.

PLAASLIKE OWERHEID KENNISGEWING 136 VAN 2019**KENNISGEWING**

Kennis geskied hiermee in terme van die MAKHADO MUNISIPALITEIT RUIMTELIKE BEPLANNING, GRONDONTWIKKELING EN GRONDGEBRUIKBESTUURSWYET 2016 (Gedeelte C, Afdeling 63) dat ondergemelde aansoek deur die Makhado plaaslike munisipaliteit ontvang is en ter insae beskikbaar is, gedurende gewone kantoorure, by die Direkteur, Munisipale sekretariaat, 1 ste vloer, Burgersentrum, Makhado (Louis Trichardt), (83 Kroghstraat), vir 'n tydperk van 30 dae vanaf 20 September 2019. Enige beswaar/vertoë moet hetsy skriftelik of mondelings (indien u nie kan skryf nie), by of tot die Munisipale Bestuurder voor die sluitingsdatum vir die indiening van sodanige besware/vertoë by bovermelde adres of by Privatsak x2596, Louis Trichardt, 0920 ingedien of gerig word, tesame met vermelding van ondergenoemde beskrywing van die aansoek en/of wysigingskemanommer, die beswaarmaker se belang in die saak, die grond(e) van die beswaar/vertoë, die beswaarmaker se ernommer en telefoonnummer(s) en adres. SLUITINGSDATUM VIR DIE INDIENING VAN BESWARE/VERTOE: 20 Oktober 2019: WYSIGINGSKEMA: AARD VAN AANSOEK: Hersenering van Gedeelte 4 van Erf 1 Elti villas vanaf "Munisipaal" na "Besigheid 1". Na hersenering sal die normale voorwaardes van die Makhado Grondgebruikskema, 2009 soos dit betrekking het op 'n "Besigheid 1" sonering van toepassing wees op die erf. EIENAAR: MAKHADO PLAASLIKE MUNISIPALITEIT. Ek, Theo Kotze, as die agent van die eienaar van ondergemelde eiendom, gee hiermee ook kennis dat ek aansoek gedoen het by die Makhado munisipaliteit vir die volgende: A) In terme van Artikel 75(1) van die Makhado Ruimtelike Beplanning, Grond ontwikkeling en Grondgebruikbestuur Bywet, 2016, saamgelees met Klousule 22 van die Makhado Grondgebruikskema, 2009, vir Spesiale Toestemming vir die bedryf van 'n Gastehuis op Gedeelte 34 van die plaas Cloudend 279 - LS, en B) Gelyktydig daarmee saam word ook aansoek gedoen in terme van Artikel 64(2) van die Makhado Ruimtelike Beplanning, Grond ontwikkeling en Grondgebruikbestuur Bywet, 2016, vir die Opheffing van Beperkende voorwaardes geregistreer teen Titelakte T 5692/2018 – Voorwaardes B2 & B3. Eienaar: Mubvumela Corporation Pty Ltd. Ek, Theo Kotze, as die agent van die eienaar van ondergemelde eiendom, gee hiermee ook kennis dat ek aansoek gedoen het by die Makhado munisipaliteit vir die volgende: A) Aansoek In terme van Artikel 56 van die Makhado Ruimtelike Beplanning, Grond ontwikkeling en Grondgebruikbestuur Bywet, 2016 vir die uitbreiding van dorpsgrense van die dorp bekend as Louis Trichardt Uitbreiding 5 deur die inlywing van Gedeelte 35 van die Plaas Rondebosch 287-LS in voormelde dorp in, B) Gelyktydig daarmee saam word ook aansoek gedoen vir die gedeeltelike wysiging van Algemene Plan van die dorp bekend as Louis Trichardt Uitbreiding 5. Besonderhede van voormelde aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Direkteur, Munisipale sekretariaat, 1 ste vloer, Burgersentrum, Makhado (Louis Trichardt), (83 Kroghstraat), vir 'n tydperk van 30 dae vanaf 20 September 2019. Enige beswaar/vertoë moet hetsy skriftelik of mondelings (indien u nie kan skryf nie), by of tot die Munisipale Bestuurder voor die sluitingsdatum vir die indiening van sodanige besware/vertoë by bovermelde adres of by Privatsak x2596, Louis Trichardt, 0920 ingedien of gerig word, tesame met vermelding van ondergenoemde beskrywing van die aansoek en/of wysigingskemanommer, die beswaarmaker se belang in die saak, die grond(e) van die beswaar/vertoë, die beswaarmaker se ernommer en telefoonnummer(s) en adres. SLUITINGSDATUM VIR DIE INDIENING VAN BESWARE/VERTOE: 20 Oktober 2019. AGENT: DEVELOPLAN TOWN PLANNERS, BUS 1883 POLOKWANE 0700, TEL. 015-2914177 FAKS: 0862183267. tecoplan@mweb.co.za. KENNISGEWING VAN TOESTEMMINGSANSOEK INGEVOLGE ARTIKEL 73 VAN DIE POLOKWANE MUNISIPALE BEPLANNINGSBYWET 2017. BA-PHALABORWA WYSIGINGSKEMA 69 - KENNISGEWING VAN AANSOEK OM WYSIGING VAN DORPSBEPLANNINGSKEMA INGEVOLGE ARTIKEL 57 VAN DIE BA-PHALABORWA MUNISIPALE SPLUMA BY-WETTE, 2016: EK, THEO KOTZE VAN DEVELOPLAN STADSBEPLANNERS, SYNDE DIE GEMAGTIGDE AGENT VAN DIE GEREGETREERDE EIENAAR VAN GEDEELTE 17 VAN ERF 1810 PHALABORWA X1 GEE HIERMEE INGEVOLGE ARTIKEL 57 VAN DIE BA-PHALABORWA MUNISIPALE SPLUMA BYWETTE, 2016, KENNIS DAT EK BY DIE BA-PHALABORWA MUNISIPALITEIT AANSOEK GEDOEN HET VIR DIE WYSIGING VAN DIE DORPSBEPLANNINGSKEMA BEKEND AS DIE BA-PHALABORWA GRONDGEBRUIKSBEHEER SKEMA, 2008 DEUR DIE HERSONERING VAN DIE EIENDOM HIERBO BESKRYF (GELEE OP DIE HOEK VAN SEALENE & ROBERT BROOM STRATE) VANAF "RESIDENSIEEL 1" NA "BESIGHEID 4" SODAT DIE PERSEEL VIR KANTOORDOELEINDES BENUT KAN WORD. BESONDERHEDE VAN ELK VAN DIE AANSOEK IE TER INSAE GEDURENDE GEWONE KANTOOR URE BY DIE KANTOOR VAN DIE MUNISIPALE BESTUURDER, MUNISIPAL KANTORE, PHALABORWA VIR 'N TYDPERK VAN 30 DAE VANAF 20 SEPTEMBER 2019 (DIE DATUM VAN EERSTE PUBLIKASIE VAN HIERDIE KENNISGEWING). BESWARE TEEN OF VERTOË TEN OPSIGTE VAN DIE AANSOEKE MOET BINNE 'N TYDPERK VAN 30 DAE VANAF 20 SEPTEMBER 2019 SKRIFTELIK BY OF TOT DIE MUNISIPALE BESTUURDER BY BOVERMELDE ADRES OF BY P/SAK X01 020 PHALABORWA 1390 INGEDIEN OF GERIG WORD. ADRES VAN GEMAGTIGDE AGENT: DEVELOPLAN STADS- EN STREEKBEPLANNERS, BUS 883, POLOKWANE 0700, TEL (015) 2914177. FAKS: 0862183267. EPOS: TECOPLAN@MWEB.CO.ZA MARULENG WYSIGINGSKEMAS - KENNISGEWING VAN AANSOEK VIR WYSIGING VAN GRONDGEBRUIKSKEMA INGEVOLGE ARTIKEL 52 (1) (b) VAN DIE MARULENG RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR BYWET VAN 2016 SAAMGELEES MET DIE BEPALINGS VAN DIE RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUURSWET 2013 (WET 16 VAN 2013): Ek, Theo Kotze, van DEVELOPLAN Town planners, synde die gemagtigde agent van die eienaars van ondervermelde eiendomme, gee hiermee ingevolge Artikel 52(1)(b) van die Maruleng Ruimtelike Beplanning en Grondgebruikbestuursbywet, 2016, kennis dat ek by die Maruleng Plaaslike Munisipaliteit aansoek gedoen het vir die wysiging van die Maruleng Grondgebruikskema 2008, deur die hersenering van: a) Erf 1 Kampersrus, hersenering vanaf 'Residensieel 1' na 'Residensieel 2'. Gelyktydig daarmee saam word ook aansoek gedoen vir die verslapping van die toegelate digtheid op die perseel na 45 eenhede per hektaar. Ook daarmee saam word aansoek gedoen vir toestemming om die perseel vir oonagakkomodasiedoeleindes te gebruik; en b) Erf 2 Kampersrus vanaf 'Residensieel 1' na 'Residensieel 2'. Gelyktydig daarmee saam word ook aansoek gedoen vir die verslapping van die toegelate digtheid op die perseel na 45 eenhede per hektaar. Ook daarmee saam word aansoek gedoen vir toestemming om die perseel vir oonagakkomodasiedoeleindes te gebruik. Besonderhede van die aansoek le ter insae gedurende gewone kantoor ure by die Hoof Stadsbeplanner, Munisipale gebou, 64 Springbokstraat, Hoedspruit, vir 'n tydperk van 30 dae vanaf 20 September 2019. Besware teen of vertoe ten opsigte van die aansoek moet binne 'n tydperk van die 30 dae vanaf 20 September 2019 skriftelik by of tot die Munisipale Bestuurder by Posbus 627, Hoedspruit, 1380, ingedien of gerig word. Adres van Agent: DEVELOPLAN TOWN PLANNERS, Bus 1883, Polokwane, 0700. Faks: 086 218 3267. Epos: tecoplan@mweb.co.za.

20-27

LOCAL AUTHORITY NOTICE 137 OF 2019**Polokwane Local Municipality****Notice of an application for a subdivision of land in terms of Section 67(1)(b) of the Polokwane Municipal Planning By-Law, 2017**

I, Jaco Daniël du Plessis, being the authorised agent of the owner of the Remainder of Portion 158 of the farm Tweefontein 915 L.S., hereby give notice in terms of Section 95(1)(a) of the Polokwane Municipal Planning By-Law, 2017, that I have applied to the Polokwane Municipality in terms of Section 67(1)(b) of the said By-Law for the subdivision of the aforementioned property.

The intention of the applicant in this matter is to subdivide the Remainder of Portion 158 of the farm Tweefontein 915 L.S., zoned "Agricultural", into four portions and to notarially tie three of the subdivided portions respectively with Erven 4767, 4774 and 4780 located in Bendor Extension 92 (Northview Estate) and zoned "Residential 2".

Particulars of the application will lie for inspection during normal office hours at the office of the Manager City Planning & Property Management, Civic Centre, Cnr Landdros Maré & Bodenstein Streets, 2nd Floor, West Wing, Polokwane, for a period of 28 days from 20 September 2019.

Any objections and/or comments, including the grounds for such objections and/or comments with full contact details, without which the Municipality cannot correspond with the person or body submitting the objections and/or comments, shall be lodged with, or made in writing to the Manager: City Planning & Property Management at the above address or at P.O. Box 111, Polokwane, 0700 within a period of 28 days from 20 September 2019, i.e. on/before 18 October 2019. Oral objections or representations can be made during normal office hours at the office of the Manager City Planning & Property Management at the aforementioned address.

Description of Properties: Proposed Portion 527 is 1568m²; Proposed Portion 528 is 2808m²; Proposed Portion 529 is 2544m² and the proposed Remainder of Portion 158 is 8806m². Total area of the application property is 15726m².

Address of Agent: ProfPlanners & Associates (PTY) LTD., Concillium Building, 118 Gen. Beyers Street, Welgelegen, Polokwane, 0699 / P.O. Box 11306, BENDOR PARK, 0713, Tel: (015) 2974970/1, Fax: (015) 2974584, email jaco@profplanners.co.za

20-27

PLAASLIKE OWERHEID KENNISGEWING 137 VAN 2019**Polokwane Plaaslike Munisipaliteit****Kennisgewing van 'n aansoek vir die onderverdeling van grond ingevolge Artikel 67(1)(b) van die Polokwane Munisipale Beplanning Verordening, 2017**

Ek, Jaco Daniël du Plessis, synde die gemagtigde agent van die eienaar van die Restant van Gedeelte 158 van die plaas Tweefontein 915 L.S., gee hiermee ingevolge Artikel 95(1)(a) van die Polokwane Munisipale Beplanning Verordening, 2017 kennis dat ek by die Polokwane Munisipaliteit aansoek gedoen het ingevolge Artikel 67(1)(b) van genoemde Verordening vir die onderverdeling van voorgenoemde eiendom. Die intensie van die applikant is om die Restant van Gedeelte 158 van die plaas Tweefontein 915 L.S., wat "Landbou" soneer is, te onderverdeel in vier gedeeltes en drie van die onderverdeelde gedeeltes onderskeidelik notarieël te verbind met Erwe 4767, 4774 en 4780 geleë in Bendor Uitbreiding 92 (Northview Estate) en gesoneer as "Residensieël 2".

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Bestuurder Stadsbeplanning & Eiendomsbestuur, Burgersentrum, h/v Landdros Maré en Bodensteinstraat, 2e Vloer, Wes-vleuel, Polokwane vir 'n tydperk van 28 dae vanaf 20 September 2019.

Enige beswaar en/of kommentaar, ingesluit die gronde vir sodanige beswaar en/of kommentaar met volle kontakbesonderhede, waarsonder die Munisipaliteit nie kan korrespondeer met die persoon of entiteit wat die beswaar en/of kommentaar gelewer het nie, moet ingedien word of skriftelik gerig word aan die Bestuurder: Stadsbeplanning en Eiendomsbestuur by bovermelde adres of by Posbus 111, Polokwane, 0700 binne 'n tydperk van 28 dae vanaf 20 September 2019, d.i. op/voor 18 Oktober 2019. Mondelinge besware of vertoe kan gedoen word gedurende gewone kantoorure by die kantoor van die Bestuurder Stadsbeplanning & Eiendomsbestuur by voorgenoemde adres.

Beskrywing van eiendomme: Voorgestelde Gedeelte 527 is 1568m²; Voorgestelde Gedeelte 528 is 2808m²; Voorgestelde Gedeelte 529 is 2544m² en die voorgestelde Restant van Gedeelte 158 is 8806m². Totale oppervlakte van die aansoekeiendom is 15726m².

Adres van Agent: ProfPlanners & Associates (PTY) LTD., Concillium Gebou, 118 Genl. Beyersstraat, Welgelegen, Polokwane, 0699 / Posbus 11306, BENDOR PARK, 0713, Tel: (015) 2974970/1, Faks: (015) 2974584, epos jaco@profplanners.co.za

20-27

LOCAL AUTHORITY NOTICE 140 OF 2019**PROCLAMATION MARULENG AMENDMENT SCHEME 164**

Notice is hereby given in terms of the provisions of Chapter 6 of the Spatial Planning and Land Use Management By-Law of the Maruleng Local Municipality, 2016 that the Maruleng Local Municipality has approved the amendment of the Maruleng Land Use Management Scheme, 2008 by the rezoning of Portion 25 of the farm Welverdiend 243 KT, from "Agriculture" to "Special".

The Map3's and scheme clauses may be inspected during office hours at the office of the Municipal Manager, Maruleng Municipality.

This Amendment scheme is known as Amendment Scheme 164 and will come into operation on the date of the publication of this notice.

LOCAL AUTHORITY NOTICE 141 OF 2019**POLOKWANE MUNICIPALITY****POLOKWANE/PERSKEBULT AMENDMENT SCHEME 38**

It is hereby notified in terms of section 57(1) (b) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986) that Polokwane Municipality has approved the rights of Polokwane/Perskebult Town Planning Scheme, 2016, for the rezoning of the Remaining Extent of Erf 1530 Pietersburg Extension 4 **from** "Special" for Overnight Accommodation **to** "Educational".

Map 3 and the Scheme Clauses of the amendment scheme are filed with the Director: Co-operative Governance Human Settlement and Traditional Affairs, Limpopo Province and the Municipal Manager, Polokwane Municipality and are open for inspection at all reasonable times.

This amendment is known as Polokwane/Perskebult Amendment Scheme **No. 38** and shall come into operation on the date of publication of this notice.

Mr. D.H. MAKUBE
MUNICIPAL MANAGER

Civic Centre
POLOKWANE

6 September 2019

PLAASLIKE OWERHEID KENNISGEWING 141 VAN 2019**POLOKWANE MUNISIPALITEIT****POLOKWANE/PERSKEBULT WYSIGINGSKEMA 38**

Hierby word ingevolge Artikel 57 (1) (b) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 (Ordonnansie 15 van 1986) bekend gemaak dat die Polokwane Munisipaliteit die regte goedgekeur het van die Polokwane/Perskebult Dorpsbeplanningskema, 2016, vir die Resterende Gedeelte van Erf 1530 Pietersburg Uitbreiding 4 **van** "Spesiaal" vir Oornagakkommodasie **na** "Opvoedkundig".

Kaart 3 en die Skemaklousules van die wysigingskema word in bewaring gehou deur die Direkteur: Samewerkende Regering Menslike Nedersetting en Tradisionele Sake, Limpopo Provinsie en die Munisipale Bestuurder, Polokwane Munisipaliteit en is te alle redelike tye ter insae beskikbaar.

Hierdie wysiging staan bekend as Polokwane / Perskebult Wysigingskema **No.38** en tree in werking op die datum van publikasie van hierdie kennisgewing.

Mnr. D.H. MAKUBE
MUNISIPALE BESTUURDER

Burgersentrum
POLOKWANE

6 September 2019

LOCAL AUTHORITY NOTICE 142 OF 2019
MAKHADO LOCAL MUNICIPALITY

CORRECTION NOTICE:
DETERMINATION OF CHARGES: REFUSE REMOVAL

Makhado Local Municipality's Notice No. 73 of 2019 which was and promulgated in the Limpopo Provincial Gazette No. 3013 under Local Authority Notice No. 91 of 2019 on 5 July 2019 **is herewith corrected**, and only to the extent as indicated herein below:

“8. Refuse Removal

(3) For the removal of refuse from any other premises not mentioned in sub-item (1), per bulk refuse container, per month or part thereof: **R5 234.40”**

Civic Center, No 83 Krogh Street
MAKHADO

File No. 16/4/1/1
 Notice No. 105/2019
 Date of Publication: 27 September 2019

MR N F TSHIVHENGWA
MUNICIPAL MANAGER

LOCAL AUTHORITY NOTICE 143 OF 2019

POLOKWANE LOCAL MUNICIPALITY
NOTICE OF A REZONING APPLICATION IN TERMS OF SECTION 61 OF THE POLOKWANE MUNICIPAL PLANNING BYLAW OF 2017

Rirothe Planning Consulting, being the authorised agent of the owner of the properties mentioned below, hereby give notice in terms of Section 95 (1) (a) of the Polokwane Municipal Planning Bylaw 2017 that we have applied to the Polokwane Municipality for the amendment of the Town Planning Scheme known as the Polokwane / Perskebult Town Planning Scheme, 2016 by the rezoning in terms of section 61 of the Polokwane Municipal Planning Bylaw of 2017 of the property as described. The property is the Erf 3595 Pietersburg Ext 11, the rezoning is from "Residential 1" to "Special" for the purpose of Offices and residential units and the other property is the Portion 2 of Erf 742 Pietersburg; the rezoning is from "Residential 1" to "Residential 3" lodge simultaneously with the special consent (clause 32) to increase density" for the purpose of dwelling units.

Particulars of the applications will lie for inspection during normal office hours at the Office of the Manager: City Planning and Property Management, first floor, Civic Centre, Landros Mare Street, Polokwane for a period of 28 days from 27 September 2019. Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or P.O. Box 111, Polokwane 0700 within a period of 28 days from 27 September 2019. Address of Agent: 662 Seshego Zone 8, Polokwane 0742, P.O Box 5 Tshidimbini 0972 Tel: 0842870467

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PLAASLIKE OWERHEID KENNISGEWING 143 VAN 2019

POLOKWANE PLAASLIKE MUNISIPALITEIT
KENNISGEWING VAN 'N HERSONERING AANSOEK INGEVOLGE ARTIKEL 61 VAN DIE POLOKWANE MUNISIPALE BEPLANNINGSBEPLANNING VAN 2017

Rirothe Planning Consulting, synde die gemagtigde agent van die eienaar van die eiendomme hieronder genoem, gee hiermee ingevolge Artikel 95 (1) (a) van die Polokwane Munisipale Beplanningsbevel 2017 kennis dat ons by die Polokwane Munisipaliteit aansoek gedoen het om die wysiging van die Stadsbeplanningskema, bekend as die Polokwane / Perskebult Stadsbeplanningskema, 2016 deur die hersonering in terme van artikel 61 van die Polokwane Munisipale Beplanningsbevel van 2017 van die eiendom soos beskryf. Die eiendom is die Erf 3595 Pietersburg Uitbreiding 11, die hersonering is van "Residensieel 1" na "Spesiaal" vir die doel van kantore en wooneenhede, en die ander eiendom is die Gedeelte 2 van Erf 742 Pietersburg; die hersonering is van 'Residensieel 1' na 'Residensieel 3' lodge gelyktydig met die spesiale toestemming (klousule 32) om die digtheid te verhoog 'vir wooneenhede.

Besonderhede van die aansoeke le ter insae gedurende gewone kantoorure by die kantoor van die Bestuurder: Stedelike Beplanning en Eiendomsbestuur, eerste vloer, Burgersentrum, Landros Marestraat, Polokwane, vir 'n tydperk van 28 dae vanaf 27 September 2019. Besware teen of vertoe ten opsigte van die aansoek moet skriftelik by die Munisipale Bestuurder by bovermelde adres of Posbus ingedien of gerig word Box 111, Polokwane 0700 binne 'n tydperk van 28 dae vanaf 27 September 2019.

Adres van agent: 662 Seshego Zone 8, Polokwane 0742, P.O Box 5 Tshidimbini 0972 Tel: 0842870467

27-4

LOCAL AUTHORITY NOTICE 144 OF 2019**MAKHADO MUNICIPALITY SPATIAL PLANNING, LAND DEVELOPMENT AND LAND USE MANAGEMENT BY-LAW 2016
AMENDMENT SCHEME 341****NOTICE FOR SUBDIVISION OF ERF 965, REZONING OF SUBDIVIDED PORTION OF ERF 965 FROM RESIDENTIAL 1 TO
RESIDENTIAL 3 AND SIMULTANEOUS CONSOLIDATION WITH ERF 964 LOUIS TRICHARDT TOWNSHIP**

I, Timothy Tshilidzi Mudzielwana of Fulwana Planning Consultants, being an authorized agent of the owners of erf 964 and 965 Louis Trichardt Township Registration Division LS, Limpopo Province, hereby give notice in terms of Section 93(1)(a) Makhado Spatial Planning , Land Development and Land Use Management By-Law, 2016 and Clause 22 Special Consent of the Makhado Land Use Scheme, 2009, that I have made an application to the Makhado Local Municipality for the amendment of the Town Planning Scheme, known as the Makhado Land Use Scheme, 2009, by:

- Subdivision of Erf 965 Louistrichardt township in terms of Section 66 of Makhado Spatial Planning and Land Use Management By-Laws, 2016,
- Rezoning of subdivided portion of Erf 965 consolidated with Erf 964 from Residential 1 to Residential 3 in terms of Section 63(1) of Makhado Spatial Planning and Land Use Management By-Laws, 2016,
- Consolidation of the subdivided portion of Erf 965 with Erf 964 Louis Trichardt in terms of Section 72 of Makhado Spatial Planning and Land Use Management By-Laws, 2016

Plans and Particulars of the application will lie for inspection during normal office hours at the office of Manager: Town Planning services, First Floor, Municipal Offices, Louis Trichardt, for the period of 28 days from 27th September 2019. Objections and/or comments or representation in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or Private Bag X 2596, Louis Trichardt, 0920 for the period of 28 days from 27th September 2019. **Address of the Applicant:** Fulwana Planning Consultants, P.O. BO 2577, Faerie Glen, 0043, Fax: 0866635119, Cell: 072 426 6537.

PLAASLIKE OWERHEID KENNISGEWING 144 VAN 2019**MAKHADO MUNISIPALITEIT RUIMTELIKE BEPLANNING, GRONDONTWIKKELING EN VERORDENING OP BEHEER VAN GRONDGEBRUIK 2016****WYSIGINGSKEMA 341****KENNISGEWING OM ONDERVERDELING VAN ERF 965, HERSONERING VAN ONDERVERDELENDE GEDEELTE VAN ERF 965 VAN WOONSTEL 1 TOT WOONSTEL 3 EN GELEENTHEID KONSOLIDASIE MET ERF 964 LOUIS TRICHARDT DORP**

Ek, Timothy Tshilidzi Mudzielwana van Fulwana Planning Consultants, synde 'n gemagtigde agent van die eienaars van erf 964 en 965 Louis Trichardt Distrik Registrasie Afdeling LS, Limpopo Provinsie gee hiermee kennis in terme van Artikel 93 (1) (a) Verordening op ruimtelike beplanning op Makhado, grondontwikkeling en grondgebruik, 2016 en klousule 22 Spesiale toestemming van die Makhado-grondgebruikskema, 2009, dat ek 'n aansoek by die Makhado Plaaslike Munisipaliteit gedoen het om die wysiging van die Stadsbeplanningskema, bekend as die Makhado Grondgebruikskema, 2009, deur:

- Onderverdeling van die erf 965 Louis Trichardt ingevolge Artikel 66 van die Makhado Verordeninge op Ruimtelike Beplanning en Grondgebruik, 2016,
- Hersonerig van onderverdeelde gedeelte van Erf 965 gekonsolideer met Erf 964 van Residensieel 1 na Residensieel 3 in terme van Artikel 63 (1) van Makhado Ruimtelike Beplanning en Grondgebruiksbestuur, 2016,
- Konsolidasie van die onderverdeelde gedeelte van Erf 965 met Erf 964 Louis Trichardt ingevolge artikel 72 van Makhado Ruimtelike Beplanning en Grondgebruiksbestuur, 2016

Planne en besonderhede van die aansoek le te insae gedurende gewone kantoorure by die kantoor van die Bestuurder: Stadsbeplanningsdienste, Eerste Verdieping, Munisipale Kantore, Louis Trichardt, vir 'n tydperk van 28 dae vanaf 27 September 2019. Besware en / of kommentaar of vertoe ten opsigte van die aansoek moet skriftelik by die Munisipale Bestuurder by bovermelde adres of Privaatsak X 2596, Louis Trichardt, 0920, ingedien of gerig word vir 'n tydperk van 28 dae vanaf 27 September 2019.

Adres van die applikant: Fulwana Planning Consultants, P.O. BO 2577, Faerie Glen, 0043, Faks: 0866635119, Sel: 072 426 6537.

LOCAL AUTHORITY NOTICE 145 OF 2019**POLOKWANE LOCAL MUNICIPALITY****NOTICE OF A REZONING APPLICATION IN TERMS OF SECTION 61 OF THE POLOKWANE MUNICIPAL PLANNING BY-LAW, 2017****AMENDMENT SCHEME 139**

I, Tshilidzi Timothy Mudzielwana of Fulwana Planning Consultants cc, being the applicant of Erf 3067 Pietersburg Extension 11 Township Registration Division, LS, Limpopo Province hereby give notice in terms of Section 95(1)(a) of the Polokwane Municipal Planning By-law, 2017, that I have applied to Polokwane Municipality for the amendment of the Polokwane/Perskebult Town Planning Scheme, 2016 through rezoning in terms of Section 61 of the of the Polokwane Municipal Planning By-law, 2017, of the property as described above. The property is situated at 1 Grimm Street, in Pietersburg /Polokwane City. The rezoning is from "Residential 1" to "Residential 2" for 5 dwelling units.

Any objection and/or comment, including the grounds for such objection and/or comment with full contact details, without which the Municipality cannot correspond with the person or body submitting the objection and/or Comment, shall be lodged with, or made in writing to: The Director, Polokwane Municipality, Department of City Planning and Property Management, P.O.BOX 111, Polokwane, 0700 from 27 September 2019 until 28 October 2019. Full particulars and plans may be inspected during normal office hours at the Municipal offices as set out below, for a Period of 28 days from the date of first publication of the notice in the Provincial Gazette and Polokwane Observer newspaper.

Address of Municipal offices: Conner Landross and Bodenstein Streets, Civic Center. Polokwane City. Department of City Planning and Property Management.

Closing date for any objections and/or comments: 28 October 2019

Address of applicant: 25 Tangerine Street, Bendor Extension 52, Polokwane, 0699. P.O.BOX 55980, Polokwane, 0700, Cell: 072 4266 537, Email: fulwanapc@vodamail.co.za

Dates on which notice will be published: 27 September 2019 and 4 October 2019

PLAASLIKE OWERHEID KENNISGEWING 145 VAN 2019**POLOKWANE PLAASLIKE MUNISIPALITEIT
KENNISGEWING VAN 'N HERSONERING VAN AANSOEK INGEVOLGE ARTIKEL 61 VAN DIE
POLOKWANE MUNISIPALE BEPLANNINGSBEPLANNING, 2017****WYSIGINGSKEMA 139**

Ek, Tshilidzi Timothy Mudzielwana van Fulwana Planning Consultants cc, synde die aansoeker van Erf 3067 Pietersburg Uitbreiding 11, Afdeling Township Registrasie, LS, Limpopo Provinsie gee hiermee kennis in terme van Artikel 95 (1) (a) van die Polokwane Munisipale Beplanningswet, 2017, dat ek by Polokwane Munisipaliteit aansoek gedoen het om die wysiging van die Polokwane / Perskebult-stadsbeplanningskema, 2016 deur hersonering in terme van Artikel 61 van die Polokwane Munisipale Beplanningsverordening, 2017, van die eiendom soos hierbo beskryf. Die eiendom is geleë in Grimmstraat 1, in Pietersburg / Polokwane City. Die hersonering is vanaf "Residensieel 1" na "Residensieel 2" vir 5 wooneenhede.

Enige beswaar en / of kommentaar, met inbegrip van die gronde vir sodanige beswaar en / of kommentaar met volledige kontakbesonderhede, waarsonder die munisipaliteit nie kan ooreenstem met die persoon of liggaam wat die beswaar en / of kommentaar lewer nie, moet skriftelik by die kantoor ingedien word of skriftelik aan: Die Direkteur, Polokwane Munisipaliteit, Departement Stadsbeplanning en Eiendomsbestuur, POBOX 111, Polokwane, 0700 vanaf 27 September 2019 tot 28 Oktober 2019.

Volledige besonderhede en planne kan gedurende gewone kantoorure by die Munisipale kantore, soos hieronder uiteengesit, besigtig word vir 'n periode van 28 dae vanaf die datum van eerste publikasie van die kennisgewing in die koerant Provinsiale Koerant en Polokwane Observer.

Adres van munisipale kantore: Conner Landross- en Bodensteinstraat, Burgersentrum. Polokwane City. Departement Stadsbeplanning en Eiendomsbestuur.

Sluitingsdatum vir besware en / of kommentaar: 28 Oktober 2019

Adres van applikant: Tangerinestraat 25, Bendor Ext 52, Polokwane, 0699. P.O.BOX 55980, Polokwane, 0700, sel: 072 4266 537, e-pos: fulwanapc@vodamail.co.za

Datums waarop kennisgewing gepubliseer moet word: 27 September 2019 en 4 Oktober 2019

LOCAL AUTHORITY NOTICE 146 OF 2019**MAKHADO MUNICIPALITY SPATIAL PLANNING, LAND DEVELOPMENT AND LAND USE MANAGEMENT BY-LAW 2016
AMENDMENT SCHEME 339 AND 340****REZONING OF ERF PORTION 9 AND 10 OF ERF 4296 LOUIS TRICHARDT (CURRENTLY REGISTERED AS ERF 4296 LOUIS
TRICHARDT TOWNSHIP) AND A " AND A SIMULTANEOUS CLAUSE 22 SPECIAL CONSENT APPLICATION**

I, Timothy Tshildzi Mudzielwana of Fulwana Planning Consultants, being an authorized agent of the allocated and intended owners (by means of a Council resolution) of Portion 9 and 10 of erf 4296 Louis Trichardt Registration Division LS, Limpopo Province, (currently registered as Erf 4296 Louis Trichardt township) hereby give notice in terms of Section 93(1)(a) Makhado Spatial Planning , Land Development and Land Use Management By-Law, 2016 and Clause 22 Special Consent of the Makhado Land Use Scheme, 2009, that I have made an application to the Makhado Local Municipality for the amendment of the Town Planning Scheme, known as the Makhado Land Use Scheme, 2009, by:

- Amendment Scheme 339: Rezoning of Portion 9 of erf 4296 Louis Trichardt (Currently registered as Remainder of Erf 4296 Louis Trichardt township) in terms of Section 63(1) of Makhado Spatial Planning , Land Development and Land Use Management By-Law, 2016 from "Public Open Space" to "Business 1" and Simultaneous Clause 22 Special Consent Application for the development of a Filling Station .
- Amendment Scheme 340: Rezoning of Portion 10 of erf 4296 Louis Trichardt (currently registered as Erf 4296 Louis Trichardt township) in terms of Section 63(1) of Makhado Spatial Planning , Land Development and Land Use Management By-Law, 2016 from "Public Open Space" to "Business 1" for the purpose of a Restaurant .

Plans and Particulars of the application will lie for inspection during normal office hours at the office of Manager: Town Planning services, First Floor, Municipal Offices, Louis Trichardt, for the period of 28 days from 27th September 2019. Objections and/or comments or representation in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or Private Bag X 2596, Louis Trichardt, 0920 for the period of 28 days from 27th September 2019. **Address of the Applicant:** Fulwana Planning Consultants, P.O. BO 2577, Faerie Glen, 0043, Fax: 0866635119, Cell: 072 426 6537.

PLAASLIKE OWERHEID KENNISGEWING 146 VAN 2019**MAKHADO MUNISIPALITEIT RUIMTELIKE BEPLANNING, GRONDONTWIKKELING EN VERORDENING OP BEHEER VAN GRONDGEBRUIK 2016****WYSIGINGSKEMA 339 EN 340****HERSONERING VAN ERF GEDEELTE 9 EN 10 VAN ERF 4296 LOUIS TRICHARDT (TUSSEN GEREISTREER AS ERF 4296 LOUIS TRICHARDT TOWNSHIP) EN 'N' EN 'N' GELEENTHEIDSKLAAS 22 SPESIALE TOESTEMMINGSAANSOEK**

Ek, Timothy Tshilidzi Mudzielwana van Fulwana Planning Consultants, is 'n gemagtigde agent van die toegewese en beoogde eienaars (deur middel van 'n raadsbesluit) van Gedeelte 9 en 10 van erf 4296 Louis Trichardt Registrasie Afdeling LS, Limpopo Provinsie, (noukeurig geregistreer as Erf 4296 Louis Trichardt township) gee hiermee ingevolge Artikel 93 (1) (a) Makhado Ruimtelike Beplanning, Grondontwikkeling en Grondgebruiksbestuur, 2016, en Klousule 22 Spesiale toestemming van die Makhado Land Use Scheme, 2009, kennis dat het 'n aansoek by die Makhado Plaaslike Munisipaliteit gedoen vir die wysiging van die Stadsbeplanningskema, bekend as die Makhado Grondgebruikskema, 2009, deur:

- Wysigingskema 339: Hersonerings van Gedeelte 9 van erf 4296 Louis Trichardt (huidiglik geregistreer as Restant van Erf 4296 Louis Trichardt-township) ingevolge artikel 63 (1) van die Makhado Ruimtelike Beplanning, Grondontwikkeling en Grondgebruiksbestuur, 2016 van "Openbare Open Ruimte" tot "Besigheid 1" en gelyktydige klousule 22 Spesiale toestemmingsaansoek vir die ontwikkeling van 'n vulstasie.
- Wysigingskema 340: Hersonerings van Gedeelte 10 van erf 4296 Louis Trichardt (huidiglik geregistreer as Erf 4296 Louis Trichardt township) ingevolge artikel 63 (1) van die Verordening op Ruimtelike Beplanning, Grondontwikkeling en Grondgebruik, 2016 van Makhado, vanaf "Openbare Open Ruimte" na "Besigheid 1" vir die doel van 'n Restaurant. Besonderhede van die aansoek le ter insae gedurende gewone kantoorure by die kantoor van die Bestuurder: Stadsbeplanningsdienste, Eerste Verdieping, Munisipale Kantore, Louis Trichardt, vir 'n tydperk van 28 dae vanaf 27 September 2019. Besware en / of kommentaar of vertoe ten opsigte van die aansoek moet skriftelik by die Munisipale Bestuurder by bovermelde adres of Privaatsak X 2596, Louis Trichardt, 0920, ingedien word vir 'n tydperk van 28 dae vanaf 27 September 2019.

Adres van die Applikant: Fulwana Planning Consultants, P.O.BOX 2577, Faerie Glen, 0043, Faks: 086 663 5119, Sel: 072 426 6537.

LOCAL AUTHORITY NOTICE 147 OF 2019**POLOKWANE LOCAL MUNICIPALITY
NOTICE OF A REZONING APPLICATION IN TERMS OF SECTION 61 OF THE POLOKWANE MUNICIPAL
PLANNING BY-LAW, 2017****AMENDMENT SCHEME 182**

I, Tshilidzi Timothy Mudzielwana of Fulwana Planning Consultants cc, being the applicant of Portion 2 of erf 634 Pietersburg Township LS Registration Division, Limpopo Province hereby give notice in terms of Section 95(1)(a) of the Polokwane Municipal Planning By-law, 2017, that I have applied to Polokwane Municipality for the amendment of the Polokwane/Perskebult Town Planning Scheme, 2016 through rezoning in terms of Section 61 of the of the Polokwane Municipal Planning By-law, 2017, of the property as described above. The property is situated at 40 Voortrekker Street, in Pietersburg /Polokwane City. The rezoning is from "Residential 1" to " Business 4" for the purpose of offices.

Any objection and/or comment, including the grounds for such objection and/or comment with full contact details, without which the Municipality cannot correspond with the person or body submitting the objection and/or Comment, shall be lodged with, or made in writing to: The Director, Polokwane Municipality, Department of City Planning and Property Management, P.O.BOX 111, Polokwane, 0700 from 27 September 2019 until 28 October 2019.

Full particulars and plans may be inspected during normal office hours at the Municipal offices as set out below, for a Period of 28 days from the date of first publication of the notice in the Provincial Gazette and Polokwane Observer newspaper.

Address of Municipal offices: Conner Landross and Bodenstein Streets, Civic Center. Polokwane City. Department of City Planning and Property Management.

Closing date for any objections and/or comments: 28 October 2019

Address of applicant: 25 Tangerine Street, Bendor Ext 52, Polokwane, 0699. P.O.BOX 55980, POLOKWANE, 0700, Cell: 072 4266 537, Email: fulwanapc@vodamail.co.za

Dates on which notice will be published: 27 September 2019 and 4 October 2019

PLAASLIKE OWERHEID KENNISGEWING 147 VAN 2019**POLOKWANE PLAASLIKE MUNISIPALITEIT
KENNISGEWING VAN 'N HERSONERING VAN AANSOEK INGEVOLGE ARTIKEL 61 VAN DIE
POLOKWANE MUNISIPALE BEPLANNINGSBEPLANNING, 2017****WYSIGINGSKEMA 182**

Ek, Tshilidzi Timothy Mudzielwana van Fulwana Planning Consultants cc, synde die aansoeker van Gedeelte 2 van erf 634 Pietersburg Township LS Registrasie Afdeling, Limpopo Provinsie gee hiermee kennis in terme van Artikel 95 (1) (a) van die Polokwane Munisipale Beplanningswet, 2017, dat ek by Polokwane Munisipaliteit aansoek gedoen het om die wysiging van die Polokwane / Perskebult-stadsbeplanningskema, 2016 deur hersonering in terme van Artikel 61 van die Polokwane Munisipale Beplanningsverordening, 2017, van die eiendom soos hierbo beskryf. Die eiendom is gelee in Voortrekkerstraat 40 in Pietersburg / Polokwane City. Die hersonering is van "Residensieel 1" na "Besigheid 4" vir kantore.

Enige beswaar en / of kommentaar, met inbegrip van die gronde vir sodanige beswaar en / of kommentaar met volledige kontakbesonderhede, waarsonder die munisipaliteit nie kan ooreenstem met die persoon of liggaam wat die beswaar en / of kommentaar lewer nie, moet skriftelik by die kantoor ingedien word of skriftelik aan: Die Direkteur, Polokwane Munisipaliteit, Departement Stadsbeplanning en Eiendomsbestuur, POBOX 111, Polokwane, 0700 vanaf 27 September 2019 tot 28 Oktober 2019.

Volledige besonderhede en planne kan gedurende gewone kantoorure by die Munisipale kantore, soos hieronder uiteengesit, besigtig word vir 'n periode van 28 dae vanaf die datum van eerste publikasie van die kennisgewing in die koerant Provinsiale Koerant en Polokwane Observer.

Adres van munisipale kantore: Conner Landross- en Bodensteinstaat, Burgersentrum. Polokwane City. Departement Stadsbeplanning en Eiendomsbestuur.

Sluitingsdatum vir besware en / of kommentaar: 28 Oktober 2019

Adres van applikant: Tangerinestraat 25, Bendor Ext 52, Polokwane, 0699. P.O.BOX 55980, POLOKWANE, 0700, sel: 072 4266 537, e-pos: fulwanapc@vodamail.co.za

Datums waarop kennisgewing gepubliseer moet word: 27 September 2019 en 4 Oktober 2019

27-4

LOCAL AUTHORITY NOTICE 148 OF 2019**AMENDMENT OF LAND USE SCHEME OR REZONING IN TERMS OF SECTION 54(1) AND REMOVAL OF
RESTRICTIVE CONDITIONS IN TERMS OF SECTION 55(2) OF THE LEPHALALE MUNICIPAL SPATIAL PLANNING
AND LAND USE MANAGEMENT BY-LAW, 2017****AMENDMENT SCHEME NUMBER: 20**

Notice is hereby given that I, **Dries de Ridder** Town and Regional Planner, being the authorised agent of the owner of **Erf 785 Ellisras Extension 1 Township**, in terms of Section 54(1) and Section 55(2) of the Lephalale Municipal Spatial Planning and Land Use Management By-Law, 2017 have applied for the amendment of the Lephalale Land Use Scheme, 2017, by the rezoning of the property described above, situated at 74 Herman Street, Ellisras from **Residential 1, one dwelling unit per erf to Residential 2, one dwelling unit per 250m² and for the removal of restrictive conditions 3.(a), (b), (d) and 5.(ii) of Title Deed T41273/2008**. Particulars relating to the application will lie for inspection during normal office hours at the office of the Executive Manager, Development Planning Directorate, Lephalale Civic Centre, Cnr Joe Slovo and Douwater Road, Onverwacht, for a period of 30 days from **27 September 2019** Objections to or representations in respect of the application

must be lodged with or made in writing to the Municipal Manager, Lephalale Municipality, Private Bag X136, Lephalale, 0555, within a period of 30 days from **27 September 2019**. Postal address of applicant: Dries de Ridder Town and Regional Planner, 5A Herman Street, Ellisras, 0555. PO Box 5635, Onverwacht, 0557. Telephone Number: 014 763 4184. **Dates of the notices: 27 September and 4 October 2019.**

27-4

PLAASLIKE OWERHEID KENNISGEWING 148 VAN 2019**WYSIGING VAN GRONDGEBRUIKSKEMA OF HERSONERING IN TERME VAN ARTIKEL 54(1) EN OPHEFFING VAN BEPERKENDE VOORWAARDES IN TERME VAN ARTIKEL 55(2) VAN DIE LEPHALALE MUNISIPALE RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR VERORDENING, 2017****WYSIGINGSKEMA NOMMER: 20**

Kennis geskied hiermee dat ek, **Dries de Ridder** Stads- en Streeksbeplanner, synde die gemagtigde agent van die eienaar van **Erf 785 Ellisras Uitbreiding 1 Dorpsgebied**, ingevolge Artikel 54(1) en Artikel 55(2) van die Lephale Munisipale Ruimtelike Beplanning en Grondgebruikbestuur Verordening, 2017, aansoek gedoen het vir die wysiging van die Lephale Grondgebruikskema, 2017, deur die hersonering van die bogenoemde eiendom, geleë te Hermanstraat 74, Ellisras van **Residensieel 1, een wooneenheid per erf na Residensieel 2, een wooneenheid per 250m² en vir die opheffing van beperkende voorwaardes 3.(a), (b), (d) en 5.(ii) in die Akte van Transport T41273/2008**. Besonderhede aangaande hierdie aansoek lê ter insae gedurende normale kantoorure by die kantoor van die Uitvoerende Bestuurder, Direktoraat Ontwikkeling Beplanning, Lephale Burgersentrum, h/v Joe Slovo en Douwaterstraat, Onverwacht, vir 'n periode van 30 dae vanaf **27 September 2019**. Besware teen of voorleggings ten opsigte van die aansoek moet geopper word by of op skrif gestel en gerig word aan die Munisipale Bestuurder, Lephale Munisipaliteit, Privaatsak X136, Lephale, 0555, binne 'n periode van 30 dae vanaf **27 September 2019**. Posadres van aansoeker: Dries de Ridder Stads- en Streeksbeplanner, Herman Straat 5A, Ellisras, 0555. Posbus 5635, Onverwacht, 0557. Telefoon Nommer: 014 763 4184. **Datums van plasinge: 27 September en 4 Oktober 2019.**

27-4

LOCAL AUTHORITY NOTICE 149 OF 2019**TUBATSE LAND USE MANAGEMENT SCHEME, 2006
AMENDMENT SCHEME NUMBER: 144/2006**

Notice is hereby given in terms of in terms of Section 62 of the Fetakgomo Tubatse Municipal Spatial Planning and Land Use Management By-Law 2018, Tubatse Land Use Management scheme, 2006 read together with the Provisions of Spatial Planning and Land Use Management Act, 2013 (Act No.16 of 2013) that Fetakgomo Tubatse Local Municipality has approved the Amendment of Tubatse Land Use Management Scheme, 2006 by Rezoning of Erf 2466 Burgersfort Extension 21 from "Residential 1" to "Business 1" for the purpose of Residential Buildings. Map 3s and the Scheme Clauses are filed with at the office of the Town Planner at, 1 kastania Street | P.O Box 206, Burgersfort, 1150 and are open for inspection during normal office hours. These amendment scheme is known, as Tubatse Land Use Management Scheme, 2006; Amendment Number and shall come into operation on the date of publication of this notice (**27 September 2019**). A copy of this notice will be provided in Afrikaans or any other of the 11 official languages to anyone requesting such in writing within 30 days of this notice.

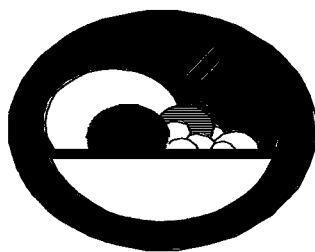
Mrs. Magooa R.M
Acting Municipal Manager
Fetakgomo Tubatse Local Municipality
1kastania street | P.O Box 206, Burgersfort, 1150

LOCAL AUTHORITY NOTICE 150 OF 2019

Greater Tzaneen Municipality



SPORTS AND RECREATION BY-LAW



Greater Tzaneen Municipality

Greater Tzaneen Municipality**PREAMBLE**

In terms of section 156 (1) (a) of the Constitution 1996 (Act 108 of 1996) as amended from time to time, the Greater Tzaneen Municipality has executive authority in respect of, and has the right to administer the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution, falling within its area of Jurisdiction which include local sports facilities and recreation regulation.

The object of the Greater Tzaneen Municipality in these by-laws is to promote safety and security for its community in all sports fields and recreational facilities within the jurisdiction of the Municipality.

These By-laws shall be applied in the spirit and purport of the National Sports and Recreation Act 110 of 1998 and the National Sports and Recreation Amendment Act 18 of 2007

DEFINITIONS AND INTERPRETATION

1. In these by-laws, all relevant definitions and sections of the National Sports and Recreation Act 110 of 1998 and the National Sports and Recreation Amendment Act 18 of 2007 shall apply, unless the context otherwise indicates –

“Authorised official” means any official of Council who has been authorised by it to administer, implement and enforce the provisions of these by-laws;

“Council” means the Greater Tzaneen Municipal Council established in terms of the Local Government: Municipal Structures Act No. 117 of 1998, as amended;

“Group activity” means any sporting activity involving, or conducted by, and organised body of people which body can be joined by any member of the public who is eligible for membership, and “group” has corresponding meaning;

“Local sport facility” means any sport facility which falls within the area of jurisdiction of Council;

“Notice” means a clearly visible notice in the official languages determined by Council as contemplated in section 21 (2) of the Local Government: Municipal System Act No. 32 of 2000, as amended or any graphic icon depicting notification to members of the public;

“Sporting activity” means any game or recreational activity pursued in a sport facility, and includes practice and training sessions;

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“Sport and recreation facility” means any area, building or structure which is designate or set aside for a sporting activity and which is owned, managed or controlled by Council, including but not limited to a stadium, a tennis court or tennis court complex, a squash court or squash court or squash court complex, a swimming pool, a golf course or an ice rink, or any combination of such facilities, and the surrounding and ancillary facilities associated with any such facility.

ADMINISTRATION

2. (1) Subject to Council’s statutory duty use the resources of Council in the best interest of the local community, as envisaged in Section 4(2)(a) of the Local Government: Municipal Systems Act No. 32 of 2000, as amended, all local sport facilities must be administered by or on behalf of Council in accordance with these by-laws: Provided that nothing in these by-laws may be interpreted so as to prevent Council from disposing of any local sport facility or any right thereto, in accordance with applicable with applicable legislation.
- (2) The use and enjoyment of the local sport facilities by the local community or by any other person are subjected to such terms and conditions as may be determined by Council from time to time, and subject also to such terms and conditions, not inconsistent with these by-laws, which are contained in any agreement of hire or lease entered into between Council and any individual or group.
- (3) Despite the right of the local community to the use and enjoyment of the local sport facilities, Council is entitled to hire out any local sport facility on a regularly recurring or specific basis for any purpose whatsoever.

ACCESS CONDITIONS

3. (1) No person, other than an authorised official or any other person duly authorised by such official, may enter or be admitted into any local sport facility or any part thereof otherwise than by an entrance designated for that purpose.
- (2) The right of access to any local sport facility is reserved by Council at All times and an authorised official may refuse admission to any person or instruct any person to leave a local sport facility forthwith if Such person behaves or conducts him or herself in a manner which is considered by the authorised official to be prejudicial to good order or contrary to, or disruptive of, the generally accepted rules for the sporting activity concerned.
- (3) In the event of a person contemplated in subscription (2) refusing to leave a sporting facility voluntarily when instructed to do so, the authorised official is

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entitled to eject such person forcibly from the local sport facility, with or without the assistance of security personnel or a member of the South African Police Service or a member of any other police service, if available.

- (4) Council has a discretion to determine the maximum capacity of any local sport facility, and an authorised official, or any other person designated by him or her, may once the maximum capacity has been reached, refuse further access to that facility by closing every entrance to the facility and, if necessary, by the construction of barriers at any entrance thereto, and by displaying a notice prohibiting further access to the facility, once such maximum capacity has been reached.
- (5) For the purpose of ensuring that law and order is observed and for the safety of persons patronising or using a local sport facility, an authorised official has the power to-
 - (a) search any person wishing to enter that facility;
 - (b) search any container of whatever kind which such person proposes to bring into or onto that facility;
 - (c) search any motor vehicle which drives into or onto that facility;
 - (d) seize any item or object carried by any person or revealed by any such search which, in the opinion of the authorised official-
 - (i) is a substance the possession of which is prohibited by any law;
 - (ii) is or could become a dangerous weapon;
 - (iii) contains intoxicating liquor; or
 - (iv) might otherwise be used to disrupt the peaceful enjoyment of that facility by persons lawfully admitted thereto;
- (6) with the exception of any substance referred to in subsection (5) (d) (i), any object seized in terms of paragraph (d), must be returned to the person concerned, upon request, at his or her departure from local sport and recreation facility.
- (7)
 - (a) Council must display conspicuous notices at or near every entrance gate indicating the hours during which a local sport facility is open to members of the public.
 - (b) Council may at any time temporarily close a local sport facility to members of the public for purpose of repair, maintenance, hire to a group, or any other reason, in Council's discretion.
 - (c) No unauthorised person may enter or remain inside a local sport facility at any time other than during the hours when that sport

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facility is open to members of the public or during any period when that facility is closed in terms of paragraph (b).

SMOKING

4. Subject to any other law, and save for an open air local sport and recreation facility, such as an open air stadium or golf course, no person may smoke in a local sport facility except in any portion thereof which has been designated for that purpose, as indicated by a notice to that effect.

ALCOHOLIC BEVERAGES

5. (1) Subject to terms and conditions stipulated in any agreement entered into between Council and a hirer of a local sport facility, and subject to any other law, no person may –
- (a) sell any alcoholic beverage on the premises of a sport facility without the prior written permission of Council; or
 - (b) bring his or her own supply of alcoholic beverage on or into a local sport facility without the prior written permission of an authorised official.
- (2) If the sale and consumption of alcohol on or in a local sport facility is permitted by Council, such sale or consumption is on condition that –
- (a) beer, cider and alcoholic cordials of all descriptions are served only in a can, keg, or plastic cup, and no alcoholic beverage may be served in a glass bottle; and
 - (b) no person who is under 18 years of age is served or allowed to consume any alcoholic beverage and the hirer of a sport facility or the person in charge thereof, as the case may be, is responsible for ensuring that this age limit restriction is observed.

DUTIES OF HIRER

6. A hirer of a local sport facility is responsible for the maintenance of good order and socially acceptable behaviour within the sport facility and must ensure that the sport facility is left in the same condition it was in when he or she was given possession thereof, failing which the hirer is liable for the cost of Council of repairing any damage to, or cleaning, that facility.

DRESS CODE

7. (1) Every person person who participates in a sporting activity must wear appropriate apparel for that activity and an authorised official who is of the

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opinion that any person is not appropriately clothed, may instruct that any additional item of apparel be worn for a particular sporting activity by that person.

- (2) No person may wear shoes or other footwear which may damage the surface of a local sport facility in any manner and an authorised official may instruct that they be removed forthwith and, if the person concerned refuses to comply with such instruction, may prohibit such person from participating in the activity concerned.
- (3) If the conduct of a person not participating in a sporting activity is such that his or her shoes are likely to cause damage to a local sport facility while wearing such shoes, an authorised official may eject the person concerned from the premises and debar them or her from re-entry until such shoes have been removed.

HIRING OF SPORT AND RECREATION FACILITIES

- 8. (1) The hiring of a local sport facility must be arranged by prior reservation with an authorised official and must be recorded in a register kept by an authorised official for that purpose and, depending on the length of the period for which the facility is to be hired, may be on a first-come-first-served basis.
- (2) The purpose for which the local sport facility is to be hired must be disclosed to the authorised official with whom the reservation is made, who may refuse the reservation if such purpose is illegal or contrary to the policy of Council or is likely to result in violence or possible damage to that facility or to other property.
- (3) The terms and conditions of the hiring of a local sport facility must be contained in a written agreement, which must be signed by both the hirer and the authorised official at least 7 days prior to the date of commencement of the proposed hiring, or such shorter period as may be agreed upon with the authorised official, against payment by the hirer of a prescribed fee as confirmation of the reservation.
- (4) No agreement for the hiring of a local sport facility may be entered into with any minor, unless properly assisted by his or her parent, guardian or tutor, and the authorised official is, in his or her discretion, entitled to require any applicant for hire to produce proof of age.
- (5) The agreement contemplated in subsection (3) constitutes proof of reservation and the hirer must produce it at any stage whilst making use of the local sport facility if he or she is required by an authorised official to do so.

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- (6) A hirer of a local sport facility on which any alcoholic beverage is served is responsible for ensuring that the age limit restriction contemplated in section 5(2)(b) is observed at all times.
- (7)
 - (a) A hirer of a local sport facility must take out an insurance policy with an insurance company approved by Council; in an amount likewise approved, to cover any structural damages which may occur to the sport facility whilst being used by the hirer, and may also be required by Council to take out public liability insurance, likewise approved, in respect of the death of, or injury to, any person that may occur during or as a consequence of any activity taking place during the period of hire.
 - (b) Details of the insurance and the deposit paid must be given in accordance with Council policy.

RESERVATION OF SPORT AND RECREATION FACILITIES BY COUNCIL

- 9.
 - (1) Notwithstanding any other provision of these by-laws, Council may –
 - (a) for any period reserve any local sport and recreation facility for the holding of any specific sporting activity or competition and may during any period or on any other day reserve to itself the right of admission to that facility and determine a fee for admission to that facility;
 - (b) reserve any local sport and recreation facility either permanently or for such period as it deems fit.
 - (2) Except insofar as is provided otherwise in subsection (1), the provisions of these by-law, read with the necessary changes, remain applicable to a local sport facility reserved in terms of subsection (1) and to any person visiting or using it while it is being used for the purpose for which it was reserved.

GROUP ACTIVITIES

- 10.
 - (1) Each participant in a group activity must be registered as a member of the group concerned, or be a bona fide guest of the group, introduced as a member; and Council may determine a prescribed fee for the hire of sport and recreation facility if it is used by guest in addition to the registered members of a group.
 - (2)
 - (a) Each member of a group making use of a local sport facility must be issued with a membership card either the group, or by Council, if Council elects to establish a club or group for any activity on or in that sport facility.
 - (b) Any member who fails to produce his or her membership card when requested to do so by an authorised official, may be refused admission.

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- (c) The holder of a membership card may not transfer it or allow it to be used by any other person.
- (3) If any membership card issued by Council is lost, it will be replaced at the cost of the member.
- (4) A membership card must be renewed annually and, if issued by Council, the prescribed fee therefore must be paid;
- (5) Any group activity may be organised and controlled by an authorised official, freelance instructor, volunteer or any other person, and an authorised official may be present in any instance where that activity is not controlled or organised by such official.
- (6) Every group must strictly adhere to the specific period allocated to it by an authorised official for the use of a local sport facility or any part thereof, and if the use is extended beyond such period, an additional prescribed fee becomes payable.
- (7) If a local sport facility or any part thereof has been allocated to a group, either for a group activity or for any other purpose, that group must ensure that it or its members make regular use of its allocated period and that if any group is for any reason unable to use its allocated period, the authorised official who is in charge of the sport facility must be notified beforehand.
- (8) If the use of a local sport facility has been allocated to a group for a specific activity, that group is prohibited from engaging in any other type of activity on or in the sport facility concerned during the allocated period unless prior permission to do so has been obtained from an authorised official in charge of the sport facility concerned and it is according to Council policy.
- (9) A group may not transfer its allocated period to any other group or person, and any alteration in the local sport facility programme must be negotiated and agreed with an authorised official in charge of the sport and recreation facility concerned.
- (10)
 - (a) A group may be instructed by an authorised official to cancel their regular activities on a particular day due to any circumstances, including repairs and maintenance, which may require temporary closure of the whole or part of a local sport facility.
 - (b) An authorised official must give prior notice to an affected group of a proposal instruction in terms of paragraph (a).
 - (c) Notwithstanding the provision of paragraph (b), an authorised Official may cancel at short notice any regular activity if, according to Council policy, a situation of emergency has arisen which renders such cancellation necessary or desirable.

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- (11) Notwithstanding anything to the contrary contained in these by-laws, it is competent for an authorised official to suspend or terminate with immediate effect the use of a local sport facility by any person or group whose conduct or behaviour is, according to Council policy, prejudicial to good order or the generally accepted rules of the group activity concerned.
- (12) Any person whose participation in a group activity or use of a local sport facility is suspended in terms of subsection (11), is barred from entering into the local sport facility concerned or participating in the group activity concerned until the suspension is lifted by an authorised official.

PUBLIC DECENCY

11. (1) (a) No person may be present in or on any local sport facility, except in a change room or ablution facility specifically set aside for use by persons of the same sex, in a state of undress or any other state which is indecent or harmful in any way to the morals of any other person present in or on the sport facility at the time.
- (b) An authorised official may instruct any person to refrain from contravening paragraph (a) and such person must comply with the reasonable requirements of that official so as to remove the cause of contravention, and failing such compliance, that person may be ejected from the sport facility and denied re-entry until the offending state of undress or other state contemplated in paragraph (a) has been remedied.
- (2) No person may relieve him or herself in any part of a local sport facility other than in the ablution facilities specifically provided for that purpose and for use by members of his or her own sex.
- (3) Any cubicle, change room and place of ablution set aside for persons of one sex may not be used by any person of the other sex and no person, other than a child not exceeding the age of 5 years, may enter any part of the premises which is reserved for the use of persons of the other sex.
- (4) No person may occupy a change room for longer than is reasonably necessary to change into different attire.
- (5) No person may use profane or indecent language or behave in an indecent manner or in any other manner which, constitutes a nuisance or hinders or interferes with the enjoyment of a local sport facility by other persons, and, if that person persists, he or she may be ejected forthwith from the sport and recreation facility by that official.

Greater Tzaneen Municipality**CLOTHING AND PERSONAL EFFECTS**

12. (1) Subject to the availability of an appropriate storage facility within the premises of a local sport facility, a person who has changed into appropriate attire in order to participate in a sporting activity may place his or her clothing, possessions and effects in a container provided for the purpose by an authorised official, and may deposit such container for safekeeping in the change room or any other place as an authorised official may direct.
- (2) The authorised official must give a disc or other token bearing a number or other distinguishing mark by means of which the container may be identified, to the person concerned.
- (3) Notwithstanding the provisions of subsection (2), a scholar intending to participate in a group activity organised by his or her school or a voluntary schools association, may present his or her clothing possessions and effects for deposit in terms of this section in a neat bundle only.
- (4) The authorised official must return a container or bundle referred to in subsection (1) or (3) with all its contents to the person surrendering the appropriate disc in exchange therefore.

PRESCRIBED FEES / GUARANTEE FEES

13. The person concerned must pay the appropriate prescribed fee/guarantee fee for admission to, or hire or use of, any local sport facility and any other prescribed fee/guarantee fee contemplated in these by-laws.

GENERAL PROHIBITED CONDUCT

14. No person may –
- (a) wilfully or negligently destroy, damage or deface any part of a sport facility, including any feature, fixture, fitting or appliance contained therein or any article supplied by Council for use in a local facility.
 - (b) throw, deposit or drop or cause to be thrown, deposited or dropped any refuse, glass, tin, paper, fruit, fruit peels, sharp object or any other object that is perishable, offensive or that may interfere with the cleanliness of a local sport facility or that may cause annoyance, danger, injury or accident to any other person inside a sport facility; other than inside a refuse bin or container provided by Council for that purpose;
 - (c) remove or in any way interfere with any gravel, sand, sod, turf, mould or other substance covering the surface of a local sport and recreation facility;

Greater Tzaneen Municipality

- (d) except where special provision therefore has been made by Council, light any fire or do any act which may cause any substance or thing to catch fire inside a local sport facility;
- (e) walk upon or recline in any flowerbed or lawn on the premises of a local sport facility or draw, drive or propel thereon any vehicle or machine of whatsoever nature in contravention of any prohibitory notice displayed in a conspicuous place therein or thereon;
- (f) encroach upon or build any enclosure, make any hole, or erect or place any peg, spike, tent, booth, screen, stand, swing or any other building, erection or structure of on or within a local sport facility, without written authority from an authorised official;
- (g) except in any place and at any time prescribed by these or any other by-laws or by a notice displayed at the entrance to a local sport facility, drive, draw or propel any vehicle within a local sport and recreation facility –
 - (i) Other than a wheelchair, whether propelled by electrical power or not, or perambulator propelled by hand and used solely for the conveyance of an invalid or a child;
 - (ii) except in any place where access of vehicles is allowed, or
 - (iii) in excess of the speed limit indicated by a notice displayed in the local sport and recreation facility.
- (h) sell, hawk, advertise, place any advertisement, offer or expose any article for sale or hire or distribute any pamphlet, book, handbill or other written or printed matter inside a local sport facility without the prior written permission of an authorised official;
- (i) tamper with or in any way interfere with the action or function of any lock, cock, tap, valve, pipe or other appliance or any machine in a local sport facility.
- (j) otherwise do anything which may endanger the safety of others or constitute a nuisance, obstruction or annoyance to members of the public, either inside or outside a local sport and recreation facility.

ANIMALS

- 15.** Unless where otherwise allowed by a notice displayed in a conspicuous place at the entrance to a local sport facility, or the sport facility is designed or has been hired out for an activity that necessarily involves the presence of animals, no animal other than a guide dog may be brought into a local sport facility, without the prior written permission of an authorised official lest the authorised official shall impound any such animal which shall be released after payment of a fee.

INFECTIOUS DISEASES

- 16.** No person who is suffering from or is in quarantine for any infectious or contagious disease may enter or seek admission to any local sport facility.

Greater Tzaneen Municipality**FIREARMS AND TRADITIONAL WEAPONS**

17. (a) No firearm or traditional weapon may be brought into a local sport facility, unless, subject to the availability of a safe or other appropriate storage facility at the entrance to a local sport facility, it is surrendered to an authorised official for safekeeping and must be collect from that official when leaving the local sport facility.
- (b) Council may grant written permission for firearms or traditional weapons to be bought into a local sport facility if the use of firearms or traditional weapons is an indispensable part of an activity taking place in the local sport facility.

DISTURBANCE BY SOUND SYSTEMS

18. No amplified music or sound relayed through a public address system is allowed in a local sport facility without the prior permission of an authorised official and then only in an area specified by that official and any sound system must be positioned in such a way that sound travels to the interior of the sport facility with volume at a moderate level so that it will not disturb the peace and quiet of the surrounding community.

SALE OF FOOD AND REFRESHMENTS

19. No person may, without the prior written permission of Council and payment of a prescribed fee and, subject to compliance with any other law, prepare or sell food or refreshments within a local sport and recreation facility or in the immediate vicinity of an entrance thereto.

FILMING AND PHOTOGRAPHS

20. (1) No person may without the prior written permission of an authorised official film or take a photograph for reward or anticipated profit, on or in a local sport facility.
- (2) written permission must be obtained from Council for the filming of commercial material or documentaries, which is subjected to payment of a prescribed fee.

SPORT ADVISORY FORM

21. Council may establish a Sport and Recreational Forum or Sport and Recreational Council to assist and advise it in connection with the management of any or all of its local sport facilities, and sport representatives and members of groups may be elected to serve on such a body; however, the role of the authorised official must be accorded the necessary recognition.

Greater Tzaneen Municipality**LIABILITY FOR ACTS AND OMISSIONS**

- 22.** Neither Council nor an employee of Council is liable for anything done or omitted whilst acting in terms of or for the purpose of these by-laws, unless –
- (a) Council or employee is expressly made liable in terms of the by-laws;
 - (b) Council or employees may be have delictual liability at common law; or
 - (c) Council or employee expressly accepts liability in terms of an agreement with the person alleging such liability.

OFFENCES AND PENALTIES

- 23.** Any person contravening any of the provisions of these by-laws is guilty of an offence and may, on conviction:
- (a) be liable for a fine not exceeding R2000-00 or imprisonment;
 - (b) in default of payment to imprisonment for a period not exceeding 6 months;
 - (c) to both the fine and imprisonment;

SHORT TITLE

- 24.** These by-laws will be known as the Greater Tzaneen Municipality Sport and Recreation By-Laws and will come into effect on a date fixed by the Provincial Gazette.

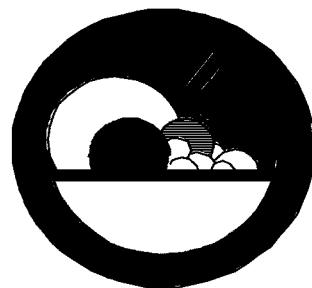
B. S. MATLALA
MUNICIPAL MANAGER

27 SEPTEMBER 2019

LOCAL AUTHORITY NOTICE 151 OF 2019



TARIFF BY LAW



Greater Tzaneen
Municipality

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

PREAMBLE

WHEREAS section 74 of the Local Government Municipal Systems Act, 2000 (Act No 32 of 2000) requires a municipal council to adopt a tariff policy on the levying of fees for municipal services;

AND WHEREAS the tariff policy must reflect at least the principles set out in section 74(2);

AND WHEREAS the tariff policy may differentiate between different categories of users, debtor, service providers, services, service standards, geographical areas and other matters as long as the differentiation does not amount to unfair discrimination;

AND WHEREAS section 75A of the Systems Act provides for general power to levy and recover fees, charges and tariffs; and

AND WHEREAS section 75 of the Systems Act provides that a municipal council must adopt tariff by-law to give effect to the implementation and enforcement of the tariff policy;

THEREFORE the Municipal Council of Greater Tzaneen Municipality adopted the following tariff by-law.

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1. DEFINITIONS

In this by-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal System Act, 2000 herein referred to as “the act” bears the same meaning unless the context indicates otherwise:

“**constitution**” means the Constitution of the Republic of South Africa, 1996.

“**council**” means the Council of the Greater Tzaneen Local Municipality;

“**indigent household**” means a domestic user who qualifies, together with his or her dependants, as an indigent person in terms of the Council’s indigent policy;

“**municipality**” means Greater Tzaneen Local Municipality;

“**subsidized tariff**” means a tariff that cover only operating and maintenance cost in relation to a municipal service;

“**tariff policy**” means the tariff policy of the Council adopted in terms of section 74 (1) of the Act;

“**temporary user**” means a user of services for a temporary period for a specific project or occasion;

“**the act**” means Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

“**User**” means a person liable to the Council for the cost to be recovered for a municipal service payable by such user;

2. Purpose

- (1) To give effect to the implementation and enforcement of the municipality’s tariff policy as outlined in section 75 of the act.

3. Services

- (1) Where a service is provided primarily for the benefit of an individual user and the actual service or consumption can be accurately measured, the cost of providing the service should be recovered from the individual by means of tariffs.
- (2) When a service connection is made a sundry tariff should be used and when a metered amount of service is consumed a consumption based tariff should be used.
- (3) Some services, although provided primarily for the benefit of individual users and have important community benefits, particularly where these services cannot be accurately measured, the cost of the service should be recovered by combination of tariffs and rates.
- (4) Where service is provided primarily for the benefit of the community and an individual's benefit cannot be accurately measured, the cost of providing the service should be recovered by means of rates and the rates must comply with the municipal rates policy.

4. Funded municipal services

- (1) The Council shall, when determining the tariffs for a municipal service, take into consideration any intergovernmental grant or subsidy allocated or to be allocated in relation to such municipal service;
- (2) The Council may, when determining the tariff for a municipal service open for use by the general public, subsidize such tariff from other income derived by the Council.

5. Adjustment of tariffs

5. The Council may at any time during its financial year, subject to compliance with any legislation applicable thereto, adjust any tariff to give effect to its tariff policy and these by-laws.

6. Indigent households

- (1) The Council shall annually together with its annual budget, review an indigent policy to determine criteria for the determination of indigent households.
- (2) The criteria referred to in subsection (1) shall take into account:
 - (a) the total income of consumers of municipal services residing on the property to which municipal services is rendered;

- (b) the total expenditure of consumers of municipal services residing on the property; and
 - (c) a minimum income less expenditure to qualify as a poor household.
- (3) The Council may include in its indigent policy a sliding scale according to which the quantity of basic municipal services provided free of charge or at a subsidized tariff to a poor household is limited in relation to the income less expenditures of a poor household.
- (4) A user shall qualify for the benefits of a poor household with Council in terms of its indigent policy only if such user has applied to be registered as a poor household and has provided such information as the Council may require from such user.

7. Water services

- (1) The Council shall provide 6 kiloliters of potable water per month free of charge to domestic users per household, subject thereto that such quantity thereof not used will not accumulate month-to-month.
- (2) The Council may determine water services tariffs in regard to the following:
- (a) a basic monthly water service charge to be levied on a property where such property is connected to the Council's water reticulation network;
 - (b) a water service availability charge to be levied on a property not connected to the Council's water reticulation network, but which property can be so connected to the Council's water reticulation network at a point on the property or less than 50 meters from any boundary of such property;
 - (c) the consumption of potable or raw water;
 - (d) the testing of water supply meters;
 - (e) the taking of a water meter reading at the special request of a user, and
 - (f) the connection of a property to the Council's water reticulation network.
- (3) The Council may, when determining its water services tariffs, differentiate between:
- (a) domestic users;
 - (b) bulk users of potable water;
 - (c) bulk users of raw water;
 - (d) other users of raw water, and
 - (e) temporary users.
- (4) the standard of the water supply network available to a user;

- (5) the geographical area, terrain and manner in which a water supply is made available; and
- (6) the Council may, when determining, its water services tariffs, take into consideration any business or industrial incentive scheme adopted by Council.

8. Sanitation services

- (1) The Council may grant a subsidized tariff for sanitation services to poor households in terms of its indigent policy.
- (2) The Council may determine sanitation tariffs in regard to the following:
 - (a) a basic monthly sanitation charge to be levied on a property where such property is connected to the Council's sanitation reticulation network;
 - (b) a sanitation reticulation availability charge to be levied on a property not connected to the Council's sanitation reticulation network, but which property can be so connected to the Council's sanitation reticulation network at a point on the property or less than 50 meters from any boundary of such property;
 - (c) the covering or sealing or re-sealing openings in a sanitation network connected to the Council's sanitation reticulation network;
 - (d) the removal of any blockages from a sanitation reticulation network connected to the Council's sanitation reticulation network;
 - (e) the alteration of any gully in a sanitation network connected to the Council's sanitation reticulation network; and
 - (f) the connection or re-connection of any reticulation network to the Council's sanitation reticulation network.
- (3) The Council may, when determining its sanitation services tariffs, differentiate between:
 - (a) Domestic users;
 - (b) bulk users;
 - (c) temporary users;
 - (d) the standard of the reticulation supply service; and
 - (e) the geographical area or terrain in which a sanitation reticulation service is made available.

9. Refuse removal

- (1) The Council may grant a subsidized tariff for refuse removal services to poor households in terms of its indigent policy.
- (2) The Council may, when determining its tariffs for refuse removal services, differentiate between the following users:
 - (a) domestic users;

- (b) bulk Users;
- (c) hospitals;
- (d) churches;
- (e) boarding houses;
- (f) hotels;
- (g) sport clubs;
- (h) charitable institutions;
- (i) high density housing; and
- (j) temporary users.

(2) The Council may further, when determining its tariffs for refuse removal services in regard to the user categories in sub-section (2), differentiate between users on the following basis:

- (a) whether mass containers are used;
- (b) the number of removals required per week;
- (c) the size of mass containers in use;
- (d) the compaction of refuse to Council standards;
- (e) the removal of medical waste or other waste requiring special treatment;
- (f) the removal of garden refuse;
- (g) the removal of building rubble;
- (h) the removal of dead animal carcasses;
- (i) the geographical area or terrain in which a refuse removal service is rendered;
- (j) the amount of refuse to be removed at any particular collection point; and
- (k) the requirement for the use of special loading, transport or off-loading equipment or vehicles.

10. Other services

(1) Nothing in this by-law shall prohibit the Council from determining tariffs on municipal services or part thereof or incidental thereto, not mentioned in this by-law.

(2) The Council must, when determining tariffs for services meant in subsection (1), have regard to the principles in section 74 (2) of the Municipal Systems Act.

11. Offences and Penalty

- (1) Any person who contravenes any provision in this by-law shall be guilty of an offence and upon conviction liable to a fine or imprisonment of not more than three months or both such fine and imprisonment.

12. Repeal

Tariff by-law published before the establishment of Greater Tzaneen Local Municipality in 2000 or any other by-law published dealing with Tariff matters or by-law are hereby repealed.

13. Short title and commencement

This by-law is called Greater Tzaneen: Tariff By-law and shall come into operation on the date of publication in the *Provincial Gazette*.

B. S. MATLALA
MUNICIPAL MANAGER

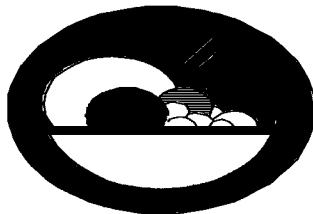
27 SEPTEMBER 2019

LOCAL AUTHORITY NOTICE 152 OF 2019



ELECTRICITY BY-LAWS

R V DECEMBER 2013



**Greater Tzaneen
Municipality**

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PREAMBLE

In terms of section 156 (1) (a) of the Constitution 1996 (Act 108 of 1996) as amended from time to time, the Greater Tzaneen Municipality has executive authority in respect of, and has the right to administer the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution, falling within its area of Jurisdiction.

In these by-laws, all provisions of the Electricity Act 1987 (Act 41 of 1987), Electricity Regulation Act, 2006 (Act 04 of 2006), Electricity Regulations Amendment Act 2007, (Act 28 of 2007) and Electricity Regulations of 2006 as amended from time to time, shall apply.

One of the objects of the Greater Tzaneen Municipality is to promote social and economic development for its community. The Municipality recognizes the key role that electricity plays in poverty alleviation, income generation and entrepreneurial development and, in particular, the positive impact that electricity has on communities.

The Municipality acknowledges the need to adopt a developmental approach to the electric sector in order to create an environment that is conducive to the management and conservation of electricity. The Municipality further acknowledges the need for a balanced relationship between the electrical sector and the community in order to promote good relationship, social and economic development within a well managed municipal area.

SCOPE AND APPLICATION

These by-laws apply to any area falling under the jurisdiction of the Greater Tzaneen Municipality in terms of the Local Government Demarcations Act 27 of 1998 as amended from time to time.

CHAPTER 1 INTERPRETATIONS

1. Definitions

- 1.1 In these by-laws, all provisions of the Electricity Act 1987 (Act 41 of 1987), Electricity Regulations Act, 2006 (Act 04 of 2006), Electricity Regulation Amendment Act 2007, (Act 28 of 2007) and Electricity Regulations of 2006 shall apply, unless the context otherwise indicates –

"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 1 attached to this by-law;

"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 $44\text{kV} < U_n \leq 220\text{ kV}$. [SABS 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). [SABS 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 $1\text{ kV} < U_n \leq 44\text{ kV}$. [SABS 1019]

“meter” means a device which records the demand and/or the electrical energy consumed and includes conventional and prepayment meters;

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

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

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

"Municipality" means Tzaneen Municipality, a municipality established in terms of the law or any legal entity duly authorized by the Tzaneen Municipality to provide an electricity service within the jurisdiction of the Tzaneen 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" means the registered owner of the land or premises and include his/her authorize agent, or any person receiving the rent or profits issuing therefrom, or who would receive such rent or profit if such land or premises were let , whether for that persons own account or as agent for any person entitled 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;

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

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

"safety standard" means the Code of Practice for the Wiring of Premises SABS 0142 incorporated in the Regulations;

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

"service 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, and

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

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

"Kva" means kilovolt ampere.

"electricity Act" means electricity act 41 of 1987.

"NRS 047" means national rationalised specification for the electricity supply – Quality of service.

2. Other terms – All other terms used in this by-law which are not defined shall have the meaning assigned there to in the Electricity Act, 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

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 as stated in section 44 of this - by-law.

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, through, 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, be 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 willfully hinder, obstruct, interfere with or refuse admittance to any duly authorised official of the Municipality in the performance of his/her 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.

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/her 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. Resale of electricity

- (1) Unless otherwise authorised by the Municipality, no person shall sell or supply electricity, supplied to his 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, such resale shall be subject to the conditions laid down in the Electricity Act, provided that the reseller shall be permitted to recover his/her actual electricity cost, provided further that he/she must substantiate these costs if called upon to do so.

- (2) Further, in terms of Regulation 11.(3)(a) of the Electricity Act, the reseller of electricity may recover the administration costs incurred in metering reading and billing from the person so supplied with electricity, provided that, at the request of such person, the reseller must furnish such person with such information as may be necessary to enable him/her to determine whether the administration costs are fair and reasonable.

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.

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.
 - (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 other wise 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.

28. 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.

29. 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.

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

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.

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:
- (i) an Act of God;
 - (ii) an Act or omission of an employee of the municipality ; or
 - (iii) 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 and fastenings 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 10 mm² (copper or copper equivalent), and all conductors shall have the same cross-sectional area, unless otherwise approved by any duly authorised official of the 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 notarially tied.
- (8) Any covers of a wireway 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 meterbox, 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 wireways 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 submetering 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 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 persons' electrical equipment

- (1) No person shall operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the applicable standard specification.
- (2) The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling.
- (3) Should it be established that undue interference is in fact occurring, the consumer shall, at his/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 ² , copper equivalent mm ²	Maximum permissible starting current A	Maximum motor rating in kW		
		Direct on line (6x full-load current)	Star/Delta (2,5 x full-load current)	Other means (1,5 x full-load current)
		kW	kW	kW
16	72	6	13,5	23

25	95	7,5	18	30
35	115	9	22	36,5
50	135	10	25	45
70	165	13	31	55
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

3) Consumers supplied at medium voltage –

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

CHAPTER 7

ELECTRICAL CONTRACTORS

58. Health and Safety Regulations

The Regulations made in terms of the Occupational Health and Safety Act, 1993, together with 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 inspection 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.

CHAPTER 8

LIABILITIES, OFFENCES AND PENALTIES

59. Liability

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.

60. Liability due to contravention

Any person who contravenes this by-law shall be liable to make good to the council any cost of any work carried out by the Municipality of which work was necessary due to the contravention of this by-law.

61. Offences

- (1) Any person who contravenes any 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 thousand rands or imprisonment for a period not exceed six 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 fine not exceeding two hundred rands or additional imprisonment for a period not exceeding ten 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 9

SHORT TITLE AND COMMENCEMENT

62. This by-law shall be known as the Greater Tzaneen Municipality: Electricity By-Law and takes effect on the date of publication in the *Provincial Gazette*.

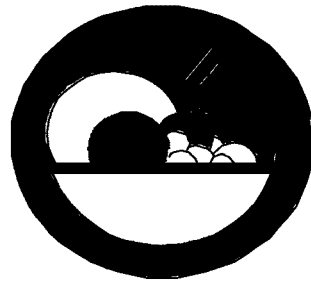
B. S. MATLALA
MUNICIPAL MANAGER

27 SEPTEMBER 2019

LOCAL AUTHORITY NOTICE 153 OF 2019



DRAINAGE BY-LAWS



Greater Tzaneen Municipality

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PREAMBLE

In terms of section 156 (1) (a) of the Constitution 1996 (Act 108 of 1996) as amended from time to time, the Greater Tzaneen Municipality has executive authority in respect of, and has the right to administer the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution, falling within its area of Jurisdiction which include Municipal Drainage regulation.

The object of the Greater Tzaneen Municipality in these by-laws is to provide for the design, construction, inspection and maintenance of drainage installations, the connection thereof to the Council's drainage system, installation and maintenance of sanitary equipment, prescription of drainage levels, discharge of effluents, prohibit certain acts and matters in connection therewith.

SCOPE AND APPLICATION

These by-laws apply to any area falling under the jurisdiction of the Greater Tzaneen Municipality in terms of the Local Government Demarcations Act 27 of 1998 as amended from time to time.

CHAPTER 1 INTERPRETATIONS

1. Definitions

1.1 In these by-laws, the relevant definitions and sections of National Building Regulations Act No 103 of 1977 and National Water Act No 36 of 1998 shall apply, unless the context otherwise indicates –

“adequate” or **“effective”** means adequate or effective in the opinion of the Council;

“approved” means approved by the Council, regard being had in all cases to all the circumstances of the particular case and to accepted principles and legal

requirements of drainage installation and, in the case of any appliance, fitting or other object, to the purpose which it is intended to serve;

“anti-siphonage pipe” means any pipe or portion of a pipe provided for the protection of the water seal of a trap against unsealing by siphonage or back pressure;

“block plan” means a plan drawn to scale showing the size, shape and measurements of any piece of land and the position thereon of any existing and proposed buildings and drainage installation or portion thereof;

“branch drain” means a drain which discharges into another drain;

“branch anti-siphonage pipe” means an anti-siphonage pipe connecting two or more individual anti-siphonage pipes to a main anti-siphonage pipe or to a ventilation pipe;

“branch pipe” means any pipe conveying soil-water or waste-water either separately or together to a stack or other vertical pipe;

“conservancy tank” means a tank used for the reception and temporary retention of the discharge from a drainage installation;

“connecting sewer” means that part of a sewerage system which is vested in the Council and which connects a drain to the Council’s sewer;

“Council” means the Council of the Greater Tzaneen Local Municipality, established in terms of section 12 of the Local Government: Municipal Structures Act, no 117 of 1998;

“development length” of any pipe means the length between two specified points on such pipe measured along the centre line of the pipe including any bend, junction or similar fitting;

“drain” means that portion of a drainage installation, other than soil-water pipes, waste-water pipes, ventilation pipes and anti-siphonage pipes which is not vested in the Council and which is laid in the ground and used or intended to be used for conveying sewage to the connecting sewer, or for conveying sewage to a conservancy tank or a septic tank and includes a conservancy tank or a septic tank;

“drainage installation” means and includes any drain, soil-water pipe, stack, waste-water pipe, ventilation pipe, anti-siphonage pipe, soil-water fitting, waste-water fitting, mechanical appliance or any other work or fitting or combination thereof for the conveyance of sewage and which is not vested in the Council;

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

“engineer” and **“Council’s Engineer”** means the person from time-to-time holding the said appointment or acting in the said capacity in connection with the Municipality or any person duly appointed by the Council to act on his behalf or appointed or authorized by the Council to administer these by-laws;

“group” means a combination of sanitary fittings comprising not more than one each of a water-closet, wash-hand basin, sink, shower, bidet and bath;

“horizontal pipe” means any soil-water pipe or waste-water pipe, other than a branch pipe, which is inclined at an angle of less than 45 degrees above the horizontal;

“industrial effluent” means any liquid, whether or not containing matter in solution or suspension, which is given off in the course of or as a result of any trade or industrial operation, including mining operations, and includes any liquid other than soil-water or waste-water or storm water;

“individual anti-siphonage pipe” means an anti-siphonage pipe installed to protect a single sanitary fitting;

“main anti-siphonage pipe” means the pipe to which branch anti-siphonage pipes are connected and which is either extended independently to discharge into the open air or is connected to a ventilation pipe;

“one-pipe system” means a drainage installation in which the discharges from soil-water fittings and waste-water fittings are carried to a drain by a common pipe and in which the water seals of the traps of all waste-water fittings connected to such installation are individually protected by anti-siphonage pipes;

“officer” means a person authorized by the Council or the engineer, to make decisions or otherwise act on behalf of the Council or the engineer, as the case may be;

“piece of land” means any piece of land registered in a deeds registry as an erf, stand, lot, plot or other area, or as a portion or a subdivision of such erf, stand, lot plot or other area, or any defined portion, not intended as a public place, of a piece of land proclaimed as a township, or 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 any piece of land together with any building or improvement thereon;

“sanitary fitting” means any soil-water fitting and any waste-water fitting;

“septic tank” means any tank designed to receive sewage and to effect the decomposition of organic matter in sewage by bacterial action;

“sewage” means soil-water, waste-water or industrial effluent whether separately or together;

“treated effluent” means the liquid effluent discharged from a sewage treatment works;

“SABS” means the South African Bureau of standards;

“sewer” means any pipe or device vested in the Council and used or designed or intended for use for or in connection with the conveyance of sewage;

“single stack system” means a modification of the one pipe system in which the water seals of the traps of the waste-water fittings or soil-water fittings are not individually protected by anti-siphonage pipes and in which the system is specifically designed in terms of these by-laws to protect the water seals of the traps of all such fittings by means of the said stack with or without the aid of a supplementary ventilation pipe;

“soil-water” means any liquid containing human or animal ex-creta;

“soil-water fitting” means any fitting used for the reception and discharge of soil-water;

“soil-water pipe” means any pipe, other than a drain, used for the conveyance of soil-water with or without waste-water;

“stack” means the main vertical component of a drainage installation or any part thereof other than a ventilation pipe;

“storm water” means any liquid from natural precipitation or accumulation and includes rain-water, spring-water and ground-water;

“supplementary ventilation pipe” means a pipe installed to supplement the ventilation of a single stack drainage system;

“tariff” means the tariff of charges as determined from time-to-time by the Council in terms of section 10 G (7) of the Local Government Transition Act, 1993;

“two-pipe system” means a drainage installation in which the discharges from soil-water fittings and waste-water fittings are conveyed to a drain by separate pipes and in which the waste-water pipes are separately ventilated and are separated by traps from the drain;

“ventilation pipe” means any pipe or portion of a pipe, not conveying any liquid, used to ventilate a drainage installation;

“vertical pipe” means any soil-water pipe or waste-water pipe, other than a branch pipe, which is inclined at an angle of more than 45 degrees above the horizontal;

“waste-water” means any liquid other than soil-water, industrial effluent or storm water;

“waste-water fittings” means any fitting used for the reception and discharge of waste-water;

“waste-water pipe” means any pipe, other than a drain, used for the conveyance of waste-water.

CHAPTER 2

SCOPE OF BY-LAWS

2. Application of By Law

2. (1) These by-laws will apply to every drainage installation, including the design and construction of any such installation in any new building or existing building or to any installation required by the Council to be constructed in terms of section 6 or to any alteration or addition to an existing drainage installation.
- (2) Every drainage installation must both during its construction and on its completion be subject to such inspection, approval, tests and control as the Council shall deem fit or require.
- (3) These by-laws will be subject to the National Building Regulations and Building Standards Act, no 103 of 1977, and any regulations promulgated under the said Act.
- (4) Only SABS approved pipes, drains, taps, stacks, fittings, mechanical appliances or other drainage material or combination thereof, may be used in any drainage work.

CHAPTER 3

RIGHT OF APPEAL

3. Appeal

- 3 (1) Any person aggrieved by any decision given or act done by any officer in terms of these by-laws in connection with a drainage installation or any work connected therewith, will have the right to appeal to the Municipal Manager of the Council.
- (2) The appeal in terms of subsection (1) must be given in writing to the Municipal Manager within twenty one days from the date on which such person is notified of the decision or act complained of, including reasons for the appeal.

CHAPTER 4

NOTICES

4. Council Notices and Documents

- 4 (1) Every notice, order or other document issued or served by the Council in terms of these by-laws will be valid if signed by an officer of the Council duly authorized thereto.
- (2) Any notice, order or other document served in terms of these by-laws may be served in one of the following manner:
- (a) by personal delivery to the person to whom it is addressed;
 - (b) by delivery to a person apparently above the age of 18 years at the last known place of residence of the person to whom it is addressed;
 - (c) by delivery to a person apparently above the age of 18 years at the place of business of the person to whom it is addressed, or
 - (d) by posting it by pre-paid registered post to an address meant in (b) or (c) above, in which instance it will be deemed to have been received by the person to whom it is addressed on the fifth day after posting thereof.
- (3) Every notice, order or other document issued or served in terms of these by-laws must specify the premises to which it relates, but may refer to the person for whom it is intended as “the owner” or “the occupier” if his name is not known.

CHAPTER 5

SEWERAGE CHARGES

5. Charges

All charges for the use of the Council's sewers or for discharges into the Council's sewers or otherwise in connection with the Council's sewerage services will be as prescribed in terms of the tariff determined by Council and shall be payable by the owner of the premises in respect of which the charges are raised.

CHAPTER 6 GENERAL PROVISIONS

6. Compulsory Provision Of Sewerage

6. (1) Where a sewer is available for the drainage of any premises in or on which sewage is produced, such premises will be provided with a drainage installation connected to the sewer.
- (2) The owner of any premises not having a drainage installation terminating at a point of discharge into the sewer prescribed by the Council, must, within twenty weeks of receiving written notice from the Council requiring him or her to do so, construct or cause to be constructed a drainage installation on the premises and must do all work necessary for and all things required in terms of these by-laws in connection with the construction of such drainage installation, and must pay all charges due in respect thereof.
- (3) The owner as aforesaid will give written notice to the Council when any pail or conservancy tank service rendered to the property is no longer required, and will remain liable for the charges for that service until he or she has done so.

- (4) If the owner fails within the said period of twenty weeks to comply with a notice served on him or her in terms of subsection (2) he or she will thereafter, without detracting from his or her liability for charges in respect of the use of the Council's sewer as prescribed by these by-laws, pay charges at three times the prescribed tariff for the said pail or conservancy tank service until a drainage installation as required by the said notice and complying with these by-laws is connected to the sewer and the Council has been notified thereof in terms of subsection (3).
- (5) Where any part of a building or premises is at such a level in relation to the sewer that a drainage installation serving that part cannot discharge into the sewer by gravitation the engineer may, subject to the provisions of section 66 and to any conditions he may deem necessary, permit the sewage from such part to be raised by a mechanical appliance to discharge at such point and such level as he or she will determine, for which purpose the Engineer may require that a registered professional civil engineer must submit a plan of such drainage work.
- (6) Every contractor or other person employing workmen for the construction of any building or for the carrying out of any other work on any piece of land to which a sewer is available for the drainage of buildings constructed or to be constructed thereon, must if so instructed by Council, provide water closet accommodation connected to the sewer for such workers or such other toilet facilities as the Council may determine.

7. Connection To Sewer

7. (1) No part of any drainage installation must extend beyond the boundary of the piece of land on which the building or part thereof served by the drainage installation is erected:
- (2) Where Council considers it necessary or expedient to do so, the Council may permit the owner to lay a drain at his or her own expense through an adjoining piece of land on proof of the registration of an appropriate servitude or of a notarial deed of joint drainage, as the Council may require.
- (3) The Council will have the right to prescribe to what point in the sewer and at what depth below the ground any drainage installation is to be connected and the route to be followed by the drain to the connection so to be made and may, at its discretion, having regard to the necessity of maintaining correct levels, require the owner not to commence the construction or the connection of the drainage installation, as the case may be, until the Council's connecting sewer has been laid.
- (4) Subject to the provisions of subsection (4), and without prejudice to the provisions of section 24 concerning the testing of drainage installations, the Council will, within seven (7) days from being notified by the owner that the drainage installation on his premises is ready for connection to the sewer, at the owner's own expense, effect the connection or cause it to be effected.
- (5) Any connection required by the owner subsequent to that made by the Council in terms of subsection (3) will be subject to the approval of the Council and will be effected at the owner's expense, further subject thereto that only one connection per piece of land will be allowed unless the engineer approved otherwise.

- (6) No person must permit the discharge of any substance whatsoever other than clean water for testing purposes to enter any drainage installation until the drainage installation has been connected to the sewer.
- (7) Save as may be otherwise authorized by the Council, in writing, no person other than an officer duly authorized to do so, shall connect any drainage installation to the sewer.

8. Common Drains

The Council may at its discretion permit the drainage installation on any two or more pieces of land, whether or not in the same ownership, to discharge into the Municipal sewer through a common drain.

9. Disconnection

- 9 (1) Except for the purpose of and for carrying out of any work, maintenance or repair, no soil-water fitting or soil-water pipe shall be disconnected from any soil-water pipe or drain, and no drain may be disconnected from any other drain or from a sewer without the prior written approval of the Council after the lodging of an application in the manner, so far as applicable, prescribed in terms of section 20: Provided that no charge will be made by the Council in respect of an application made in terms of this subsection.
- (2) Where any part of a drainage installation is disconnected from the remainder thereof because it will no longer be used, the said part so disconnected must be destroyed or entirely removed from the premises on which it was being used unless the Council otherwise permit, having regard to the impracticability of such destruction or removal, and all openings in the installation or in the said part if left in position, created by the disconnection, must be effectively sealed to the satisfaction of the Council.

- (3) Due notice in writing in advance of any disconnection must be furnished to the engineer who will, after the requirements of this section have been complied with and on request of the owner, issue a certificate to the effect that the disconnection has been completed in terms of these by-laws and that any sewerage charges raised in respect of the disconnected portion of the drainage installation shall cease to be raised with effect from the first day of the month following the issue of such certificate: Provided that until such certificate has been issued by the engineer any such charges shall continue to be raised.
- (4) When a drainage installation is disconnected from a sewer, the Council will seal the opening to the sewer so made and will recover from the owner the charge prescribed for such work in the tariff.
- (5) Any person who, without the permission of the Council breaks or removes or causes or permits the breakage or removal of any such seal referred to in subsection (4), will be guilty of an offence.

10. Unlawful Drainage Work

10. (1) Where any drainage work has been constructed without complying with the provisions of these by-laws concerning the submission and approval of plans the owner must, on receiving written notice by the Council so to do, comply with the said provisions within the period prescribed in that notice.
- (2) Where any drainage installation has been constructed or any drainage work has been carried out which fails in any respect to comply with any of these by-laws, including any standard specified under SABS 0400 of 1987 other than those referred to in subsection (1), the owner must on receiving written notice by Council to do so and notwithstanding that he or she may have received approval of plans in respect of the said installation or work in terms of these by-laws, carry out such alteration to

the installation, remove such parts thereof and carry out such other work as, and within the time which the notice may specify.

- (3) The Council may, instead of serving notice as aforesaid or where such a notice has not been complied with within the time prescribed therein, proceed itself to carry out any such alteration, removal or other work as it may deem necessary for compliance with these by-laws and may recover the cost thereof from the owner or occupier as the case may be.
- (4) Should the Council at any time become aware of any installation which does not comply with the provisions of section 75 or that any provision thereof has or is being contravened it may, subject to the provisions of subsections (1), (2) and (3), forthwith and without notice carry out such alterations to the installation as it may deem necessary to effect compliance with the provisions of the said section and recover from the owner or the occupier the appropriate charges prescribed in the tariff.

11. Maintenance

- 11. (1) The owner or occupier of premises must at all times keep and maintain in a proper state of repair and in working order any drainage installation thereon.
- (2) Where any part of a drainage installation is used by two or more owners or occupiers, they will be jointly and severally liable in terms of this section for the maintenance and repair of such drainage installation.

12. Prevention Of Blockages

No person must cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, pipe, drain or fitting as will block it or prevent its effective operation.

13. Clearing Of Blockages

13. (1) When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation thereon, he or she must forthwith report the fact to the Council.
- (2) Where a blockage occurs in a drainage installation, any work necessary for its removal will, subject to the provisions of subsection (4), be done by or under the supervision of a plumber or drain layer licensed in terms of the Council's by-laws.
- (3) Any plumber or drain layer licensed as aforesaid must, before proceeding to remove any blockage from a drainage installation, notify the Council of his or her intention to do so, and must when he or she has done so, notify the Council of that fact and of the nature, location and cause of the said blockage.
- (4) The Council itself will, whether or not it has been requested by the owner to do so, be entitled at its own discretion to remove a blockage from a drainage installation and may recover the costs thereof from the owner in accordance with the tariff.
- (5) Should the clearing by the Council of any blockage in a drainage installation necessitate the removal or disturbance of paving, lawn or other artificial surfacing on any premises, the Council will not be liable for the reinstatement thereof or compensation for any damage caused thereto.

- (6) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer the owner of the premises served by the drainage installation shall be liable for the cost of clearing the blockage in accordance with the tariff.
- (7) Where a blockage has been removed from a drain or portion of a drain which serves two or more pieces of land, the charges for the clearing of such blockage will be recoverable from the owners thereof, who shall be jointly and severally liable for the whole charge.

14. Emission Of Gas Or Entry Of Sewage

- 14. (1) When in the opinion of the Council a nuisance exists owing to the emission of gas from any trap or sanitary fitting or any other part of a drainage installation, the Council may at the cost of the owner, take such action or instruct the owner to take such action, as may be necessary to prevent the recurrence of the said nuisance.
- (2) Where any sewage, after being discharged into a drainage installation, enters any soil-water fitting or waste-water fitting connected to the same drainage installation whether by reason of surcharge, back pressure or any other circumstance, the Council may by notice in writing require the owner to carry out within the period specified by such notice any work necessary to abate or stop such entry of sewage and to prevent any recurrence thereof.

15. Work By The Council

15. (1) Where any person has been required by the Council by notice in terms of these by-laws to carry out any work whether by way of construction, repair, replacement or maintenance and has failed to do so within the time stipulated in such notice, the Council may, without prejudice to its right also to proceed against him or her as for a contravention of these by-laws, proceed itself to carry out the work and may recover the entire cost of so doing from the person to whom the notice was directed.
- (2) Where any work other than that for which a fixed charge is provided in any schedule to these by-laws is done by the Council, the cost of which it is entitled in terms of these by-laws to recover from any person, there may be included in such costs such sum to be assessed by the Council as will cover all expenditure reasonably incurred by the Council.
- (3) Any damage caused to the Council's sewers or any part of its sewerage or sewage treatment system by or in consequence of the non-compliance with or contravention of any provision of these by-laws shall be rectified or repaired by the Council at the expense, to be assessed by it, of the person responsible for the said non-compliance or contravention or of causing or permitting same.

16. Interference With Sewers And Drains

16. (1) No person, except a person authorized by the Council to do so, shall break into, enter or in any other manner whatsoever interfere with any sewer, connecting sewer, manhole or other work or any part thereof intended for the conveyance or treatment of sewage and which is vested in the Council, whether or not situated on premises owned or controlled by the Council.
- (2) No person shall break into, enter or in any other manner whatsoever interfere with any drain, trap, screen, inspection chamber or other work

or any part of any drainage installation: Provided that this prohibition shall not apply to alterations to any drainage installation undertaken by a licensed drain layer carrying out work in accordance with plans approved by the Council nor to any maintenance work carried out by a licensed drain layer or other person authorized by the Council to undertake such work.

17. Disused Conservancy And Septic Tanks

If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner shall either cause it to be completely removed or to be completely filled with earth or other suitable material: Provided that the engineer may require such tank to be otherwise dealt with, or he or she may permit it to be used for some other purpose subject to such conditions as he or she may consider necessary, regard being had to all the circumstances of the case.

18. Obstruction And False Information

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

CHAPTER 7

APPROVAL OF PLANS, APPROVAL AND TESTING OF DRAINAGE INSTALLATIONS AND FITTINGS

19. Approval Required For Drainage Work

19. (1) No person shall construct, reconstruct, alter, add to or make any permanent disconnection in or of any drainage installation without first having obtained the approval of the Council in writing.
- (2) No drainage work mentioned in subsection (1) for which approval has been given as provided for in terms of these by-laws, shall be commenced with until after the expiration of two clear days after notice in writing has been served on the Council stating the day on and time at which it is intended to commence the work.
- (3) Any person who commences any drainage work without applying to the Council for approval thereof or before his or her application has been granted, or without giving notice as prescribe in terms of subsection (2), or before the expiry of such notice, or who carries out any work otherwise than in accordance with the approval thereof given by the Council, may be called upon by the Council by notice in writing to cease the work forthwith and for every day on which work is continued in contravention of such notice, shall without prejudice to any other penalty he or she may have incurred with regard to the same drainage work, be guilty of an offence.
- (4) Before any part of a drainage installation is permanently covered or otherwise rendered permanently inaccessible to visual inspection, it must be inspected and approved by the Council and any person who has covered or rendered inaccessible any part of any installation before such inspection has been made and such approval has been given shall, on being required by the Council to do so, at his or her own expense

remove the covering and do whatever else may be necessary to enable the Council to carry out the said inspection, and shall in addition be guilty of an offence.

20. Application For Approval

20. (1) Every person shall, before commencing to construct, reconstruct, alter, add to, open or disconnect from a drain or from a sewer or connecting sewer any drainage installation, lodge with the Council an application on a form provided by the Council and signed by the owner of the premises concerned or his architect or other authorized agent, for approval of the work proposed, together with the fees prescribed in terms of section 23.
- (2) An application as required in terms of subsection (1) shall be accompanied by one or more sets of drawings as the Council may require, each set comprising a block plan of the premises and plans, elevations and sections indicating clearly the nature and extent of the proposed work: Provided that where the particulars required in terms of subsection (5) sufficiently appear on the other drawings herein referred to, no block plan need be furnished with the application.
- (3) One set of the required drawings shall be made in waterproof ink or otherwise clearly reproduced on SABS approved durable transparent material or be clearly legible prints with a white background on SABS approved durable material and shall be signed as prescribed in subsection (1), but any additional sets of drawings required by the Council may consist of white paper prints, the minimum size of all drawings to be not less than A4 (297mm by 240mm).
- (4) The plans, elevations and sections of the required drawings shall be drawn to a natural scale of not smaller than 1:200 except in the case of block plans which shall be to a natural scale of not smaller than 1:500.
- (5) The plans, elevations and sections shall show –

- (a) the position and arrangement in any building of every waste-water and soil-water fitting to be installed therein;
 - (b) the size, gradient and position of every drain, the size and position of every manhole, gulley trap, bend, soil-water pipe, anti-siphonage pipe and ventilation pipe, and the means of access to and inspection of drains;
 - (c) the position and height of all chimneys, buildings, windows and other openings within a distance of 6m from the open end of any ventilation pipe;
 - (d) the levels of the floors of the building, of any yards and in the case of sections, the level of the ground in relation to the levels of drain throughout its length; and
 - (e) as much as is necessary of any existing drainage installation which will be affected by the proposed work.
- (6) The block plan shall show –
- (a) the full extent of the piece of land on which the drainage work is to be carried out and the position of the buildings and the existing and proposed drains thereon;
 - (b) the title deed description of the piece of land on which the drainage work is to be carried out and of all pieces of land contiguous thereto, the name of the township, agricultural holding or farm, and the name of any street on which any part of the said piece of land abuts; and
 - (c) the north point, and

(d) the geographical contours of the piece of land.

- (7) On the drawings of drainage installations submitted in terms of these by-laws the items specified in the left-hand column of the following table shall be depicted in the colour opposite to them in the right-hand column:

TABLE

Drains and soil-water pipes	Brown
Ventilation pipe to drains and soil-water pipes	Red
Waste-water pipes	Green
Pipes for the conveyance of industrial effluent	Orange
Ventilation pipes to waste-water pipes	Blue
Existing approved drainage installations	Black

- (8) On the drawing referred to in subsection (7) the items specified in the left-hand column of the following table shall, if abbreviations are used, be identified by the abbreviations shown opposite to them in the right-hand column:

TABLE

Access eye	A E
Anti-siphonage pipe	A S P
Bath	B
Bidet	Bt
Cast-Iron Pipe	C I P
Cleaning eye	C E
Earthenware pipe / Vitrified clay pipe	E W P
Fresh-air inlet	F A I
Gulley	G
Gulley-dished	G D
Grease trap	G T
Inspection chamber	I C
Inspection eye	I E
Manhole	M H
Outlet ventilation pipe	O V P
Rainwater pipe	R W P
Rodding eye	R E
Sink	S
Shower	Sh
Slop hopper	S H
Soil-water pipe	S P
Soil-water ventilation pipe	S V P
Urinal	U
Ventilation pipe	V P
Water closet	W C
Wash trough	W T
Waste-water ventilation pipe	W V P
Waste-water pipe	W P

- (9) Approval by the Council of an application made in terms of this section shall be conveyed to the applicant in writing.

21 Changes In Applications After Approval

21. (1) After approval by the Council of an application in terms of section 20 has been conveyed to the applicant in writing, a departure or deviation from the work as so approved may thereafter be made with the prior written consent of the Council only after the owner has submitted an application for such departure or deviation, accompanied by the drawings and particulars specified in section 20 and containing a clear indication of the nature of the proposed departure or deviation and of any part of the original proposed work which is to be superseded, altered or revised.
- (2) An application made in terms of subsection (1) shall be deemed to be a new application in terms of section 20 for which the fee prescribed in terms of section 23 shall be payable and in respect of which the provisions of subsection (1) relating to the Council's approval thereof shall apply.

22. Period Of Validity Of Approval

22. (1) An approval given by the Council in terms of section 20 shall become invalid in respect of any work covered by such approval which has not been commenced within twelve calendar months of the date on which it was given unless the said work is associated with building operations which have commenced during the said twelve months.
- (2) Where any such work as mentioned in subsection (1), not being work associated with building operations, has not been commenced within the said twelve months the owner shall, before proceeding with it, submit a new application form as prescribed in terms of section 20, which application shall be deemed for all purposes to be a new application, and the owner shall not be entitled to a refund of any fees paid in respect of the original application but shall, on making the new application, pay the fees prescribed in terms of section 23.

23. Application Fees

23. (1) The fees prescribed in the relevant tariff shall be payable to the Council in advance for the consideration of an application in terms of section 20 or for any such testing of any fitting as may be deemed necessary by the Council prior to giving its approval thereto and no consideration shall be given to the application until the said fees have been assessed and paid.
- (2) Where an application made in terms of section 20 is refused or withdrawn, the Council may at its absolute discretion retain or refund the whole or any part of the fees paid in respect thereof.

24. Testing And Approval Of Drainage Installations

24. (1) After the completion of a drainage installation or any part thereof, but before it is connected to a conservancy tank, a septic tank, the Council's sewer or an existing approved installation, the following test shall in the presence of one of its authorized officers be applied and succeed to the satisfaction of the Council: -

All openings of the pipe or series of pipes to be tested having been plugged or sealed and all traps associated therewith filled with water, air shall be pumped into the said pipe or pipes until a manometric pressure of 35 kPa (35mm Head of Water) is indicated, after which without further pumping the said pressure shall remain greater than 25 kPa (25mm Head of Water) for a period of at least three minutes.

- (2) The aforesaid tests shall be carried out and the apparatus therefore shall be supplied by the owner at no expense to the Council.
- (3) Where the Council has reason to believe that any drainage installation or any part thereof has become defective it may require the owner thereof

to conduct, at no expense to the Council, the test prescribed in subsection (1) and if the installation fails to withstand any such test to the satisfaction of the Council, the Council may call upon the owner to carry out at his or her own expense, and within such period as it may stipulate, such repairs as may be necessary to enable the installation to withstand the said test.

CHAPTER 8

HYDRAULIC LOADS

25. Hydraulic Loads Carried By Drainage Installations

25. (1) The hydraulic load discharged into or carried by a drain, a soil-water pipe or a waste-water pipe shall be calculated in units, hereinafter referred to as discharge units.
- (2) The hydraulic load at any point in a drain, soil-water pipe or waste-water pipe shall be the sum of the discharge units of all sanitary fittings the discharges from which enter such drain or pipe upstream of that particular point.
- (3) The hydraulic load expressed in discharge units discharged from any sanitary fitting specified in column 3 of the following table will be as specified in column 2, and in the case of any sanitary or other fitting not specified in the table, the hydraulic load shall be as specified in column 2 for the relevant diameter of the outlet of the trap of such fitting as specified in column 1.

TABLE

1 Nominal diameter of Trap (mm)	2 Hydraulic Load in Discharge Units	3 Sanitary Fitting
32	$\frac{1}{2}$	Wash-hand basin, bidet
38	1	Bath, sink, shower, wash trough, wall hung urinal
50	$1\frac{1}{2}$	
75	$2\frac{1}{2}$	Channel type urinal
100	4	Water closet

- (4) The hydraulic load of all sanitary fittings the discharges from which are conveyed by a drain or part of a drain having a nominal diameter set out in column 1 of the following table and a gradient set out in either column 5, 6, 7 or 8 shall not exceed the number of discharge units set out in the said table for such diameter and gradient of drain.

TABLE

1	2	3	4	5	6	7	8
MAXIMUM PERMISSIBLE HYDRAULIC LOAD IN DISCHARGE UNITS							
Nominal pipe or Drain (mm)	Carried by Vertical Pipe or Stack	Carried by a Branch Pipe	Carried by a Horizontal Pipe	Carried by a Drain Having a Gradient			
				Flatter than 1:100	Between 1:50 And 1:100	Between 1:25 And 1:50	Steeper Than 1:100
32	1	½	½				
38	8	2	2				
40 OD	3	1	1				
50 OD	16	3	3				
50	24	4	4				
65	42	10	10				
75 OD	64	12	18				
75	95	20	30				
100 (110 OD)	500	90	175	1 400	2 000	2 850	4 000
125	1 100	200	400	2 600	3 500	5 100	7 000
150 (160 OD)	1 900	350	700	4 100	6 000	8 500	12 000
200	3 600	600	1 400	8 700	13 000	18 000	25 000
225	-	-	1 900	12 000	17 500	24 500	30 000
250	-	-	2 500	16 000	23 000	32 000	45 000
300	-	-	3 900	26 000	37 500	52 000	73 500
375	-	-	7 000	46 500	67 500	74 000	132 500

- (5) The nominal diameter of any drain shall be not less than 100mm, and no drain shall be laid to a gradient flatter than 1 in 60 without the consent of the Council as required by the provisions of section 28 (3).

CHAPTER 9

DRAINS AND MANHOLES

26. Drain Pipes And Fittings

26. (1) All pipes, junctions, bends and associated fittings forming part of a drain shall be made of SABS approved material.
- (2) All pipes, junctions, bends and associated fittings forming part of a drainage installation shall be installed to comply with the SABS 1200 specification.

27. Joints In And With Drains

27. (1) All joints between pipes and appliances and fittings in a drainage installation must be such that adjacent pipe barrels are concentric, inverts are true to line and grade and there are no internal obstructions.
- (2) All joints as aforesaid must be so made that they are air and water-tight and that a badger of 6mm less in diameter than the nominal internal diameter of the pipe can pass freely through them.
- (3) Methods of jointing pipes and fittings made of such other materials as may be approved in terms of section 26 (1) shall be as approved by the Council.
- (4) Where in the opinion of the engineer the nature of the soil in which any pipes and associated fittings are to be laid is such that ground

movement, which may result in fracture of the pipes or fittings, is likely to occur, flexible joints shall be formed either by the use of approved special pipes and fittings or by the use of approved jointing material which will permit joint movement to take place throughout the life of the drainage installation and withstand root penetration and not swell or deteriorate when in contact with sewerage or water.

28. Laying, Alignment And Gradients Of Drains

28. (1) No person other than a plumber licensed in terms of the Council's By-laws for the Licensing and Regulating of Plumbers and Drain layers or other applicable legislation, shall lay drains: Provided that –
- (a) the jointing of pipes may be carried out by any person working under the supervision of a licensed drain layer;
 - (b) where in terms of section 26 (1) the Council has permitted a drain to be made of some material other than SABS approved material, the drain so made may at the discretion of the Council be laid by the holder of either a plumber's or drain layer's licence.
- (2) Drains shall be laid in a straight line and at a uniform gradient between the points of access referred to in section 33 and in such manner that the barrel of every pipe is firmly supported throughout its length, and when so required by the Council, shall be laid on a bed of concrete.
- (3) Drains shall be laid at a gradient not steeper than 1 in 6 or flatter than 1 in 60: Provided that the Council may at its discretion and on such conditions as it may prescribe, permit –
- (a) a gradient steeper than 1 in 6 or a gradient flatter than 1 in 60;
 - (b) the construction of portions of drains in the form of inclined ramps at a slope not exceeding 45° below the horizontal.

- (4) Where ramps are constructed with pipes made of materials other than cast iron, they shall be encased in concrete or such other materials the engineer may approve.

29. Drains In Unstable Ground

29. Drains passing through ground which in the opinion of the engineer is liable to movement, shall be laid on a continuous bed of river sand or similar granular material not less than 100mm thick under the barrel of the pipe with a surround of similar material and thickness, and the joints of such drains shall be approved flexible joints complying with the requirements of section 27 (7).

30. Drains Within Or Under Buildings

30. (1) A drain or part thereof may be laid or may pass, as the case may be, within or under or through a building unless the Council shall decide otherwise, having regard to considerations of health and maintenance or other matters relevant to the particular case.
- (2) A drain or part thereof, where it is laid in an inaccessible position under a building, without means of access to the part under the building, and except where the engineer permits a change of direction or gradient to or from the vertical, must be without change of direction or gradient.
- (3) A drain or part thereof constructed or pipes must, where it is laid in an inaccessible position under a building and except where otherwise permitted by the Council, be laid on a bed of concrete at least 100mm thick having a composition of not less than 1 part of cement to 3 parts of fine aggregate.
- (4) Where a drain or part thereof is laid in an exposed position within a building, it must be adequately supported at intervals not exceeding 2m along its course.

CONTINUES ON PAGE 130 - PART 2

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

**Provincial Gazette • Provinsiale Koerant • Gazete ya Xifundzankulu
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- (5) If a drain passes through or under a wall, foundation or other structure, adequate precautions shall be taken to prevent the transmission of any load to such drain.

31. Protection Of Shallow Drains

31. Any portion of a drain which is 450mm or less below the surface of the ground must be encased in concrete composed of not less than 1 part of cement to 3 parts of fine aggregate and 6 parts of coarse aggregate and having a minimum thickness at all points of 100mm measured from the external surface of the pipe.

32. Branch Drains

32. (1) Every branch drain must be connected to another drain by means of a junction, not being a saddle junction, made specially for the purpose of such connection.
- (2) Every branch drain must enter the other drain obliquely in the direction of the flow so that the included angle between the axes of the two drains does not exceed 45°.

33. Access to Drains

33. (1) Every drain must be provided as a means of access thereto with a manhole as prescribed in terms of these by-laws or with an access eye with or without a rodding eye, as the Council may require, at the following points:
- (a) within 1,5m of the point of connection with the Council's connecting sewer;

- (b) within 1,5m of the upper extremity of every drain or branch drain;
 - (c) at every change of direction of the drain, whether horizontal or vertical;
 - (d) at every point of junction with another drain.
- (2) There must in any case be a point of access to every drain at intervals of not more than 25m.
- (3) Access to the interior of a drain shall be provided by means of either manholes or access pipes.
- (4) The lids of openings in access pipes must be sealed with such approved material as will remain effective as seal at all temperatures up to 70°C.
- (5) (a) Where for any reason the provision of adequate means of access within 1,5m of the point of connection with the Council's connecting sewer is impracticable on any private premises, the Council may, at the owners expense cause or permit a manhole to be constructed over the Council's connecting sewer in such public place and in such position and of such materials and dimensions as the Council may decide and in addition the owner must notify and submit plans for approval by the Council, of any alteration to existing services in the public place which may by reason of the construction of the manhole be necessary.
- (b) The owner of the private premises referred to in paragraph (a) must, if required by the Council, pay to the Council the charges set out in the tariff as rental for the area of the public place occupied by the manhole.

- (6) The points of access to drains laid beneath paved areas must be covered by adequate and appropriately marked removable slabs on the surface.
- (7) Where any part of a drainage installation passes under a building, it must be provided with adequate means of access outside and as near as possible to the building at each point of its entry to and exit from the building.
- (8) In any circumstance not provided for in these by-laws, the engineer may require that access eyes or other approved means of access to a drain or to any part thereof be provided in such positions as he or she may deem necessary to render the interior of any part of such drain readily accessible for cleaning or inspection.

34. Rodding Eyes

- 34. (1) Rodding eyes required by the Council in terms of section 33 (1) must be provided in the positions specified in subsection (2) and must comply with the requirements set out in subsection (3).
- (2) A rodding eye must be provided –
 - (a) within 1,5m of the point of connection between the drain and the connecting sewer;
 - (b) at the upper extremity of every drain;
 - (c) at every change of direction, whether such change of direction is horizontal or vertical;
 - (d) at the upper extremity of every branch drain the developed length of which exceeds 3m; and

- (e) at points not exceeding 25m apart along the drain.
- (3) Every rodding eye must be constructed with SABS approved pipes and material and shall join the drain in the direction of the flow at an angle of not more than 45° and be continued upwards to ground level;

35. Manholes

- 35. (1) Every manhole in a drainage installation must, unless otherwise permitted by the engineer, be located in an open air space.
- (2) Every manhole must be so constructed as to prevent the infiltration of water.
- (3) The walls of every manhole shall be constructed of concrete or brickwork supported on a concrete base not less than 150mm thick composed of not less than 1 part by volume of cement to 2 parts of fine aggregate and 4 parts of coarse aggregate.
- (4) The walls of any manhole must, if constructed of brickwork, be not less than 215mm thick, and if constructed on concrete be not less than 150mm thick, except when otherwise permitted by the engineer.
- (5) All bricks used in the construction of a manhole must be hard and well burnt and must be laid in mortar consisting of not more than 3 part of sand to 1 part of cement, and if the walls are constructed of concrete, such concrete must be composed of not less than 1 part of cement to 2 parts of fine aggregate and 4 parts of coarse aggregate.
- (6) Where the base of a manhole is traversed by an open channel –

- (a) the sides of the channel must be brought up vertically to the soffit of the outgoing pipe and from that level the floor of the base of the manhole shall rise continuously to its walls at a slope of not less than 1 in 5;
 - (b) the walls must be plastered internally with cement plaster not less than 12mm thick composed of not more than 4 parts of sand to 1 part of cement; and
 - (c) the walls and floor shall be steel trowelled to a smooth finish.
- (7) The walls of the manhole or the walls of any shaft giving access thereto must be carried up to the level of the surrounding ground or floor.
- (8) Access to the interior of the manhole must be provided by means of a cast-iron cover and frame complying with South African Bureau of Standards Specification No 558, supported by a reinforced concrete slab; or the walls may be corbelled to support such frame and cover.
- (9) The top of the manhole must be finished off with a granolithic surround not less than 150mm wide trowelled to a smooth finish.
- (10) Where a manhole is constructed in a place traversed by –
 - (a) heavy vehicles, it must be provided with a heavy duty cover;
 - (b) motor cars or similar light vehicles, it must be provided with either a medium or heavy duty cover.
- (11) Every manhole exceeding 2m in depth must have an unobstructed internal working height of at least 1,8m measured from the highest point of the floor thereof, and where the floor of a manhole is more than 1m below the cover, such cast-iron step-irons must be provided in its walls as will ensure safe and convenient access to its base.

- (12) The internal length and width of a manhole must be determined according to the depth between the cover and the lowest invert level of the manhole and must in no case be less than the dimensions set out in the following table:

Depth	Length	Width
Not exceeding 750mm	600mm	450mm
Exceeding 750mm but not exceeding 2m	900mm	600mm
Exceeding 2m	1m	750mm

- (13) The dimensions of the access opening to a manhole provided with –
- (a) a rectangular cover, must not be less than 450mm by 600mm;
 - (b) a square cover, must not be less than 600mm by 600mm;
 - (c) a circular cover, must not be less than 550mm in diameter.
- (14) Where a pipe leading to a manhole is at a higher level than the outlet pipe of the manhole, it must be brought down to the invert level of the manhole by means of an inclined pipe encased in concrete and located outside the manhole, which pipe must also be continued upwards to the surface of the ground and wall there terminate in a removable watertight cover or other similar approved device: Provided that where permitted or required by the engineer, the pipe at the higher level may be extended horizontally to terminate with or without a watertight cover in the manhole and in this case the inclined pipe need to be continued upwards to the surface of the ground.

- (15) The recess in the frame of every manhole cover having a single seal must be filled with grease having a high melting point and the cover must be set therein to form an airtight seal.

CHAPTER 10

GULLIES AND TRAPS

36. Gulley Traps

36. (1) Every drainage installation shall have only one gulley trap provided with a dished gulley and a tap above supplied with running water and, except where a mechanical appliance for the raising of sewage is installed, the top of such gulley must be not less than 150mm below the crown of the lowest situated trap of any sanitary fitting connected to the drainage installation.
- (2) No drainage installation shall have more than one gulley trap connected to it, unless otherwise authorized by the Council.
- (3) Where it is impracticable for any waste-water pipe to be made to discharge into the gulley trap required in terms of subsection (1) or into a gulley trap authorized in terms of subsection (2), such waste-water pipe must be connected directly to a drain or to a soil-water pipe and the water seal of every trap connected to such waste-water pipe must be protected in accordance with the requirements of these by-laws for the protection of water seals of traps installed on the one-pipe system.

37. Requirements For Trapped Gullies

37. (1) Every gulley trap must have a minimum internal diameter of 100mm and a water seal at least 65mm in depth.

- (2) Every gulley trap must be kept covered with a grating made of cast iron or other approved material. The spaces between the bars of the grating must be not less than 10mm or more than 12mm wide, and must have an effective open area at least equal to the minimum cross-sectional area of the trap.
- (3) Every gulley trap laid in the ground must be bedded on concrete not less than 100mm thick.
- (4) Every dished gulley must rise at least 75mm above the level of the grating covering the gulley trap and in no case less than 150mm above the level of the surrounding ground; and the levels of the tops of all other gullies must be at least 150mm above the surrounding ground.
- (5) Subject to the provisions of subsection (6), the surface level of the water in any gulley trap must not be more than 500mm below the top of the dished gulley referred to in subsection (4).
- (6) Where it is impracticable to comply with the dimensional requirements of subsection (5), the gulley trap must be located in a manhole the walls of which shall be brought up to a height of at least 150mm above the surrounding ground and covered with an approved metal grating.
- (7) Every waste-water pipe which discharges into a gulley must discharge at a point below the grating but above the surface of the water seal of the gulley trap.

38. Grease Traps

38. (1) A grease trap of approved type, size and capacity must be provided instead of, or in addition to, a gulley as the Council may decide, to take the discharge of waste-water from every sink or other fitting in –

- (a) every building the waste-water from which is disposed of in French drains or other similar works, and
- (b) any place where in the opinion of the Council the discharge of grease, oil or fat is likely to cause an obstruction to the flow in sewers or drains, or interference with the proper operation of any sewage treatment system.

39. Industrial Grease Traps

39. (1) Industrial effluent which contains or, in the opinion of the Council, is likely to contain grease, oil, fat or inorganic solid matter in suspension shall, before it is allowed to enter any sewer, be passed through one or more tanks or chambers of SABS approved type, size and capacity designed to intercept and retain such grease, oil, fat or solid matter.
- (2) Oil, grease or any other substance which is contained in any industrial effluent or other liquid which gives off a flammable or noxious vapour at a temperature of or exceeding 20°C, shall be intercepted and retained in a tank or chamber so as to prevent the entry thereof into the sewer.
- (3) A tank or chamber as referred to in subsection (2), shall comply with the following requirements:
- (a) it shall be of adequate capacity, constructed of hard durable materials and watertight when completed;
 - (b) the water-seal formed by its discharge pipe shall be not less than 300mm in depth; and
 - (c) it shall be provided with such number of manhole covers as may be adequate for the effective removal of grease, oil, fat and solid matter.

40. Clogging Of Traps, Tanks And Similar Fittings

No person shall cause or permit such an accumulation of grease, oil, fat or solid matter in any trap, tank or other fitting as will prevent its effective operation.

41. Location Of Gullies

41. (1) Without prejudice to the provisions of section 39 (1), the inlet of every gulley trap, grease trap or stable gulley must be situated outside of any building or in a place permanently open to the external air of an approved extent, and must at all times be readily accessible for purposes of cleaning or maintenance to the satisfaction of the Council.
- (2) Every floor in a factory, stable or other premises from which liquid is discharged continuously or intermittently to a gulley must have an impervious, smooth and durable surface, and notwithstanding the provisions of subsection (1) such gulley may be situated within a building, provided that the pipe receiving the discharges from such gulley discharges into another gulley trap the inlet of which is situated as required in terms of subsection (1).
- (3) A gulley trap or traps may be situated within any building in which an automatic water sprinkler system is installed to receive the water from such system, provided that the pipe or pipes receiving the discharges from such trap or traps is made to discharge into another gulley trap the inlet of which is situated as required in terms of subsection (1).

CHAPTER 11

VENTILATION PIPES AND ANTI-SIPHONAGE PIPES

42. Ventilation Pipes – Where Required

42. (1) A ventilation pipe complying with the relevant requirements of section 44 shall be provided for –
- (a) every drain;
 - (b) every branch drain the developed length of which exceeds 6m measured from the outlet of any sanitary fitting or trap served by it to its point of connection with a ventilated drain;
 - (c) every soil-water pipe the developed length of which, inclusive of the developed length of any unventilated drain into which it discharges exceeds 6m measured from the outlet of any sanitary fitting served by it to the point of connection to a ventilated drain;
 - (d) every branch soil-water pipe which receives the discharges from only one sanitary fitting and which has a developed length greater than 6m measured from the outlet of such fitting to the point of connection to a ventilated soil-water pipe;
 - (e) every waste-water pipe the developed length of which exceeds 6m measured from the outlet of the trap of any waste-water fitting served by it to its point of discharge into a gulley or similar trap; or in the case of the one-pipe system to its point of connection to a ventilated soil-water pipe or a ventilated drain;
 - (f) every branch waste-water pipe the developed length of which exceeds 6m measured from the outlet of the trap of any waste-

water fitting served by it to its point of connection to a ventilated waste-water pipe.

- (2) Every soil-water stack which carries a hydraulic load greater than 50% of the load specified in column 2 of the table in section 25 (4) must, in addition to any ventilation pipe required in terms of the provisions of this section, be provided with a 100mm diameter ventilation pipe connected to such stack below the lowest point of entry to the stack of any branch waste-water pipe or soil-water pipe.

43. Chimneys Or Flues

No chimney or other flue shall be used for ventilating any drain, soil-water pipe or waste-water pipe.

44. Ventilation Pipes And Anti-Siphonage Pipes – General

44. (1) Every ventilation pipe must throughout its length have a nominal diameter not less than 50mm nominal diameter.
- (2) The connection between a ventilation pipe and any drain or pipe mentioned in section 42 (1) must be made immediately downstream of the point of discharge into such drain or pipe of the uppermost connected sanitary fitting, gulley or similar trap.
- (3) Every individual anti-siphonage pipe must be connected to the crown or soffit of the soil-water pipe or waste-water pipe on the outlet side of the protected trap obliquely in the direction of flow at a point not less than 75mm or more than 750mm from the crown of such trap.
- (4) The nominal diameter of any anti-siphonage pipe must be in accordance with the provisions of section 46.

- (5) Every ventilation pipe and every anti-siphonage pipe must be carried upwards without any reduction in diameter and must, throughout its length be so graded as to provide a continuous fall from its open end back to the waste-water pipe or soil-water pipe or drain to which it is connected.
- (6) The open end of any ventilation pipe or any anti-siphonage pipe which passes through or is attached to a building, must be not less than 600mm higher than that part of the roof which is closest to it and not less than 2m above the head of any window, door or other opening in the same building or any other building, whether forming part of the same premises or not, which is within a horizontal distance of 6m of the said open end: Provided that –
 - (a) where a roof slab or any part thereof is used or is intended to be used for any purpose the pipe shall, unless the engineer must otherwise permit, extend at least 2,5m above such roof or part thereof.
 - (b) the open end of any ventilation pipe or anti-siphonage pipe must in no case be less than 3,6m above ground level.
- (7) Every individual anti-siphonage pipe must, unless carried up independently, be connected to another anti-siphonage pipe or to a ventilation pipe at a point at least 150m above the flood level of the sanitary fitting which it serves.
- (8) Where the two-pipe system is used, a pipe which ventilates a soil-water pipe or protects the water-seal of the trap of a soil-water fitting must not be connected to a pipe which ventilates a waste-water pipe or a pipe which protects the water seal of the trap of a waste-water fitting.
- (9) Whenever, in the opinion of the Council, a nuisance exists owing to the emission of gas from a ventilation pipe or an anti-siphonage pipe, the

Council may require the owner at his own expense to extend the pipe upwards for so far as the Council may prescribe as being necessary to eliminate such nuisance.

- (10) Where any new building or any addition to an existing building has any window, door or other opening so placed that the provisions of subsection (6) in respect of any existing ventilation pipe or anti-siphonage pipe, whether on the same or any other premises, are being contravened, the owner of such new building or addition shall, at his own expense, take such action as may be necessary for compliance with the provisions of the said subsection (6).
- (11) Where the top of a ventilation pipe or an anti-siphonage pipe is more than 1m above the topmost point of its attachment to a building or other means of support, that part of the pipe which is above the said point must be adequately stayed or must otherwise be made secure.

45. Anti-Siphonage Pipes – Where Required

- 45. (1) Subject to the provisions of sections 50, 51, 52 and 53, the water seal of the trap of a soil-water fitting must be protected by an individual anti-siphonage pipe complying with the relevant requirements of sections 44 and 46, in all cases where the discharges from such soil-water fitting are conveyed –
 - (a) by an unventilated branch drain or an unventilated soil-water pipe or a combination thereof in which there is a fall of more than 1,2m within a horizontal distance of 300mm of the crown of the trap of such fitting; or
 - (b) by an unventilated branch drain or an unventilated soil-water pipe which receives the discharges from any other soil-water fitting; or

- (c) by a vertical pipe or stack, including any inclined part thereof, which receives at a higher level the discharges from one or more other soil-water fittings; or
 - (d) by a branch soil-water pipe which receives the discharges from any other soil-water fitting: Provided that individual anti-siphonage pipes may be omitted in the case of those soil-water fittings the discharges from which are carried by a branch soil-water pipe if –
 - (i) the hydraulic load carried by such branch soil-water pipe does not exceed 25 discharge units;
 - (ii) such branch pipe is connected to a 100mm diameter ventilation pipe in accordance with the requirements of section 44 (2); and
 - (iii) not more than 16 such branch pipes discharge into the same soil-water stack or vertical pipe.
- (2) The water seals of the traps of waste-water fittings installed in accordance with the requirements of these by-laws for the two-pipe system must be protected by individual anti-siphonage pipes, unless approved resealing traps are installed: Provided that this requirement must not apply to a single bath, shower or sink having an independent discharge to a gulley trap and situated not more than 2m above or 3m from such gulley trap.
- (3) Subject to the provisions of sections 50, 51, 52 and 53, the water seals of the traps of waste-water fittings installed in accordance with the requirements of these by-laws for the one-pipe system must be protected by individual anti-siphonage pipes.

46. Sizes Of Anti-Siphonge Pipes

46. (1) The nominal diameter of an individual anti-siphonage pipe for the protection of the water seal of the trap of a water closet pan shall not be less than 50mm.
- (2) The normal diameter of an individual anti-siphonage pipe for the protection of the water seal of the trap of a urinal or a waste-water fitting shall be not less than 32mm or one half the diameter of the soil-water pipe or waste-water pipe to which the said individual pipe is connected, whichever is the greater diameter.
- (3) For the purpose of this subsection –
- (a) the developed length of a branch anti-siphonage pipe will be the length of the pipe measured from its point of connection to a main anti-siphonage pipe or from its point of connection to a ventilation pipe, as the case may be, to the farthest individual anti-siphonage pipe connected to it;
- (b) the developed length of a main anti-siphonage pipe will be the length of the pipe measured from the open end of such main anti-siphonage pipe, or from the open end of a ventilation pipe if the said main anti-siphonage pipe is connected to it, to its farthest point of connection to a soil-water pipe or waste-water pipe.
- (4) Where at any point on a branch anti-siphonage pipe or on a main anti-siphonage pipe, as the case may be, the sum of the discharge units of all sanitary fittings, the individual anti-siphonage pipes of which are connected either directly or indirectly to the aforesaid branch or main anti-siphonage pipe downward of such point, falls within the sum of discharge units specified in column 1 of the following table the nominal diameter of the branch or main pipe at that point must, subject to the

provisions of subsections (1) and (2), be not less than the diameter specified in column 3 for the applicable developed length of such pipe as set out in column 2 of the table.

1	2	3	
		Nominal diameter of branch or main anti-siphonage pipe	
Sum of discharge units of sanitary fittings connected to the branch or main anti-siphonage pipe	Developed length of branch or main anti-siphonage pipe (metres)	Inter diameter (metallic pipes) (mm)	Outside diameter (non-metallic pipes) (mm)
1	Unlimited	32	40
1½ to 3	Unlimited	38	40
3½ to 8	Not exceeding 30	38	50
	Exceeding 30 but not exceeding 51	50	50
	Exceeding 51	50	75
8½ to 16	Not exceeding 9	38	40
	Exceeding 9 but not exceeding 30	38	50
	Exceeding 30 but not exceeding 51	50	50
	Exceeding 51	50	75
16½ to 24	Not exceeding 9	38	50
	Exceeding 9 but not exceeding 30	50	50
	Exceeding 30 but not exceeding 51	50	75
	Exceeding 51	50	75
24½ to 42	Not exceeding 5	38	50
	Exceeding 5 but not exceeding 9	50	50
	Exceeding 9 but not exceeding 21	50	75
	Exceeding 21 but not exceeding 51	50	75

1	2	3	
Sum of discharge units of sanitary fittings connected to the branch or main anti-siphonage pipe	Developed length of branch or main anti-siphonage pipe (metres)	Nominal diameter of branch or main anti-siphonage pipe	
		Inter diameter (metallic pipes) (mm)	Outside diameter (non-metallic pipes) (mm)
	Exceeding 51 but not exceeding 75	75	75
	Exceeding 75	75	110
42½ to 64	Not exceeding 7	50	50
	Exceeding 7 but not exceeding 15	50	75
	Exceeding 15 but not exceeding 36	50	75
	Exceeding 36 but not exceeding 60	75	75
	Exceeding 60 but not exceeding 90	75	110
	Exceeding 90	100	110
64½ to 95	Not exceeding 5	50	50
	Exceeding 5 but not exceeding 7	50	75
	Exceeding 7 but not exceeding 27	50	75
	Exceeding 27 but not exceeding 51	75	75
	Exceeding 51 but not exceeding 75	75	110
	Exceeding 75	100	110
95½ to 500	Not exceeding 7	65	75
	Exceeding 7 but not exceeding 18	75	75
	Exceeding 18 but not exceeding 24	75	110
		100	110
	Exceeding 96	110	160

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1	2	3	
Sum of discharge units of sanitary fittings connected to the branch or main anti-siphonage pipe	Developed length of branch or main anti-siphonage pipe (metres)	Nominal diameter of branch or main anti-siphonage pipe	
		Inter diameter (metallic pipes) (mm)	Outside diameter (non-metallic pipes) (mm)
500½ to 1 100	Not exceeding 5	50	75
	Exceeding 5 but not exceeding 9	75	75
	Exceeding 9 but not exceeding 15	75	110
	Exceeding 15 but not exceeding 57	100	110
	Exceeding 57 but not exceeding 177	125	160
	Exceeding 177	110	160
1 100½ to 1 900	Not exceeding 5	75	75
	Exceeding 5 but not exceeding 7	75	110
	Exceeding 7 but not exceeding 27	100	110
	Exceeding 27 but not exceeding 75	110	160
	Exceeding 75 but not exceeding 195	150	160
	Exceeding 195	200	-
1 900½ to 3 600	Not exceeding 7	100	110
	Exceeding 7 but not exceeding 21	125	160
	Exceeding 21 but not exceeding 57	150	160
	Exceeding 57 but not exceeding 222	200	-
	Exceeding 222	225	-

CHAPTER 12

SOIL-WATER AND WASTE-WATER PIPE SYSTEMS

47. Soil-Water And Waste-Water Pipe Systems – General

Soil-water pipe and waste-water pipe installations shall comply with the requirements, as hereinafter set out, for either of the following systems:

- (a) The one-pipe system, or
- (b) The two-pipe system, or
- (c) The single stack system,

Provided that the engineer may permit any combination of the requirements for each system if, in his or her opinion, such combination will result in an adequately ventilated drainage installation and the effective protection of the water seals of all traps connected thereto.

48. Requirements For The One-Pipe System

The following requirements will apply to the one-pipe system:

- (a) All soil- water pipes must be connected directly to a drain or to another soil-water pipe similarly connected;
- (b) All waste-water pipes must be connected directly to a drain or to a soil-water pipe; and
- (c) The depth of the water seal of the trap of every waste-water fitting must be not less than 65mm nor more than 100mm, and each such water seal must be protected by means of an anti-siphonage pipe in accordance with the relevant provisions of sections 44 and 46.

49. Requirements For The Two-Pipe System

The following requirements will apply to the two-pipe system:

- (a) Every waste-water pipe or system of waste-water pipes must discharge into a gulley trap connected to a drain or to a soil-water pipe;
- (b) Every soil-water pipe must be connected directly to a drain or to another soil-water pipe similarly connected; and
- (c) The depth of the water seal of the trap of every waste-water fitting must be not less than 38mm nor more than 100mm, and the protection of the water seal of each such trap must be effected in accordance with the provisions of section 45 (2).

50. General Requirements For The Single Stack System

The following provisions and requirements must apply in the case of the single stack system:

- (a) The single stack system must be installed only in a building of the office class or a residential building;
- (b) The single stack system must not be installed in any building the height of which exceeds 25 storeys above the lowest ground level abutting on such building.
- (c) Notwithstanding anything to the contrary in these by-laws contained individual anti-siphonage pipes for the protection of the water seals of the traps of sanitary fittings may be omitted in any drainage installation carried out in accordance with the requirements of sections 51, 52 and 53.

51. Single Stack Sytem: Requirements For Residential And Office Buildings

51. The following requirements will apply in the case of the single stack system in both residential and office buildings:

- (a) The soil-water stack must, at its topmost end, be continued upwards as a ventilation pipe to comply with the relevant provisions of section 44 and may, in addition, be provided with a supplementary ventilation pipe.
- (b) A supplementary ventilation pipe as required in terms of paragraph (a), must have a nominal diameter of not less than 50mm and must be connected to the soil-water stack at a point below the lowest branch pipe connected to such stack, and must be continued upwards and be interconnected to such stack at the intervals prescribed for the buildings as required in sections 52 and 53.
- (c) The interconnection between a supplementary ventilation pipe and any other pipe must be so located and made that no soil-water or waste-water can, under any circumstances, be discharged through any ventilation pipe.
- (d) The radius of the centre line of any bend installed at the lowest extremity of the soil-water stack must not be less than 300mm.
- (e) No offset must be made in any soil-water stack or waste-water stack unless a supplementary ventilation pipe is provided to relieve any pressure caused by the offset, and the nominal diameter of such ventilation pipe must not be less than one half the diameter of the stack.
- (f) Every waste-water trap must be either a "P or "S" trap of the resealing type or other approved "P" or "S" trap with a water seal of not less than 75mm in depth.

- (g) The vertical distance between the invert of the lowest branch pipe connected to the stack and the invert of the drain at the point of connection between the stack and the drain must be not less than 500mm in the case of a stack serving a building of not more than three storeys in height, and 3m in the other cases.
- (h) Where soil-water fittings and waste-water fittings are installed in ranges or batteries, the branch pipe conveying the discharges from the soil-water fittings must be separate from the branch pipe conveying the discharges from the waste-water fittings, and each such branch pipe shall individually be connected to the stack.
- (i) The gradient of any branch pipe conveying waste-water must in no part be steeper than 1 in 25 nor flatter than 1 in 50.
- (j) The point of connection between a branch waste-water pipe and a stack must be so located that the centre line of the stack at or above the level at which the centre line of any water closet branch pipe meets the centre line of the stack or at least 200mm below such level.

52. Single Stack System: Additional Requirements For Residential Buildings

The following additional requirements shall apply to a single stack system installed in a residential building:

- (a) The branch pipe of each fitting in a group of sanitary fittings must be separately connected to the stack.
- (b) Where the trap fitted to a wash-hand basin has a nominal diameter of 32mm, the diameter of the branch pipe which connects such trap to the stack must not be less than 38mm.
- (c) The gradient of the branch pipe referred to in paragraph (b) must in no part be steeper than 1 in 25, and the length of such pipe

measured between its point of connection with the soil-waste stack and the crown of the trap must not exceed 3m.

- (d) Not more than 2 groups of sanitary fittings installed in any one storey must be connected to the same stack.
- (e) The nominal diameter of a stack serving a residential building, the height of which exceeds 20 storeys above the lowest ground level abutting on such building, must not be less than 150mm.
- (f) Where a stack with a nominal diameter of 100mm serves a residential building which –
 - (i) does not exceed a height of 10 storeys, a supplementary ventilation pipe will not be required;
 - (ii) exceeds 10 storeys but does not exceed 15 storeys in height and such stack receives the discharges from one group of sanitary fittings installed at each storey, a supplementary ventilation pipe with a nominal diameter of not less than 50mm must be provided and interconnected with the stack above the level of the highest branch pipe connection of each alternate storey.
 - (iii) Exceeds 15 storeys but does not exceed 20 storeys in height and such stack receives the discharges from one group of sanitary fittings installed in each storey, a supplementary ventilation pipe with a nominal diameter of not less than 75mm must be provided and interconnected with the stack above the level of the highest branch pipe connection at each alternate storey;

- (iv) Exceeds 15 storeys but does not exceed 20 storeys in height and such stack receives the discharges from 2 groups of sanitary fittings installed in each storey, a supplementary ventilation pipe with a nominal diameter of not less than 75mm must be provided and interconnected with the stack above the level of the highest branch pipe connection at each storey.
- (g) Where a stack with a nominal diameter of 150mm serves a residential building not exceeding 25 storeys in height, a supplementary ventilation pipe will not be required.

53. Single Stack System: Additional Requirements For Office Buildings

- 53 (1) The following additional requirements shall apply in the case of a single stack system installed in a building of the office class:
- (a) Subject to the provisions of paragraph (e), individual anti-siphonage pipes may be omitted in the case of sanitary fittings installed in ranges or batteries as envisaged in the table below, if the branch pipes to which such fittings are connected are themselves separately connected to the stack, and a supplementary ventilation pipe as specified in the said table is provided.
 - (b) The supplementary ventilation pipe referred to in paragraph (a) must be interconnected with the stack above the level of the highest branch pipe connection at each storey.
 - (c) The nominal diameter of the supplementary ventilation pipe must be not less than the diameter specified in the table below, regard being had to the diameter of the stack, the number of storeys served by such stack and the number of sanitary fittings installed in a range or battery in each storey.

- (d) For the purposes of the table below, more than one urinal but not more than four urinals may be regarded as equivalent to one water closet pan.
- (e) The single stack system must not be used in any building of the office class, if the number of sanitary fittings installed in a range or battery in any storey exceeds the number specified in the table below for the relevant diameter of stack, or if the number of storeys served by such stack exceeds the number specified in the said table.

TABLE

Nominal diameter of stack	Number of storeys served by the stack	Number of sanitary fittings installed in a range or battery in each storey	Nominal diameter of supplementary ventilation pipe
100mm	8 storeys	Not exceeding 2 WC pans and 2 hand basins	Not required
		Exceeding 2 WC pans and 2 hand basins but not exceeding 5 WC pans and 5 hand basins	50mm
	12 storeys	Not exceeding 4 WC pans and 4 hand basins	50mm
150mm	8 storeys	Not exceeding 4 WC pans and 4 hand basins	Nor required
	24 storeys	Not exceeding 3 WC pans and 3 hand basins	

CHAPTER 13
WASTE-WATER, SOIL-WATER, VENTILATION, AND
ANTI-SIPHONAGE PIPES AND JOINTS

54. Design And Installation Of Soil-Water Pipes And Waste-Water Pipes

54. (1) No soil-water pipe or waste-water pipe shall have an internal diameter less than the diameter of any other pipe or of the trap of any sanitary fitting discharging into it.
- (2) No pipe having an internal diameter of less than 100mm shall receive the discharges from any water closet pan.
- (3) Save as otherwise provided in sections 50, 51, 52 and 53 in respect of the single stack system –
- (a) the hydraulic load carried by a vertical pipe or stack having a nominal diameter set out in column 1 of table 2 under section 25, shall not exceed the number of discharge units specified in column 2 of that table for such pipe or stack: Provided that where the angle of any inclined part of a stack is less than 45° above the horizontal, such part must be deemed to be a horizontal pipe and the diameter of such part must be determined in accordance with the provisions of paragraph (b) and the diameter of the stack below such inclined part must be not less than the diameter of the inclined part;
- (b) the hydraulic load carried by a horizontal pipe, other than a branch pipe, having a nominal diameter set out in column 1 of the said table 2, shall not exceed the number of discharge units specified in column 4 for such pipe;

- (c) the hydraulic load carried by a branch pipe having a diameter set out in column 1 of the said table 2 shall not exceed the number of discharge units specified in column 3 for such pipe;
- (d) and notwithstanding anything to the contrary in these by-laws contained, any waste-water pipe having a diameter of 100mm or greater than 100mm and any soil-water pipe shall be deemed to be a drain from that point downstream of which the inclination of such pipe and of any drain to which it is connected does not in any part exceed 45° below the horizontal, and the permissible hydraulic load for that part of the waste-water pipe and soil-water pipe deemed to be a drain shall not exceed the number of discharge units prescribed in column 5, 6, 7 or 8 of the said table 2 for a drain of equivalent diameter and gradient;
- (e) and where the diameter of any soil-water stack or any waste-water stack is greater than the diameter of any drain into which it discharges, the pipe at the base of such stack shall be extended horizontally for a length of not less than 2m without any reduction in diameter before it is connected to the drain, and when required by the Council, a manhole must be provided at such point of connection.

55. Location Of Soil-Water, Waste-Water, Ventilation And Anti-Siphonage Pipes

55. (1) Every soil-water pipe, waste-water pipe, ventilation pipe and anti-siphonage pipe must be effectively protected against damage by vehicular impact or must be so located as to be effectively protected against such damage.
- (2) No pipe mentioned in subsection (1) may be so installed that the removal of any part of a building for the purpose of gaining access to

renew, maintain or repair such pipe will endanger the structural stability of the building or any part thereof.

- (3) The shape and dimensions of a recess or chase containing any part of a drainage installation and the arrangement of all pipes and any other services therein must be such as the engineer considers adequate to permit the renewal, replacement, maintenance or repair of such installation or service, and if such recess or chase is provided with a cover or covers, it must be adequately ventilated.
- (4) If an enclosed shaft or duct contains any part of a drainage installation it must be adequately ventilated, must have a minimum cross-sectional area of 1,5m² and a minimum width of 1m and must be provided with means of access to its interior adequate for inspection and repair of the drainage installation and of any other services therein: Provided that the Council may, subject to the provisions of subsection (2) and to such further conditions as it may consider necessary, permit any part of a drainage installation to be located in an unventilated enclosed shaft or duct having a smaller cross-sectional area and width in any case where the whole of the interior of every soil-water pipe and waste-water pipe contained therein is otherwise rendered readily accessible for cleaning.
- (5) Unless otherwise permitted by the Council, regard being had to the aesthetics of external appearance and the amenities of the neighborhood, no pipe, bend or junction forming part of a drainage installation serving a building, may be exposed to view from the outside of such building.

56. Access To Interior Of Soil-Water Pipes And Waste-Water Pipes

56. (1) Subject to the provisions of subsection (2), adequate means of access to the interior of the pipe must be provided within 2m above the point of entry into the ground of every soil-water pipe and in such other positions as are necessary to render the whole of the interior of every soil-water

pipe, waste-water pipe and every bend and junction associated therewith readily accessible for cleaning.

- (2) Where a soil-water pipe or waste-water pipe, not being a waste-water pipe connected to a fitting in the room, passes through a kitchen, pantry or other room used or intended for use for the preparation, handling, storage or sale of food, the means of access necessary for the cleaning of that part of the said pipe which passes through the room, must be located outside the room.
- (3) An inlet to a waste-water pipe as referred to in subsection (2) may be provided in the floor of such a room as is referred to in subsection (2) so long as the said inlet is equipped with a trap connected to a pipe discharging over a gully or other trap situated in the open air.
- (4) No bend or junction must be permitted in any such pipe as is referred to in subsection (2), unless its position in relation to any access eye is such as readily to permit the ready cleaning from outside the room of every part of the part passing through such room.
- (5) If access to a soil-water pipe is permitted and provided within a building, access to a soil-water pipe located within a building shall be provided only through an adequate screwed or bolted airtight cover.

57. Waste-Water, Soil-Water, Ventilation And Anti-Siphonage Pipes And Fittings

57. (1) Waste-water pipes, soil-water pipes, ventilation pipes and anti-siphonage pipes and their associated traps and fittings must be made of cast iron, mild steel, copper, brass, drawn lead, asbestos cement or unplasticised polyvinyl chloride, in each case of approved quality in accordance with the relevant South African Bureau of Standards Specification, if applicable, or of such other materials as the Council may

at its discretion approve. The Council's discretion in terms of this subsection shall be exercised by reference to established codes of practice and to the appropriate standard specifications issued by the South African Bureau of Standards from time-to-time, or in the absence of any such specifications, to the appropriate British Standard Specification.

- (2) An approval given by the Council in terms of subsection (1) may include such conditions as it may deem necessary to prevent the spread of fire or the spread of noxious fumes in dangerous quantities given off by pipes, traps or other fittings made of such other materials in the event of an outbreak of fire.
- (3) SABS approved cast iron pipes and their associated traps and fittings must have both their inside and outside surfaces adequately coated with a bituminous or other corrosion-resisting material.
- (4) Where the axes of two or more branch waste-water pipes or branch soil-water pipes intersect at a common point on the axis of a waste-water pipe or a soil-water pipe, the included angle between the axes of the said branch pipes shall not exceed 90°.

58. Joints Between Pipes And Pipes And Fittings

Every connection between a pipe, trap or fitting and another pipe, trap or fitting must be made in such a manner as to be gas and water-tight and to cause no internal obstruction, and must be carried out to the approval of the Council in accordance with established plumbing and drainage practice.

CHAPTER 14

WASTE-WATER AND SOIL-WATER FITTINGS AND FIXTURES

59. Traps To Waste-Water Fittings

59. (1) An approved self-cleansing trap will be provided immediately beneath every waste-water fitting.
- (2) Except in the case of a trap made of rubber or other approved flexible material, every trap in terms of subsection (1) must be provided with an adequate cleaning eye protected by a water seal and having a removable cover.
- (3) The nominal diameter of any trap must be not less than 32mm in the case of a trap serving a wash-hand basin and 38mm in the case of traps serving other waste-water fittings.
- (4) The depth of the water seal in a trap must in no case exceed 100mm and must not be less than 38mm in the two-pipe system and not less than 50mm in the one-pipe system.
- (5) Notwithstanding the provisions of subsection (1), it will be permissible –
- (a) for a bath, wash-hand basin or shower to discharge without the interposition of a trap as aforesaid into an open channel semi-circular in cross section into an open channel semi-circular in cross section having a diameter of at least 100mm, made of glazed earthenware, porcelain or other approved material, accessible for cleaning throughout its length and fixed immediately beneath the point or points of discharge into a trapped gulley constructed and fixed as prescribed in terms of these by-laws;

- (b) for a bath, wash-hand basin or shower installed in a compartment containing a urinal to discharge without the interposition of a trap as aforesaid into the urinal channel: Provided that such channel is constructed in accordance with the provisions of section 62 (7).

60. Soil-Water Fittings

- 60. (1) Every room or compartment containing any soil-water fitting must have a rigid floor of non-absorbent material.
- (2) Without prejudice to the particular provisions of sections 61 and 62, every soil-water fitting must be made of SABS approved earthenware, fireclay, porcelain, vitreous china or other SABS approved material having in every case a glazed or smooth finish, must be of approved type and must be provided with a trap having a water seal not less than 50mm in depth.

61. Water Closet Soil-Water Fittings

- 61. (1) Every water closet pan of the wash-down or siphonic type and its associated trap must be made in one piece, must be provided with an integral flushing rim so constructed that the entire surface of the bowl is effectively flushed, and must have a minimum standing water-level area of 130cm²: Provided that the trap used with a squatting pan may be an independent unit.
- (2) Any such trap as referred to in subsection (1) must have an exposed outlet of sufficient length to be conveniently accessible for jointing: Provided that the provisions of this subsection may be relaxed in the case of water closet pans connected to a soil-water pipe by bolts or flanges or other approved devices.

- (3) If a ventilating horn is provided on the trap referred to in subsection (1), such horn must have an internal diameter of not less than 50mm and must be placed at the side of and not less than 75mm from the crown of the trap on its outlet side.
- (4) The following requirements shall be applicable to "P" traps fitted to water closet pans:
 - (a) They must not be fitted with ventilating horns; and
 - (b) Their outlet pipes must slope downwards at an angle of not less than five degrees to the horizontal.
- (5) The minimum internal diameter of the outlet of every trap must be 90mm in the case of a wash-down or squatting pan and 80mm in the case of a siphonic water closet pan.
- (6) The distance between the invert and the lip of the trap of a wash-down closet pan must be not less than 70mm or more than 75mm.
- (7) Except in the case of squatting pans, pans must be provided with hinged or other seats of approved type and material.
- (8) Any pad or packing inserted between the base of the pan and the floor must be of non-absorbent material.
- (9) The Council may at its absolute discretion and subject to such conditions as it may impose, permit the use of trough closets of approved design in separate buildings provided for the purpose.

62. Urinals

- 62. (1) Urinals shall be of the stall, slab, wall hung or other approved type made to discharge, without the interposition of a trap, into a channel uniformly

graded to a trap connected to a drain or soil-water pipe: Provided that a wall hung urinal may, subject to the provisions of subsection (3), have a trap attached to or formed integrally with the urinal directly connected to a soil-water pipe or drain.

- (2) Wall hung urinals must have –
 - (a) a minimum overall height, excluding any trap, of 600mm; and
 - (b) a minimum overall width of 380mm; and
 - (c) a minimum horizontal projection from the back of the fixture to the front of the lip of 380mm.
- (3) Where urinals of any type are installed for public use or are installed in a factory, hostel or educational institution, or where more than three wall hung urinals are installed in the same room or compartment in any building, such urinals must discharge into a channel complying with the relevant requirements of this section.
- (4) Where urinals are directly connected to a soil-water pipe or drain, the floor of the room or compartment containing the urinals must be graded and drained to an approved floor trap similarly connected.
- (5) All surfaces liable to fouling in any room or compartment containing a urinal must be protected with an approved impervious material having a glazed or other smooth finish.
- (6) The floor of a room or compartment containing a urinal channel must slope towards and drain into the channel: Provided that where the channel is raised above the level of the floor, a platform at least 400mm wide must be provided and only the said platform must be required to slope and drain as aforesaid.

- (7) Every channel and trap forming part of a urinal or receiving the discharges from a urinal must be made of approved impervious material having a glazed or smooth finish and must be located in the same room or compartment as the urinal itself.
- (8) The nominal diameter of a trap receiving the discharges from a channel in a compartment or room containing a urinal must be not less than 75mm and the diameter of a trap attached to or formed integrally with a wall hung urinal must not be less than 38mm.
- (9) At least one trap having a diameter of 75mm must be provided for every 5 urinal stalls or for every 3,5m length of slab urinal; or at least one trap having a diameter of 100mm for every 10 stalls or 7m length of slab urinal.
- (10) Except in the case of a siphonic urinal, every urinal trap must be provided with a hinged and domed grating designed to retain solid matter without obstructing the flow of liquids.

63. Flushing Of Soil-Water Fittings

Every soil-water fitting must be capable of being effectively flushed by means of a flushing cistern, flushing valve or other approved device the flushing action, of which shall effectively flush the entire fouling surface of the fitting and clear the trap completely at each flush.

64. Flushing Cisterns

- 64. (1) The mechanism of a flushing cistern must so operate that the cistern is automatically refilled after every flushing, that the inflow of water is automatically stopped when the cistern is full and that no water can escape from the cistern otherwise than by the operation of the flushing mechanism or through and overflow pipe.

- (2) A flushing cistern must have an overflow pipe of adequate diameter the discharge from which will be reasonably detectable and so directed that it cannot cause damage to the building.
- (3) The ball valve in a cistern must be so located and constructed that no back-siphonage from the cistern can take place.
- (4) The flow of water into a flushing cistern shall be separately controlled by a stop tap or other approved device situated within 2m thereof in the same room.
- (5) Flushing cisterns for water closets slop hops and bed-pan sinks and washers must discharge at each flush not less than 11 litres of water.
- (6) Automatic flushing cisterns for urinals must discharge at each flush not less than 2 litres of water for each urinal stall or for every 600mm of the width of the urinal.
- (7) Automatic flushing cisterns for trough closets must at each flush discharge not less than 22 litres of water for each seat.

65. Flushing Valves

- 65. (1) Flushing valves must at each operation discharge a volume of water not less than is prescribed in section 64 (5).
- (2) Where flushing valves are installed, adequate measures must be taken to prevent back-siphonage from the soil-water fitting into the water supply.

CHAPTER 15

MECHANICAL APPLIANCES FOR LIFTING SEWAGE

66. Mechanical Appliances

66. (1) Every person shall before installing any mechanical appliance for the raising or transfer of sewage in terms of section 6 (5), make application in writing to the engineer for permission to do so in the form to be completed in duplicate, set out in the relevant appendix to these by-laws and shall thereafter give such additional information as the engineer may require.
- (2) The form prescribed by subsection (1) shall be completed by a professional engineer who is fully conversant with the technical details of the appliance, and the undertaking annexed to such form shall be signed by the owner of the premises.
- (3) The application mentioned in subsection (1) shall be accompanied by drawings prepared in accordance with the relevant provisions of section 20 and must show details of the compartment containing the appliance, and sewage storage tank, the stilling chamber and the position thereof, and the positions of the drains, ventilation pipes, rising main and the connecting sewer.
- (4) Notwithstanding any permission given in terms of subsection (1), the Council shall not be liable for any injury or damage to life or property caused by the use, malfunctioning or any other condition arising from the installation or operation of such appliance.
- (5) Every mechanical appliance installed for the raising or transfer of sewage shall be specifically designed for the purpose and must be fitted with a discharge pipe, sluice valves and non-return valves located in approved positions.

- (6) Unless otherwise permitted by the engineer, such mechanical appliances must be installed in duplicate and each such appliance must be so controlled that either will begin to function automatically immediately in the event of failure of the other.
- (7) Every mechanical appliance forming part of a drainage installation must be so located and operated as not to cause any nuisance through noise or smell or otherwise and every compartment containing any such appliance must be effectively ventilated.
- (8) The maximum discharge rate from any mechanical appliance and the times between which the discharge may take place must be as prescribed by the engineer who may, at any time, require the owner to install such fittings and regulating devices as may be necessary to ensure that the said prescribed maximum discharge rate shall not be exceeded.
- (9) A sewage storage tank must be provided in conjunction with such appliance, except where sewage storage space is incorporated as an integral part of a mechanical appliance
- (10) Every sewage storage tank required in terms of subsection 9 shall –
 - (a) be constructed of hard, durable materials and must be watertight and the internal surfaces of the walls and floor must be rendered smooth and impermeable;
 - (b) have a storage capacity below the level of the inlet equal to the quantity of sewage discharged therein in 24 hours or 900 litres, whichever is the greater quantity; and
 - (c) be so designed that the maximum proportion of its sewage content will be emptied at each discharge cycle of the mechanical appliance.

- (11) If the mechanical appliance consists of a pump, the starting mechanism must be set for pumping to commence when the volume of sewage contained in the storage tank is equal to not more than one-fifth of its storage capacity.
- (12) When required by the engineer, a stilling chamber must be installed between the outlet of the mechanical appliance and the connecting drain or connecting sewer, as the case may be, and such chamber must have a depth of not less than 850mm.
- (13) Every storage tank and stilling chamber must be provided with a ventilation pipe having a diameter of not less than 100mm carried upwards in accordance with the relevant provisions of section 44.

CHAPTER 16

SEPTIC AND STORAGE TANKS AND PRIVATE SEWAGE TREATMENT PLANTS, FRENCH DRAINS AND CONSERVANCY TANKS

67. Septic Tanks And Treatment Plants

- 67. (1) No person shall construct, install, maintain or operate any septic tank or other plant for the treatment, disposal or storage of sewage without the prior written consent of the Council, the giving of which shall be without prejudice to any of the provisions of these by-laws and its Public Health By-laws so far as relevant, or any other relevant by-laws.
- (2) No part of any septic tank or other sewage treatment plant shall be situated nearer than 3m to any building used for human habitation or to any boundary of the piece of land on which it is situated or in any such

other position as may be prohibited or limited by the Council's Public Health By-laws or any other relevant by-laws.

- (3) The effluent from a septic tank or other sewage treatment plant must be disposed of to the satisfaction of the Council.
- (4) Every septic tank must be watertight, securely covered and provided with gas-tight means of access to its interior adequate to permit the inspection of the inlet and outlet pipes and adequate for the purpose of removing sludge.
- (5) A septic tank serving a dwelling-house must –
 - (a) have a capacity below the level of the invert of the outlet pipe of lot less than 500 litres per bedroom, subject to a minimum capacity below such invert level of 2 500 litres;
 - (b) have an internal width of not less than 1m measured at right angles to the direction of the flow;
 - (c) have an internal depth between the cover and the bottom of the tank of not less than 1,7m;
 - (d) retain liquid to a depth of not less than 1,4m;
- (6) Septic tanks serving premises other than a dwelling-house must be of approved design, construction and capacity.

68. French Drains

- 68 (1) The Council may, at its discretion and on such conditions as it may prescribe having regard to the quantity soil as determined by the permeability test prescribed by the South African Bureau of Standards,

permit the disposal of waste-water or other effluent by means of French drains, soakage pits or other approved works.

- (2) No part of a French drain, soakage pit or other similar work shall be situated nearer than 5m to any building used for human habitation or to any boundary of the piece of land on which it is situated, or within such other distance or in such position as may be prescribed by the Council's Public Health By-laws or any other relevant legislation, nor in any such position as will, in the opinion of the Council, cause contamination of any borehole or other source of water which is or may be used for drinking purposes, or cause dampness in any building.
- (3) The dimensions of any French drain, soakage pit or other similar work must be determined in relation to the absorbent qualities of the soil and the nature and quantity of the effluent.

69. Conservancy Tanks

- 69. (1) The Council may at its discretion permit the owner of any premises to construct a conservancy tank and ancillary appliances for the retention of soil-water or such other sewage or effluent as it may decide and such tank and appliances shall be of such capacity and located in such position and at such level as it may prescribe.
- (2) No rainwater and storm water and no effluent other than that which the Council have permitted in terms of subsection (1), may be discharged into a conservancy tank.
- (3) No conservancy tank shall be used as such unless –
 - (a) it is constructed of hard and durable materials;

- (b) the walls, if made of brick, are at least 215mm thick and made of approved bricks, laid in cement mortar, or if made of reinforced concrete, are at least 150mm thick;
 - (c) the floor is made of concrete not less than 150mm thick;
 - (d) the roof is made of concrete of adequate strength to withstand the loads to which it may be subjected;
 - (e) the exposed surfaces of the walls, floor and roof are rendered smooth and impermeable;
 - (f) the invert of the tank slopes towards the outlet at a gradient of not less than 1 in 10;
 - (g) the tank is gas and water-tight;
 - (h) the tank has an outlet pipe, 100mm in internal diameter, made of wrought iron, cast iron or other approved material, and except if otherwise permitted by the Council, terminating at an approved valve and fittings for connection to the Council's removal vehicles;
 - (i) the valve and fittings referred to in paragraph (h) or the outlet end of the pipe, as the case may be, are located in a chamber, having an approved hinged cover and situated in such position as the Council may require;
 - (j) access to the conservancy tank is provided by means of an approved manhole fitted with a removable cast iron or concrete cover placed immediately above the visible spigot of the inlet pipe.
- (4) The Council may at its discretion, having regard to the position of a conservancy tank or of the point of connection for a removal vehicle,

make it a condition of its emptying the tank that the owner or user thereof shall indemnify the Council, in writing, against any loss or damage which it may become liable to any person as a result direct or indirect, of the rendering of that service.

- (5) Where the Council's removal vehicle has to traverse private premises for the emptying of a conservancy tank, the owner thereof shall provide for the purpose a roadway at least 3,5m wide, so hardened as to be capable of withstanding a wheel load of 4 metric tons in all weather, and shall ensure that no gateway through which the vehicle is required to pass to reach the tank, shall be less than 3,5m wide.
- (6) The Council will be entitled to empty or to draw off part of the contents of any conservancy tank at any reasonable time on any day of the week and in such manner as it may decide having regard to the general requirements of the service and in particular to the necessity for avoiding separate or unnecessary journeys by the Council's removal vehicles.
- (7) The owner or occupier of premises on which a conservancy tank is installed must at all times maintain such tank in good order and condition to the satisfaction of the Council.

CHAPTER 17

MISCELLANEOUS PROVISIONS

70. Stables And Similar Premises

- 70. (1) Subject to the provisions of subsection (2), the Council may at its discretion permit stables, cowsheds, dairies, kennels and similar premises or other premises for the accommodation of animals to be connected to a drainage installation.

- (2) The floor of any premises connected to a drainage installation in terms of subsection (1), must be paved with approved impervious materials and graded to a silt trap, grease trap or gulley of adequate capacity.
- (3) Every part of the floor of premises mentioned in subsection (1) must be covered by a roof and otherwise effectively protected to prevent the entry of rain or storm water into the drainage installation.

71. Waste Food Or Other Disposal Units

- 71 (1) No person shall incorporate into a drainage installation a mechanical waste food or other disposal unit or garbage grinder unless –
 - (a) the owner of the premises has registered such unit or garbage grinder with the Council and the engineer is satisfied that the working of the Council's sewerage and sewage treatment system shall not thereby be impaired; and
 - (b) such unit or garbage grinder is of an approved type and has been installed in conformity with the Council's Electricity By-laws.
- (2) The engineer may require the owner or occupier of any premises on which a waste food or other disposal unit or a garbage grinder has been installed, or the owner of such unit or grinder either to remove, repair or replace any unit which, in the opinion of the engineer, is functioning inefficiently or which may impair the working of the Council's sewerage system.
- (3) The owner shall, upon the removal of any such unit or grinder, notify the Council within 14 days of its removal.

72. Offences And Penalties

72. (1) Without prejudice to any provision of these by-laws wherein an offence is expressly specified, any person who contravenes or fails to comply with any provision of these by-laws or who is in default in complying therewith, shall be guilty of an offence and shall be liable, on first conviction, to a fine not exceeding R1 500,00 or, in default of payment, to imprisonment for a period not exceeding three months, and on any subsequent conviction to a fine not exceeding R2 000,00 or, in default of payment, to imprisonment as aforesaid.
- (2) Any person who fails to comply in any respect with any notice served on him by the Council directing him or her to do or not to do anything, shall be guilty of an offence and shall in addition be guilty of a further offence for every day or part of a day during which non-compliance continues and he shall be liable in respect of each offence as aforesaid to a fine not exceeding R500,00 or, in default of payment, to imprisonment for a period not exceeding thirty days.

CHAPTER 18

STORM WATER, SEWAGE, INDUSTRIAL EFFLUENTS AND OTHER DISCHARGES

73. Sewage Or Other Prohibited Discharges Not To Enter Storm Water Drains

73. (1) No person shall discharge or cause or permit to be discharged any sewage directly or indirectly into a storm-water drain, river, stream or other watercourse, whether natural or artificial.
- (2) The owner or occupier of any piece of land on which steam or any liquid, other than potable water, is stored, processed or generated shall provide all facilities necessary to prevent any discharge, leakage or escape of such liquid to any street, storm-water drain or watercourse except where,

in the case of steam the Council has specifically permitted such discharge.

- (3) Where the hosing down or flushing by rainwater of an open area on any private premises is in the opinion of the Council likely to cause the discharge of objectionable matter into any street gutter, storm-water drain, river, stream or other watercourse, whether natural or artificial, or to cause or contribute toward the pollution of any such watercourse, the Council may instruct the owner of the premises to execute at his own cost whatever measures by way of alterations to the drainage installation or roofing of the area it may consider necessary to prevent or minimize such discharge or pollution.

74. Storm-Water Not To Enter Sewers

74. (1) No part of a drainage installation shall at any time be such or capable of being rendered such that water from any source, not being soil-water or waste-water, can enter the installation without the intervention of human agency.
- (2) No person shall discharge or cause or permit to be discharged any substance other than sewage into a drainage installation.
- (3) No pipe, channel or other device used for or capable of being used to conduct rainwater from any roof or other surface shall be permitted to discharge into any gulley forming part of a drainage installation.

75. Discharges Form Swimming Pools

75. (1) No person shall discharge or permit the discharge of water from any swimming pool directly or indirectly over any road or into a gutter, storm water drain, watercourse, open ground or private premises other than the premises of the owner of such swimming pool.

- (2) Water from fountains, reservoirs or swimming pools situate on private premises shall be discharged to a drainage installation only with the prior written consent of the Council and subject to such conditions as to place, time, rate of discharge and total discharge as the Council may impose.
- (3) The discharge of water referred to in subsection (2) shall be subject to the payment of the charges specified in terms of the tariff.

76. Permission To Discharge Industrial Effluents

76. (1) No person shall 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 written permission of the Council first had and obtained or, if such permission has been obtained, otherwise than in strict compliance with any and all of the conditions of such permission.
- (2) Every person shall, before discharging any industrial effluent into a sewer, make application in writing to the Council for permission to do so in the form, to be completed in duplicate, set out in the relevant appendix to these by-laws and must thereafter furnish such additional information and submit such samples as the Council may require.
- (3) The Council may at its discretion, having regard to the capacity of any sewer or any mechanical appliance used for sewage or any sewage treatment plant, whether or not vested in the Council and subject to such conditions as it may deem fit to impose, including the payment of any charge assessed in terms of the tariff, grant permission for the discharge of industrial effluent from any premises into any sewer.
- (4) A person to whom permission has been granted in terms of subsection (3) to discharge industrial effluent into a sewer shall, before doing or causing or permitting to be done anything to result in any change in the quantity or discharge or nature of that effluent, notify the Council in

writing of the date on which it is proposed that the change shall take place and of the nature of the proposed change.

- (5) Any person who discharges or causes or permits to be discharged any industrial effluent into the sewer without having first obtain permission to do so in terms of subsection (3), shall be guilty of an offence and liable, in addition to the penalties prescribed in terms of these by-laws, to such charge as the Council may assesses for the conveyance and treatment of the effluent so discharged and for any damage caused as a result of such unauthorized discharge.
- (6) Without prejudice to its rights in terms of subsection (5) or of section 80 (2)(c), the Council shall be entitled to recover from any person who discharges to a drain or sewer any industrial effluent or any substance which is prohibited or restricted in terms of section 80 or which has been the subject of an order issued in terms of section 80 (2) all costs, expenses or charges incurred or to be incurred by the Council as a result of any or all of the following:
 - (a) Injury to persons, damage to the sewer or any sewage treatment works or mechanical appliance or to any property whatsoever, as the result of the breakdown, either partial or complete, of any sewage treatment plant or mechanical appliance, whether under the control of the Council or not; or
 - (b) Any costs and damages which may be imposed or awarded against the Council and any expense incurred by the Council as a result of a prosecution in terms of the relevant legislation, or any action against it consequent on any partial or complete breakdown of any sewage treatment plant or mechanical appliance caused directly or indirectly by the said discharge.
- (7) Due to any change in circumstances arising from a change in the method of sewage treatment or the introduction of new or revised or

stricter or other standards by the Council or in terms of the Water Act, 1956 (Act 54 of 1956), or as a result of any amendment to these by-laws or due to any other reason, the Council may from time-to-time or at any time review, amend, modify or revoke any permission given or any conditions attached to such permission and/or impose new conditions for the acceptance of any industrial effluent into the sewer or prohibit the discharge of any or all of such effluent to the sewer on giving adequate written notice in advance of its intention to do so, and on the expiration of such period of notice the previous permission or conditions, as the case may be, shall be regarded as having fallen away and the new or amended conditions, if any, as the case may be, shall forthwith apply.

77. Control Of Industrial Effluent

77. (1) The owner or occupier of any premises from which industrial effluent is discharged to a sewer shall provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch –pits or other appropriate means effectively to prevent the accidental discharge into any sewer, whether through the negligence of operators, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or for any other like reason, of any substance prohibited or restricted or having properties outside the limits imposed in terms of these by-laws.
- (2) The Council may, by notice served on the owner or occupier of any premises from which industrial effluent is discharged, require him or her without prejudice to any other provision of these by-laws to do all or any of the following:
- (a) To subject the effluent before it is discharged to the sewer, to such pre-treatment as will ensure that it at no time will fail to conform in all respects with the requirements of section 80 (1) or to modify the effluent cycle of the industrial process to an extent and in such a manner as in the opinion of the Council is

necessary to enable any sewage treatment works receiving the said effluent, whether under the control of the Council or not, to produce treated effluent complying with any standard which may be laid down in respect of such works in terms of the relevant legislation;

- (b) To restrict the discharge of effluents to certain specified hours and the rate of discharge to a specified maximum and to install at his or her own expense such tanks, appliances and other equipment as in the opinion of the Council may be necessary or adequate for compliance with the said restrictions;
- (c) To install a separate drainage installation for the conveyance of industrial effluent and to discharge the same into the sewer through a separate connection as directed by the Council, and to refrain from discharging the said effluent through any drainage installation intended or used for the conveyance of domestic sewage or from discharging any domestic sewage through the said separate installation for industrial effluent;
- (d) To construct at his or her own expense 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 Council may prescribe;
- (e) To pay in respect of the industrial effluent discharged from the premises such charge as may be assessed in terms of the tariff: Provided that where, owing to the particular circumstances of any case the method of assessment prescribed in terms of the Appendix to these by-laws does not reflect the true permanganate value (PV) of the industrial effluent, the engineer may adopt such alternative method of assessment as does reflect the said value and shall assess the charge accordingly;

- (f) To provide all such information as may be required by the engineer to enable him or her to assess the charges payable in terms of the tariff; and
 - (g) For the purpose of paragraph (f), to provide and maintain at his or her own expense a meter measuring the total quantity of water drawn from any borehole, spring or other natural source of water and used on the property;
- (3) If any person in contravention of any provision of these by-laws discharges industrial effluent into a sewer, or causes or permits it to be so discharged or is about to do so, the engineer may, if he or she is of the opinion that such effluent is likely to cause damage to any sewer, mechanical appliance, sewage treatment works or sewage farm or process, forthwith after notifying the owner or occupier of the premises concerned of his or her intention to do so, close and seal off the drain conveying such effluent to the sewer for such period as he or she may deem expedient so as to prevent such effluent from entering the sewer.
- (4) The Council shall not be liable for any damage occasioned by any action taken in terms of paragraph (a).
- (5) No person shall without the written permission of the engineer open or break the seal of a drain closed and sealed off in terms of paragraph (a) or cause or permit this to be done.

78. Metering And Assessment Of Industrial Effluent

78. (1) The Council may incorporate, in such position as it must 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 or composition of the said effluent, and it must be an offence for any person to by-pass, open, break into or otherwise interfere with or to damage any such meter, gauge or other device: Provided that the

Council may at its discretion enter into an agreement with any person discharging industrial effluent into the sewer, establishing an alternative method of assessing the discharge.

- (2) The Council must be entitled to install and maintain any such meter, gauge or device as aforesaid at the expense of the owner of the premises on which it is installed.
- (3) The owner of any premises on which there is situated any borehole used for a water supply for trade or industrial purposes shall –
 - (a) register such borehole with the Council;
 - (b) provide the Council with full particulars of the discharge capacity of the borehole; and
 - (c) if the Council has reason to doubt the reliability of the particulars given, carry out at the expense of the owner such tests on the discharge capacity of the borehole as may, in the opinion of the Council, be necessary for the purpose of these by-laws.

79. Prohibited Discharges

- 79. (1) No person must discharge or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance-
 - (a) which in the opinion of the engineer may be offensive to or may cause a nuisance to the public;
 - (b) which is in the form of steam or vapour or has a temperature exceeding 44°C at the point where it enters the sewer;
 - (c) which has a pH value less than 6,0 or greater than 10,0;

- (d) which contains any substance of whatsoever nature likely to produce or give off explosive, flammable, poisonous or offensive gases or vapours in any sewer;
- (e) which contains any substance having an open flashpoint of less than 93°C or which gives off a poisonous vapour at a temperature below 93°C;
- (f) which contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing an obstruction to the flow in sewers or drains or interference with the proper operation of a sewage treatment works;
- (g) which shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
- (h) which contains any substance in such concentration as is likely in the final treated effluent from any sewage treatment works to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
- (i) which either has a greater PV value, a lower or higher pH value or a higher electrical conductivity than specified in the relevant Appendix to these by-laws or which contains any substance specified in the said relevant Appendix in concentration greater than those there listed: Provided that the Council may approve such greater limits or concentration in respect of any such substance for such period or on such conditions as it may specify on consideration of the effect of dilution in the sewer and of the effect of such substance on the sewer or any sewage treatment process if the Council is satisfied that in the circumstances the discharge of such substance would not -

- (i) harm or damage any sewer, mechanical appliance, sewage treatment works or equipment; or
 - (ii) prejudice the use of sewage effluent for re-use; or
 - (iii) adversely affect any waters into which treated sewage effluent is discharged, or any land or crops irrigated with the sewage effluent;
- (j) which contains any substance of whatsoever nature which in the opinion of the engineer –
- (i) is not amenable to treatment at the sewage treatment works, or which causes or may cause a breakdown or inhibition of the normal sewage treatment processes; or
 - (ii) if of such nature as is or may be amendable to treatment only to such degree as to prevent the final treated effluent from the sewage treatment works from satisfactorily complying in all respects with any requirements imposed in terms of the relevant legislation; or
 - (iii) whether listed in the relevant Appendix to these by-laws or not, either alone or in combination with other matter may –
 - (aa) generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works or entering the Council's sewers or manholes in the course of their duties; or
 - (bb) be harmful to sewers, treatment plant or land used for the disposal of treated sewage effluent; or

- (cc) adversely affect any of the processes whereby sewage is treated or any re-use of sewage effluent.
- (2) (a) Any person receiving from an official duly authorized thereto by the Council a written order instructing him to stop the discharge to the sewer of any substance referred to in subsection (1), shall forthwith stop such discharge.
- (b) Any person who contravenes the provisions of subsection (1) or who fails to comply with an order issued in terms of paragraph (a), will be guilty of an offence and will, on conviction, be liable to a fine not exceeding R or imprisonment for a period not exceeding six months and, in the case of a continuing offence, to a fine not exceeding R..... for each day or part of a day during which such offence continues.
- (c) Notwithstanding the provisions of paragraph (b), should any person have failed to comply with the terms of an order served in terms of paragraph (b) and such discharge is likely in the opinion of the Council seriously to prejudice the efficient operation of any sewage treatment works, the Council may, after further written notice, refuse to permit the discharge of any industrial effluent into the sewer until such time as the industrial effluent complies in all respects with the Council's requirements as prescribed in terms of these by-laws, in which event the discharge must forthwith be stopped by the person responsible for the discharge or by the Council in the event of his failure to do so.

CHAPTER 19

GENERAL PROVISIONS

SHORT TITLE AND COMMENCEMENT

These by-laws shall be known as the Greater Tzaneen Municipality: Drainage By-laws and takes effect on the date of publication in the *Provincial Gazette*.

SCHEDULE 1
LIMITS OF PERMANGANATE VALUE (PV), PH AND ELECTRICAL
CONDUCTIVITY AND MAXIMUM CONCENTRATION OF CERTAIN
SUBSTANCES

Subject to the provisions of section 80 (1) (i) of these by-laws, the following are –

- (a) the limits of the PV, pH and electrical conductivity; and
- (b) the substances and the maximum permissible concentrations thereof, expressed in mg/1 referred to in section 80 (1) (i): -

(i) General:

PV – not to exceed	500 mg/1
PH – within the range	6,0 – 9,5
Electrical conductivity – not greater than	250 mS/m at 20°C
Caustic alkalinity (expressed as CaCO ₃)	1 000 mg/1
Substances not in solution (including fat, oil, grease, waxes and like substances)	100 mg/1
Substances soluble in petroleum ether	50 mg/1
Sulphides, hydro-sulphides and polysulphides (expressed as S)	20 mg/1
Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or sewage treatment works (expressed as HCN)	5 mg/1
Formaldehyde (expressed as HCHO)	10 mg/1
Non-organic solids in suspension	100 mg/1
Chemical oxygen demand (COD)	2 000 mg/1
All sugars and/or starch (expressed as glucose)	500 mg/1
Available chlorine (expressed as Cl ₂)	10 mg /1
Sulphates (expressed as SO ₄)	500 mg/1
Fluorine-containing compounds (expressed as F)	2 mg/1
Anionic surface active agents	100 mg/1
Sodium (expressed as Na)	100 mg/1

(ii) Metals:

Group 1

Iron (expressed as Fe)

Chromium (expressed as CrO_3)

Copper (expressed as Cu)

Nickel (expressed as Ni)

Zinc (expressed as Zn)

Silver (expressed as Ag)

Cobalt (expressed as Co)

Tungsten (expressed as W)

Titanium (expressed as Ti)

Cadium (expressed as Cd)

The total collective concentration of all metals in Group 1 (expressed as indicated above) in any sample of the effluent shall not exceed 20 mg/1, nor shall the concentration of any individual metal exceed 5 mg/1.

Group 2

Lead (expressed as Pb)

Selenium (expressed as Se)

Mercury (expressed as Hg)

The total collective concentration of all metals in Group 2 (expressed as indicated above) in any sample of the effluent shall not exceed 10 mg/1, nor shall the concentration of any individual metal in any sample exceed 2 mg/1.

(iii) Other Elements:

Arsenic (expressed as As)

Boron (expressed as B)

The total collective concentration of all elements (expressed as indicated above) in any sample of the effluent shall not exceed 10 mg/1.

(iv) Radio-active Wastes:

Radio-active wastes or isotopes: Such concentration as may be laid down by the Atomic Energy Board or any State Department:

Provided that, notwithstanding the requirements set out in this Schedule, the Council reserves the right to limit the total mass of any substance or impurity, discharge per 24 hours into the sewers from any premises.

Note: The method or testing in order to ascertain the concentration of any substance here mentioned shall be the test normally used by the Council for the purpose. Any person discharging any substance referred to in this Schedule shall ascertain the details of the appropriate test from the Council.

SCHEDULE 2

RULES FOR DETERMINING THE FOUR-HOUR PERMANGANATE VALUE (PV) OF INDUSTRIAL EFFLUENTS

NOTE: These rules are to all intents and purposes a re-statement in the form of by-laws of the "Methods of Chemical Analysis as applied to Sewage and Sewage Effluents" as published by the British Ministry of Housing and Local Government, HM Stationery Office, 1956.

PART 1

PROCEDURE FOR THE PREPARATION OF RE-AGENTS

1. (1) For the preparation of potassium permanganate solution, being approximately,

N

80, the procedure described in this rule shall be followed.
- (2) 4 grams KmnO_4 , shall be dissolved in one litre of hot distilled water contained in a large beaker covered with a clock glass, the solution being maintained at 90°C to 95°C for not less than two hours if possible.
- (3) The said solution shall be diluted to 10 litres with distilled water and set aside in darkness until complete oxidation of any organic matter has taken place and any precipitated manganese dioxide has settled.
- (4) The supernatant liquid shall be carefully decanted or siphoned off so that the disturbance of any sediment is avoided.
- (5) Notwithstanding anything contained in this rule, it shall be permissible alternatively to filter the solution through a funnel having a sintered-glass element, through glass wool or through asbestos fibre which has been previously digested with nitric and hydrochloric acids and then

thoroughly washed with water: Provided that the solution shall not be filtered through paper.

- (6) All necessary measures shall be taken to prevent the solution from being contaminated by dust or organic matter.
- (7) Daily blank determinations shall be made to check the strength of the potassium permanganate solution.

NOTE: When the method described above is carefully followed and the solution stored in amber bottles or in the dark it is stable for several months.

- 2. (1) For the preparation of a stock solution, N
4, sodium thiosulphate the
procedure described in this rule shall be adopted.
 - (2) 63 grams of sodium thiosulphate, $\text{Na}_2\text{S}_2\text{O}_3 \cdot 5\text{H}_2\text{O}$, shall be dissolved in one litre of copper-free, freshly boiled and cooled distilled water, and one milliliter of chloroform or 10 milligrams of mercuric iodide shall be added to stabilize the solution.
 - (3) The solution shall be allowed to stand for several days before it is used.
- 3. (1) For the preparation of a working solution of N
80, sodium thiosulphate the
procedure described in this rule shall
 - (2) 50 millilitres of stock solution shall be diluted to one litre with copper-free, freshly-boiled and cooled distilled water, and one milliliter of chloroform or 10 milligrams of mercuric iodide shall be added.

- (3) The resulting solution shall be standardized against potassium iodate at frequent intervals.
 - (4) The solution shall be stored in an amber glass bottle having a rubber stopper.
 - (5) Any solution remaining in the burette at the end of the day shall be discarded.
4. Potassium iodated solution, N
40, for standardizing a thiosulphate solution in terms of rule 3 (3) of this Appendix, shall be prepared by dissolving in a little water 0,892 gram of pure potassium iodate which has been previously dried at 120°C and diluting the resulting solution to exactly one litre.
- NOTE:** The solution will keep for a very long time if stored in a glass stopped bottle.
5.
 - (1) For the preparation of dilute sulphuric acid the procedure described in this rule shall be adopted.
 - (2) One volume of concentrated sulphuric acid shall be added to three volumes of water, care being taken to add the acid in small quantities at a time.
 - (3) Adequate and effective precautions shall be taken against the spitting of acid and the cracking of glass vessels owing to generation of heat.

- (4) After the missing referred to in sub-rule (2) has been completed, sufficient N80 permanganate solution shall be added to give a faint permanent pink tint to the mixture.
6. For the preparation of potassium iodide solution 10 grams of potassium iodide shall be dissolved in 100 millilitres of water and stored in an amber glass bottle.
7.
 - (1) For the preparation of a starch shall reagent the procedure described in this rule be adopted.
 - (2) One gram of soluble starch shall be ground into a smooth paste with a little cold distilled water.
 - (3) The resulting paste shall be poured into one litre of boiling distilled water and the pouring shall be accompanied by constant stirring.
 - (4) The resulting solution shall be boiled for one minute and shall then be allowed to cool before it is used.
 - (5) The solution shall only be used if it has been freshly prepared.
 - (6) Notwithstanding anything in this rule contained, it shall be permissible alternatively to use a solution containing a preservative so long as it is known that the preservative does not interfere with the reaction.
 - (7) If mercuric iodide is used, about 10 milligrams thereof shall be added to the starch when the latter is being ground with water.
 - (8) It shall also be permissible as an alternative to add 0,1 gram of thymol to the boiling water which is used for making the starch solution.

8. A solution of sodium starch glycollate may be used as an alternative to starch solution, one to two milliliters of a 0,5 per cent solution in cold distilled water being added at the start of the titration.

NOTE: The approach to the end-point is shown by the change from green to intense blue. At the endpoint, which is sharp, the solution becomes colourless.

9. (1) For the standardization of sodium thiosulphate solution the procedure described in this rule shall be adopted.
- (2) In a glass-stoppered bottle having a capacity of about 350ml there shall be placed 5 millilitres of potassium iodide solution as referred to in rule 5, 10 millilitres of dilute sulphuric acid and 25 millilitres of N40 iodated solution, in that order.
- (3) About 100 millilitres of water shall then be added.
- (4) Titration with thiosulphae solution shall be carried out immediately thereafter.
- (5) One milliliter of starch solution shall be added when the liquid has become pale yellow.
- (6) After the pale yellow liquid referred to in sub-rule (5) has become blue the titration shall be continued until the solution has just become colourless.

NOTE: The normality of the sodium thiosulphate solution is then

$$\frac{N}{80} = \frac{50}{\text{milliliters of sodium thiosulphate required.}}$$

The sodium thiosulphate can be used at this strength provided that the appropriate correction factor is used, but it is preferable to adjust the strength until exactly 50 millilitres are required for a repeat titration. The sodium thiosulphate is then exactly $\frac{N}{80}$

and one milliliter is equivalent to 0,1 milligram of oxygen.

PART 2

DETERMINATION OF FOUR-HOUR PERMANGANATE VALUE (PV)

10. (1) The procedure described in this rule shall be followed for the determination of four-hour permanganate value (PV).
- (2) Into a clean 350ml glass-stoppered bottle there shall be placed 10 millilitres of dilute sulphuric acid and 50 millilitres of $\frac{N}{80}$ potassium permanganate solution.
- (3) There shall be added to the potassium permanganate solution a volume of distilled water equal to the difference between 100 millilitres and the volume of the sample of industrial effluent to be tested.
- (4) The sample of industrial effluent shall immediately after being added to the solution referred to in sub-rule (3) be mixed by gentle rotation of the bottle.

- (5) The mixture shall be maintained at a temperature of 27°C for four hours, and shall be remixed after one hour if the sample contains much suspended matter.

NOTE: For the most accurate results all the solutions should be heated to 27°C before mixing, but this is not necessary where a water bath is used. A water bath is preferable because, with most air incubators, any difference in temperature between the bottle and the incubator is only very slowly rectified.

- (6) After four hours there shall be added to the mixture either 5 millilitres of the 10 per cent potassium iodide solution or about 0,5 gram of solid potassium iodide.
- (7) Immediately after the said addition titration shall be carried out with N
80
sodium thiosulphate solution.
- (8) Towards the end of the process hereinbefore described there shall be added to the mixture two milliliters of starch solution.
- (9) As an alternative to the step prescribed by sub-rule (8), it shall be permissible to add two milliliters of sodium starch glycollate solution at the beginning of the titration.
- (10) Titration shall be carried out until the blue colour resulting from the step prescribed by sub-rule (8) just disappears and any blueness which may return after standing shall be ignored.
- (11) A blank determination shall be made by the same procedure without the sample of industrial effluent but with the use of 100 millilitres of distilled water instead.

- (12) Not more than 50 per cent of potassium permanganate shall be used up during the test, and the quantity of the sample of industrial effluent added shall be proportioned accordingly.

PART 3

CALCULATION OF PERMANGANATE VALUE

The permanganate value shall be calculated from the following formula:

Permanganate value (4 hours) mg/1 = $100 \frac{(a-b)}{C}$

C where –

- (a) is the milliliters of N
80 sodium thiosulphate required for the blank determination;
- (b) is the milliliters of N
80 sodium thiosulphate required for the sample; and
- (c) is the milliliters of industrial effluent sample used.

SCHEDULE 3
FORM OF APPLICATION FOR PERMISSION TO DISCHARGE
INDUSTRIAL EFFLUENT INTO THE COUNCIL'S SEWER

I (Name)
 the
 undersigned, duly authorized to act on behalf of
 and hereinafter referred to as the
 applicant, hereby apply in terms of the provisions of the Drainage By-laws of the
 Council for permission to discharge industrial effluent into the Council's sewer on the
 basis of the information set out herein.

PART 1
INFORMATION REGARDING PERSONS EMPLOYED AND
WATER CONSUMED ON THE PREMISES

1. Nature of the business or industry concerned

2. Name or style under which the business or industry is carried on

3. Address of the business or industry:

 PO Box

 Stand(s) Nos (No)Township

If the business or industry is carried on by a company, state the name of the secretary
 and if it is a partnership state the names of the partners:

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4. Description of industrial or trade process by which the effluent will be produced

5. Information relating to employees:

	Office Factory
(1) Total number of daily employees (not to include (4))	
(2) Number of shifts worked per day	
(3) Number of days worked per week	
(4) Number of persons resident on the premises	
(5) Is a canteen provided?	

6. Information relating to water consumption:

	Kilolitres/Month
(1) Approximate average monthly quantity of water purchased from the Council for the use on the premises	
(2) Approximate average monthly quantity of water obtained from any borehole or other source	
(3) Quantity of water in the end-product	
(4) Quantity of water lost by evaporation	
(5) Quantity of water used as boiler make-up	
(6) Is water used on the premises for any, and if so which of the following purposes: cooling, the cleaning of utensils, floor-washing, any other industrial purpose, and subsequently discharged to sewer?	
(7) If the answer to the question in paragraph 6 (6) is "yes", Part II of this form must be completed.	

Applicant's Signature:

PART 2
INFORMATION REGARDING THE CONSUMPTION OF WATER

1. The following information is required for the purpose of estimating the quantity of industrial effluent discharged into the Council's sewer, and all figures given shall relate to the quantity of water taken over a period of six months.

Name of consumer or his representative:

.....

Stand No: Township

TOTAL NUMBER OF KILOLITRES OF WATER
 CONSUMED IN SIX MONTHS:

	Meter No	Meter No	Meter No	Total
Water purchased from the Council				
Water from borehole or other source				
Water entering with raw materials				
Section of plant served by meter				
Total quantity of water consumed				

2. For the purposes of this estimate the total number of kilolitres of water used in six months for any of the purposes below mentioned may be left out of account.

(1) Water used by staff for domestic purposes:

	Number	Shifts Per Day	Days Per Week	Allowance Kilolitres/ Head/Day	Total
Daily employees (excluding residents):					
Office					
Factory					
Resident Persons:					
Canteen					

Total water used (in kilolitres)					
-------------------------------------	--	--	--	--	--

(2) Water used in the operation of boilers

	Boiler 1	Boiler 2	Boiler 3	Total
Type of Boiler				
Rating <u>kg steam/hr</u> Kilowatt				
Hours steamed per month				
Total evaporation per month				
Condensate returned (in kilolitres)				
Percent of unreturned condensate discharge to sewer				
Coal burned – kg per month				
Water used for coal wetting (in kilolitres)				
Water used for ash quenching (in kilolitres)				
Quantity of blowdown (in kilolitres)				
Does blowdown enter sewer?				
Quantity of softener backwash water per month (in kilolitres)				
Total quantity of water used (in kilolitres)				

(3) Water absorbed by the goods manufactured on the premises in six months:

- (a) Expressed as a percentage of the total consumption of water less the allowance for staff use.
- (b) Expressed as kilolitres per six months contained in the finished product*
 - (i)
 - (ii)

(iii) kilolitres per six months

(4) Kilolitres of water lost in six months by evaporation to the atmosphere:

(a) By units of plant other than cooling towers Kilolitres per six months.

(b) By cooling towers:

	1	2	3	Total
Type of tower				
Quantity of water circulated per six months (in kilolitres)				
Temperature drop (°C)				
Estimated loss by evaporation (in kilolitres)				
Metered water fed to cooling towers (in kilolitres)				
Quantity of refrigerant in circulation in six months (in kilolitres)				
Total Quantity of water lost by evaporation (in kilolitres)				

(5) Quantities of water lost in six months from miscellaneous causes:

(a)

(b)

(c)

Total deduction (in kilolitres)

.....

Grand total of deductions to be made in terms of sub-paragraphs (1) to (5) of this paragraph

* Example: Soap factory: Yellow soap, 4 000 metric tons manufactured at 50 per cent moisture content – water in product 2 000 kilolitres (in six months).

3. Estimated process water discharged to sewer (arrived at by deducting the total quantity of permissible deductions shown in sub-paragraphs (1) to (5) of paragraph 2 from total water consumed as shown in paragraph 1.

SIGNED:

.....

By or for the Applicant

.....

By or for the City/Town Engineer

.....

Date

PART 3

INFORMATION REGARDING NATURE OF INDUSTRIAL EFFLUENT

Information required concerning the chemical and physical characteristics of the effluent to be discharged:

(1)	Maximum temperature of effluent °C	
(2)	pH Value	pH
(3)	Nature and amount of settle able solids	
(4)	Permanganate value (4 hours) strength as determined according to the method prescribed in the relevant Appendix to the Drainage By-laws	
(5)	Maximum total daily discharge (kilolitres)	
(6)	Maximum rate of discharge (kilolitres/hour)	
(7)	Periods of maximum discharge (eg 07h00 to 08h00)	

- (8) If any of the substances, or their salts, specified in the table are formed on premises a cross must be placed in the space in which the substance appears, and, if possible, the average concentration of this substance likely to be present in any effluent must also be stated.

TABLE:

Iron	Chromium	Nickel	Cadmium	Copper	Zink
Silver	Cobalt	Tungsten	Titanium	Lead	Selenium
Mercury	Arsenic	Boron	Cyanide	Nitrates	
Ammonium	Sulphides	Sulphates	Others		
Starch of sugars		Tar or tar oil		Grease and oil	
Synthetic detergents		Volatile solvents		Others	

- (9) Any further information as to kind or character, chemical composition and concentrations peculiar to the industrial effluent to be furnished on a separate sheet and attached hereto.

PART 4

CONDITIONS OF ACCEPTANCE OF INDUSTRIAL EFFLUENT

This application shall only be granted on the applicant's undertaking, as he is by virtue of his signature hereto appended deemed to do, to observe the following terms and conditions which the engineer may think fit to impose in any particular case:

1. The applicant shall annex hereto descriptions and a statement of the dimensions of grease and oil traps, screens, dilution and neutralizing-tanks and any other provision made by him for the treatment of the industrial effluent before it is discharged to the sewer.
2. The applicant shall submit to the Council, if requested, plans showing the reticulation systems on his premises for water and industrial effluent.
3. The applicant shall, in addition to complying with the provisions of the Council's Drainage By-laws concerned with the protection of its employees, sewers and

treatment plant from injury or damage, comply with any direction concerned with such protection given to him by the engineer verbally or in writing for the purpose of ensuring the applicant's compliance with the said by-laws.

4. The applicant shall notify the Council, as soon as possible after he becomes aware of or at least fourteen (14) days before anything is done to cause any material alteration in the nature or quantity or discharge of the industrial effluent specified in the application or in any of the facts stated by him therein.
5. The applicant shall within thirty (30) days from the date of signature of this application procure an approved accurately representative sample of not less than five litres of the industrial effluent to be discharged to the sewer, which sample shall be free of domestic sewage, and shall submit one half thereof to the Council for analysis and also submit to the engineer a report on the sample made by an analyst appointed by him: Provided that in the case of a newly established industry the period specified in this rule may be extended by the Council for a period not exceeding six months or such further extended periods as the Council in its discretion may from time-to-time in writing permit.
6. The applicant hereby declares and warrants that the information given by him on this form or otherwise in connection with this application is to the best of his knowledge and belief in all respects correct.
7. The applicant agrees that the said information, being in all respects correct, shall form the basis on which this application is granted by the Council.

Thus done at by the applicant
thisday of 20

.....
Signature and capacity of the applicant

Greater Tzaneen Municipality**Page 112**

Permission is hereby granted by me on behalf of the Council, I being duly thereunto authorized, for the discharge into the Council's sewer in accordance with the Council's Drainage By-laws of industrial effluent as described in this form and in the circumstances therein set forth: Provided that this permission shall be revocable by the Council at any time at its absolute discretion on the expiry of reasonable notice in writing given by it to the applicant.

The said permission is given subject also to the following special conditions:

SIGNED:

City/Town Engineer

SCHEDULE 4
FORM OF APPLICATION FOR PERMISSION TO INSTALL
APPLIANCES FOR LIFTING SEWAGE

NOTE: On premises where it is not possible to drain all sanitary fittings by gravitation to a connecting sewer, the Council will consider applications for lifting sewage in compliance with sections 6 (5) and 66 of its Drainage By-laws only in respect of those parts of premises which cannot be drained by gravitation. In the case of single basements, consideration will be given to the use of sanitary fittings on the ground floor.

In all cases where lifting of sewerage is permitted, the engineer will stipulate the rate of discharge, which will be normally limited to a maximum of 24 litres per minute.

INFORMATION TO BE FURNISHED BY OWNER

The owner of the premises shall furnish the following information and the relevant literature and characteristic curves and sign the application and undertaking:

(a) Make of appliance, name of supplier and purpose for which the appliance is designed:.....

(b) kW rating and speed of motor:
.....

(c) Maximum rate of discharge in litres per minute:
.....

(d) Size of rising main and velocity of discharge:
.....

(e) Capacity and dimensions of storage tank – depth to be given as liquid depth below inlet drain:

.....

- (f) Descriptions of stand-by equipment, automatic controls, warning systems, and other relevant information:

.....
.....
.....

Any matters relating to the electric power connection and switchboard will be referred to the Electricity Department and will be subject to the approval of that Department.

The engineer may require the owner to supply a key to enable Council employees to gain access to the mechanical appliance installation at all times.

APPLICATION AND UNDERTAKING BY OWNER

I, the undersigned, hereby make application to install mechanical appliances for the lifting of sewage and accept without reservations, and undertake to abide by, the following conditions:

- (a) The maximum discharge rate shall not exceed litres per minute.
- (b) The onus shall be on the owner of the premises to have the installation regularly serviced and maintained in a hygienic and efficient working condition at all times. Any necessary repairs or replacements are to be effected immediately so that interruptions in operation are reduced to a minimum.
- (c) In the event of breakdowns from any cause whatsoever, the owner shall take immediate precautions to ensure that unhygienic conditions do not develop.
- (d) The Council shall not be held responsible for any damages or claims which may arise through unhygienic conditions, installation stoppages, inefficient operation, explosion or other causes.

Greater Tzaneen Municipality**Page 115**

- (e) Council employees shall, at all times, be given unhindered access to the installation for the purpose of inspection.

SIGNED:

.....
Applicant Owner

Erf No Township

.....
Date

FOR OFFICE USE ONLY

This application is approved and permission to install the proposed mechanical appliances for the lifting of sewage is hereby granted on the under mentioned conditions (if any):

CONDITIONS:

.....
.....
.....
.....

Date: Signed:

City Engineer

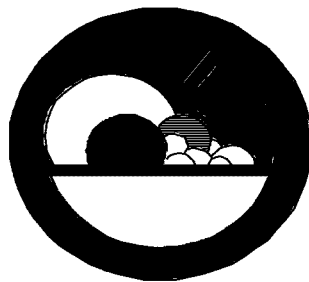
B. S MATLALA
MUNICIPAL MANAGER

27 SEPTEMBER 2019

LOCAL AUTHORITY NOTICE 154 OF 2019



KEEPING OF ANIMALS BY-LAW



Greater Tzaneen Municipality

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CHAPTER 1 PREAMBLE

In terms of section 156 (1) (a) of the Constitution 1996 (Act 108 of 1996) as amended from time to time, the Greater Tzaneen Municipality has executive authority in respect of, and has the right to administer the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution, falling within its area of Jurisdiction which include keeping of animals regulation.

The object of the Greater Tzaneen Municipality in these by-laws is to promote safety and security for its community through safe keeping of animals within the jurisdiction of the Municipality.

These By-laws shall be applied in the spirit and purport of the Animals Protection Act 71 of 1962 and the Performing Animals Protection Act 24 of 1935.

SCOPE AND APPLICATION

These by-laws apply to any area falling under the jurisdiction of the Greater Tzaneen Municipality in terms of the Local Government Demarcations Act 27 of 1998 as amended from time to time.

1. Interpretations

1.1 In these by-laws, all relevant definitions and sections of the Animals Protection Act 71 of 1962 and the Performing Animals Protection Act 24 of 1935 shall apply, unless the context otherwise indicates –

“adequate” means adequate in the opinion of Council;

“animal” means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, cat and dog;

“approved” means approved by the Medical Officer of Health regard being had to the reasonable public health requirements of the particular case;

“aviary” means a roofed or unroofed enclosure used for the keeping of birds, other than a portable cage;

“battery system” means the method of keeping poultry or rabbits in cages in either single rows or tier formation within a building or structure;

“bird” means a feathered vertebrate other than poultry;

“cattery” means premises in or upon which boarding facilities for cats are provided or cats are kept and bred for commercial purposes;

“Council” means the Greater Tzaneen Municipal Council established in terms of section 12 of the Local Government: Municipal Structures Act 117 of 1998;

“dwelling” means any building or part thereof used for human habitation;

“enclosure” in relation to animals, means any kraal, pen, paddock or other such fenced or enclosed area used for accommodating, keeping or exercising animals;

“hawk” means the business of selling goods by going from one place to the other,

“hawker” means any person carrying on the business of hawking;

“kennels” means premises in or upon which-

- (a) boarding facilities for dogs are provided;
- (b) dogs are bred for commercial purposes; or
- (c) dogs are kept for the purposes of being trained or hired out with or without handlers;

“Medical Officer of Health” means the Medical Officer of Health of Council or any person duly authorised by Council to act on his or her behalf;

“livestock” means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;

“nuisance” means a nuisance as defined in the Health Act No.63 of 1977, as amended;

“permit holder” means the person to whom a permit has been issued by the Medical Officer of Health in terms of these by-laws;

“person in control” means the person actually managing or actually in control of premises or a business;

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

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

“pet shop” means the business of keeping and selling pets on premises licensed for that purpose under the Licences Ordinance No. 19 of 1974;

“pigsty” means a building, structure or enclosure in which pigs are kept;

“poultry” means fowls, ducks, muscovy ducks, geese, turkeys, peacocks and domestic guinea-fowls;

“poultry house” means any roofed-over building or structure, other than one in which a battery system is operated, in which poultry is kept;

“poultry run” means any unroofed wire mesh or other enclosure, whether or not an addition to a poultry house, in which poultry is kept;

“premises” means any land, building or structure or any portion of land, building or structure on or in which any of the activities regulated by these by-laws are carried on;

“public place” means any road, street, pavement, sidewalk, park or other place to which the public has authorised and unimpeded access;

“rabbit hutch” means any roofed-over building or structure, other than one in which a battery system is operated, in which rabbits are kept;

“rabbit run” means any unroofed wire mesh or other enclosure, whether or not an addition to a rabbit hutch, in which rabbits are kept;

“stable” means any building or structure or any part thereof used for accommodating or keeping any cattle, horses, mules or donkeys.

CHAPTER 2

APPLICATION OF BY-LAWS

2.(1) The provisions of these by-laws do not apply to-

- (a) the keeping of cows for commercial milk production;
- (b) any agricultural show where animals, poultry or birds are kept on a temporary basis;
- (c) any laboratory where animals, poultry or birds are kept for research purposes:

Provided that the Medical Officer of Health may, if he or she is satisfied that the application of one or more provisions of these by-laws is essential in the interest of public health, by notice to the person concerned require that such provision(s) be complied with.

- (2) The provisions of sections 4(a), 10(b) and 11(e) and (f) do not apply to the temporary keeping of a goat on any land for the provision of milk for medical reason, provided the Medical Officer of Health has approved the keeping of such goat and no nuisance arises from the keeping of the goat.
- (3) The provisions of sections 3, 4(a), 6, 8, 10, 12, 14, 16, 18, 19 and 21 apply only to premises which are newly constructed, reconstructed or converted after the commencement of these by-laws: Provided that the Medical Officer of Health may, if he or she is satisfied that the application of any one or more of the said requirements is essential in the interest of public health, give notice in writing to the owner or person in control of such premises, to comply with such requirements as he or she may specify and within the time specified in the notice.
- (4) The provisions of sections 12(c)(viii) and f(i) and (ii), 13(d)(ii), (f) and (h), do not apply to the keeping of poultry not exceeding ten in number.
- (5) The provisions of sections 14(c)(iii) and 15 (d)(ii) do not apply to the keeping of rabbits not exceeding ten in number.

CHAPTER 3

PREMISES FOR THE KEEPING OF LIVESTOCK AND KENNELS

- 3. No person may-
 - (a) keep any livestock, other than poultry, or maintain kennels within an area defined by Council as unsuitable for the keeping of livestock and the maintenance of kennels: Provided that the foregoing may not apply in respect of a veterinary clinic or veterinary hospital operating with Council's consent;

- (b) keep any livestock, other than poultry, on premises situated on land less than 1 ha in extent: Provided that in the case of a dealer or speculator in livestock the land shall not be less than 2,5 ha in extent.

CHAPTER 4

KEEPING OF ANIMALS, POULTRY AND BIRDS

- 4. No person may keep any animal, poultry or bird in or upon any premises-
 - (a) which do not comply with the provisions of these by-laws;
 - (b) which are so constructed, maintained or situated that the keeping of animals, poultry or birds thereon is, in the opinion of the Medical Officer of Health, likely to cause a nuisance or injury to health as contemplated in section 80(7)(c) of the Local Government Ordinance, 1939 (Ordinance 17 of 1939).

CHAPTER 5

PERMITS FOR KEEPING OF ANIMALS AND POULTRY

- 5.(1) No person may keep any animal other than a cat, dog, rabbit, or poultry unless he or she is the holder of a permit issued by the Medical Officer of Health in the form prescribed by these by-laws. Such permit is not required for the keeping of any animal or poultry in connection with the business of a pet shop.
- (2) A permit may not be transferable and expires on the date on which the permit holder ceases to keep the animals or poultry in respect of which the permit was issued.

- (3) A permit holder must notify the Medical Officer of Health in writing if he or she ceases to keep the animals or poultry in respect of which a permit was issued within ten days of any such occurrence.
- (4) Council may cancel a permit if-
- (a) the construction or maintenance of the premises concerned at any time does not comply with any provision of these by-laws, or the permit holder contravenes, or fails to comply with any such provision, and the permit holder fails to comply with a written notice from the Medical Officer of Health requiring him or her to make such premises comply with the by-laws or to cease such contravention or failure within a period specified in such notice;
 - (b) any disease, which in the opinion of the Medical Officer of Health or a veterinarian, is of such a nature that it is likely to constitute a danger to public health or to other animals or poultry kept under such permit;
 - (c) the permit holder or person in control of the premises at the time, personally or through his or her employee obstructs the Medical Officer of Health in the execution of his or her duties under these by-laws;
 - (d) the permit holder has been found guilty in a competent court of a contravention of these by-laws.
- (5) The Medical Officer of Health must as soon as a permit has been cancelled, notify the permit holder of that fact in writing.
- (6) The Medical Officer of Health may issue a new permit if he or she is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

CHAPTER 6

KEEPING OF CATTLE, HORSES, MULES AND DONKEYS

6. Requirements for Premises

- (6) For the keeping of any cattle, horse, mule or donkey a stable or enclosure complying with the following requirements, must be provided:
- (a) every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material;
 - (b) the internal wall surfaces of the stable must be of smooth brick or other durable surface brought to a smooth finish;
 - (c) the height of the walls to the wall plates of the stable must be-
 - (i) 2,4 m in the case of pitched roof;
 - (ii) 2,7 in the case of a flat roof;
 - (iii) a mean height of 3 m with a minimum of 2,4 m on the side, in the case of a lean-to roof;
 - (iv) 2 m in the case of a stable which has an opening along the entire length of one of its long sides.
 - (d) the stable must have a floor area of at least 9 m² for each head of cattle, horse, mule or donkey to be accommodated in it;
 - (e)(i) except in the case of a stable open along the entire length of one of its long sides, lighting and ventilation must be provided by openings or glazed opening windows or louvers totalling at least 0,3 m² for each animal to be accommodated in it;

- (ii) The lowest point of every such opening, window or louver must be at least 1,8 m above floor level.
- (f) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish, graded to a channel and drained in terms of section 25;
- (g) any enclosure must have an area of at least 10 m² for each head of cattle, horse, mule or donkey to be accommodated in it and the fencing must be of such substantial material so constructed as to prevent the animals from breaking out;
- (h) no stable or enclosure may be situated within 10m of the boundary of any land or of any dwelling or other building or structure used for human habitation or within 30m of any well, water course or other source of water supply intended or used for human consumption;
- (i) adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to every stable or enclosure.

7. Duties of Keeper of Cattle, Horses, Mules and Donkeys

7. Every person keeping any cattle, horse, mule or donkey must-

- (a) ensure that any such animal is kept within a stable or enclosure;
- (b) maintain the premises, any equipment, apparatus and container used in connection with such keeping in a clean and sanitary condition and in good working order;
- (c)(i) provide portable manure storage containers of an impervious material and with close fitting lids;

- (ii) every such container must be kept on a platform constructed of concrete or other durable and impervious material and situated adjacent to the stable or enclosure and so as to comply with the provisions of section 6(h) as the case may be.
- (d) if the manure and bedding is of such quantity that storage containers are not adequate, provide a manure midden complying with the following requirements:
 - (i) the midden must be enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish and coved at the junctions with the floor;
 - (ii) the floor must be of concrete brought to a smooth finish and graded and drained to a water channel at least 150 mm in diameter along the full length of the open side, which channel must be kept filled with water.
- (e) remove all the manure from the stable and enclosure at least once every 24 hours and place it in the manure storage containers or midden pending removal from the premises;
- (f) remove all the contents of the manure storage containers or midden from the premises at least once every second day and dispose them in a manner that will not create a nuisance;
- (g) remove all bedding from the stable at least once a week and store it in the manure containers or midden pending removal from the premises;
- (h) store all saddles, bridles, harnesses and other equipment or articles used in the keeping of such animals, in a storeroom or other storage facilities approved by Council;

- (i) store all feed in a rodent proof store-room and all loose feed in a number of rodent proof containers with close fitting lids in the store-room;
- (j) take effective measures for the prevention of harbouring or breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

CHAPTER 7

KEEPING OF PIGS

8. Requirements for Premises

8(1) For the keeping of pigs, a pigsty complying with the following requirements must be provided:

- (a) every wall must be constructed of brick, stone, concrete or other durable material not less than 1,5 m in height and must have a smooth internal surface;
- (b) the pigsty must have a floor area of at least 3 m² for each pig to be accommodated in it, with an overall minimum floor area of 6m²;
- (c) a roof provided over any portion of a pigsty must be at a height of not less than 1,5 m from ground level at its lowest point in the pigsty and, except in the case of a roofed structure having one of its long sides completely open, lighting and ventilation openings situated in opposite external walls of at least 0,15 m² for each pig to be accommodated; or other adequate means of ventilation and lighting must be provided;
- (d) the junction between the walls and floor must be coved;
- (e) the floor must be at least 150 mm above the surrounding ground level, constructed of concrete or other durable and impervious material

brought to a smooth finish, graded for the run-off of liquids into an open channel outside the pigsty, constructed of concrete, glazed earthenware, or other durable and impervious material, measuring not less than 100 mm in diameter and drained in terms of section 25;

- (f) the pigsty must be so constructed as to prevent the pigs from breaking out;
 - (g) no pigsty may be situated within 100 m of any dwelling or other building or structure used for human habitation or of the boundary of any land or any well, water course or other source of water supply intended or used for human consumption.
- (2)(a) A roofed-over concrete platform must be provided for the storage of all swill in containers and for the preparation of the pig's food and it must be so situated as to comply with the provisions of subsection (1) (g) as the case may be.
- (b) Such platform must have a curbing of a least 100mm high on all of its sides and the surface of the platform must be brought to a smooth impervious finish and graded to a channel drained in terms of section 25.
- (3) Adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to the pigsty.

9. Duties of Keeper of Pigs

9. Every person keeping pigs must-
- (a) ensure that every pig is kept within a pigsty;
 - (b) maintain the premises and any equipment, apparatus and container used in connection with such keeping, in a clean and sanitary condition and in good working order;

- (c)(i) provide portable manure storage containers of impervious material and with close fitting lids;
- (ii) every container must be kept on a platform constructed of concrete or other durable and impervious material adjacent to the pigsty and so as to comply with section 8 (1)(g).
- (d) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage containers;
- (e) remove the contents of the manure storage containers from the premises at least once every second day and dispose them in a manner which will not create a nuisance;
- (f) store all feed in a rodent proof store-room and all loose feed in a number of rodent proof receptacles with close fitting lids in store-room;
- (g) take effective measures for the prevention of harbouring or breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

CHAPTER 8

KEEPING OF GOATS AND SHEEP

10. Requirements for Premises

- 10. For the keeping of any goat or sheep, premises complying with the following requirements must be provided:
 - (a) an enclosure with an area of at least 1,5 m² for every goat or sheep to be accommodated in it with an overall minimum floor area of 30 m²;

- (b) if a building or shed is provided for such keeping, it shall comply with the following requirements:
 - (i) every wall thereof must be constructed of brick, stone, concrete or other durable material not less than 2 m in height and must have a smooth internal finish;
 - (ii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel drained in terms of section 25;
 - (iii) the floor area must be at least 1,5 m² for every goat or sheep to be accommodated in it with an overall minimum floor area of 6 m²;
 - (iv) lighting and ventilation openings totaling at least 0,15 m² per goat or sheep to be kept in the building or shed.
- (c) no enclosure, building or shed may be situated within 10 m of any boundary of any land or of any dwelling or other building or structure used for human habitation or within 30 m of any well, water course or other source of water supply intended or used for human consumption.
- (d) adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to every stable, enclosure, building or shed.

11. Duties of Keeper of Goats and Sheep

11. Every person keeping any goat or sheep must-

- (a) ensure that every goat or sheep is kept within an enclosure, building or shed;

- (b) maintain the premises and any equipment, apparatus and container used in connection with such keeping in a clean and sanitary condition and in good working order;
- (c)(i) provide portable manure storage containers of an impervious material and with close fitting lids;
- (ii) every container must be kept on a platform constructed of concrete or other durable and impervious material and situated adjacent to the enclosure, building or shed so as to comply with the provisions of section 10(c) as the case may be.
- (d) remove all manure from the enclosure, building or shed at least once every 7 days and place it in the manure storage containers;
- (e) remove the contents of the manure storage containers from the premises at least once every 7 days and dispose them in a manner which will not create a nuisance;
- (f) store all feed in a rodent proof store-room and all loose feed in a number of rodent proof containers, with close fitting lids in the store-room;
- (g) take effective measures for the prevention of harbouring and breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin.

CHAPTER 9

KEEPING OF POULTRY

12. Requirements for Premises

12. For the keeping of poultry, premises complying with the following requirements must be provided:

- (a) a poultry house complying with the following requirements:
 - (i) every wall must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface;
 - (ii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish;
 - (iii) the upper floors of the structure of two or more tiers must be of an impervious and easily cleaned material;
 - (iv) it must have a floor area of at least 0,2 m² for each grown fowl, duck, muscovy duck or guinea-fowl, and 0,5 m² for each grown goose, turkey or peacock to be accommodated in it, with an overall minimum floor area of 4 m².
- (b) a poultry run, if provided, must be enclosed with wire mesh or other durable material;
- (c) if a battery system is to be operated, a roofed building or structure in which such system shall be housed, constructed and equipped in accordance with the following requirements must be provided:
 - (i) every wall, if provided, must be at least 2,4 m high, and must be constructed of concrete, stone, brick or other durable material and must have a smooth internal surface;
 - (ii) if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area equal to not less than 15% of the floor area of the building;

- (iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish, and if required by Council, the floor surface must be graded to a channel drained in terms of section 25;
 - (iv) if no walls are provided, or the walls are of metal, the floor must be provided with a kerb at least 150 mm high around its extremities;
 - (v) every junction between the floor and walls kerbing must be coved;
 - (vi) the cages of the battery system must be constructed of an impervious material;
 - (vii) if required by the Medical Officer of Health, a tray of an impervious material and design must be fitted under every cage for the collection of manure;
 - (viii) a concrete washing platform with a kerb around its extremities or stainless steel trough with draining board and with a constant supply of water laid on, drained in terms of section 25 must be provided within or adjacent to the building or structure for the cleaning of the cages;
 - (ix) a wash hand basin with a constant supply of water laid on must be provided and drained in terms of section 25.
- (d) there must be at least 3 m of clear unobstructed space between any poultry house, poultry run, or building or structure housing a battery system and the nearest point of any dwelling, other building or structure used for human habitation or place where foodstuffs are stored or prepared for human consumption and the nearest boundary of any land;

- (e)(i) if required by Council, with due regard to the quantity of manure to be stored pending removal from the premises, a storage area comprising a roofed over platform constructed of concrete or other durable and impervious material, with a kerb at least 100 mm high around its extremities and graded and drained in terms of section 25;
- (ii) the roof over such platform must extend 1 m beyond the extremities of the platform.
- (f) adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to the battery system building or structure or poultry house.

13. Duties of Keeper of Poultry

13. Every person keeping poultry must:

- (a) ensure that all poultry is kept within the poultry house, poultry run or building or structure housing a battery system;
- (b) maintain the premises and any equipment, apparatus and container used in connection with such keeping in a clean, sanitary condition and in good working order;
- (c) maintain the premises free from unpleasant smells and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from vermin;
- (d)(i) provide portable manure storage containers of an impervious material and with close fitting lids;
- (ii) every container must be kept on a platform constructed of concrete or other durable and impervious material and situated adjacent to the

poultry house, poultry run or building or structure housing a battery system so as to comply with the provisions of section 12 as the case may be.

- (e)(i) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every 4 days or at such longer intervals as approved by the Medical Officer of Health from a building or structure housing a battery system, with due regard to the prevention of a public health nuisance caused by bad smell; and
- (ii) place the manure and other waste matter in the manure storage containers.
- (f) remove the contents of the manure storage containers from the premises at least once every 7 days and dispose them in a manner which will not create a nuisance;
- (g) not store any material or article in any poultry house, poultry run or building or structure housing a battery system, except material or an article which is required for use in such house, run, building or structure;
- (h) store all feed in a rodent proof store-room and all loose feed in a number of rodent proof containers with close fitting lids in the store-room;
- (i) take effective measures for the prevention of harbouring or breeding of, and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of unpleasant smells arising from the keeping of poultry on the premises.

CHAPTER 10

KEEPING OF RABBITS

14. Requirements for Premises

14. For the keeping of rabbits premises complying with the following requirements must be provided:
- (a) a rabbit hutch complying with the following requirements:
 - (i) every wall must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface;
 - (ii) a floor surface which must be at least 150 mm above ground level must be constructed of concrete or other durable and impervious material brought to a smooth finish and, if required by Council, the floor must be graded to a channel drained in terms of section 25;
 - (iii) natural light and ventilation must be provided;
 - (iv) it shall have a minimum floor area of 0,4 m² for every rabbit to be accommodated in it.
 - (b) a rabbit run, if provided, must be enclosed with wire mesh or other durable material and constructed so as to prevent the escape of rabbits from the run;
 - (c) if a battery system is to be operated, a roofed building or structure in which such system shall be housed, constructed and equipped in accordance with the following requirements must be provided:
 - (i) every wall, if provided, must be at least 2,4 m high, must be constructed of concrete, stone, brick or other durable material and must have a smooth internal surface;

- (ii) if walls are provided, the building must be ventilated and lighted by means of natural openings or windows or an area equal to not less than 15% of the floor area of the building;
 - (iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish, and if required by Council, the floor surface must be graded to a channel drained in terms of section 25;
 - (iv) if no walls are provided, or the walls are of metal, the floor must be provided with a kerb at least 150 mm high around its extremities;
 - (v) every junction between the floor and the walls and kerbing must be coved;
 - (vi) the cages of the battery system must be constructed of impervious material and fitted with trays of an impervious material under every cage for the reception of urine;
 - (vii) a wash hand basin with a constant supply of water laid on must be provided and drained in terms of section 25;
- (d) there must be at least 5 m of clear unobstructed space between a rabbit hutch, rabbit run, or building or structure housing a battery system, and the nearest point of any dwelling, or other building or structure used for human habitation or place where foodstuffs are stored or prepared for human consumption and the nearest boundary of any land;
- (e) adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to the battery system, building or structure or the rabbit hutch.

15. Duties of Keeper of Rabbits

15. Every person keeping rabbits must-

- (a) ensure that all rabbits are kept within the rabbit hutch, rabbit run, or building or structure housing a battery system;
- (b) maintain the premises and any equipment, apparatus and container used in connection with such keeping, in a clean, sanitary condition and in good working order;
- (c) maintain the premises free from unpleasant smells and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from vermin;
- d(i) provide portable manure storage container of an impervious material with close fitting lids;
- (ii) every container must be kept on a platform constructed of concrete or other durable and impervious material adjacent to the rabbit hutch, rabbit run or building or structure housing the battery system and so as to comply with section 14 (d) as the case may be;
- (e) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system at least once every 48 hours and place them in the manure storage containers;
- (f) remove the contents of the manure storage containers from the premises at least once every 7 days and dispose them in a manner which will not create a nuisance;
- (g) not store any material or any article in a rabbit hutch, rabbit run or building or structure housing a battery system, except material or an article which is required for use in the in the house, run or building or structure;

- (h) store all feed in a rodent proof store-room and all loose feed in a number of rodent proof containers with close fitting lids in such store-room;
- (i) take effective measures for the prevention of harbouring or breeding of, and for the destruction of, flies, cockroaches, rodents and other vermin and for the prevention of unpleasant smells arising from the keeping of rabbits on the premises.

CHAPTER 11

KEEPING OF BIRDS

16. Requirements for Premises

16. For the keeping of birds in an aviary, premises complying with the following requirements must be provided:
- (a) the aviary must be properly constructed of durable materials, rodent proof and must, for cleaning purposes, be adequately accessible;
 - (b) if the aviary is constructed above ground level, the base thereof must be constructed of an impervious and durable material and must not be less than 300 mm above ground level;
 - (c) no aviary may be situated within 3 m of any building or structure, boundary fence or boundary wall;
 - (d) adequate supply of water for drinking and cleaning purposes must be supplied.

17. Duties of Keeper of Birds

17. Every person who keeps birds in an aviary must-
- (a) ensure that the aviary, pigeon loft or similar structure and the premises are kept in a clean condition and free from vermin;
 - (b) provide rodent proof facilities for the storage of bird food and keep bird food in those facilities;
 - (c) take effective measures for the prevention of harbouring and breeding of, and for the destruction of flies, cockroaches, rodents and other vermin;
 - (d) ensure that no nuisance arises from the keeping of birds.

CHAPTER 12

DEALER IN LIVESTOCK AND OTHER BUSINESSES INVOLVING THE KEEPING OF ANIMALS OR POULTRY

18. Requirements for Conducting Business

- 18(1) No person may conduct the business of a dealer or speculator in livestock or other business involving the keeping of animals or poultry, other than a pet shop, unless the requirements of subsections (2) and (3) are complied with.
- (2)(a) Subject to the provisions of section 31, the requirements of sections 2 to 15, must be complied with in so far as those provisions are applicable to the animals or poultry kept.
 - (b) An enclosure with an area of at least 10 m² per head of cattle horse, mule or donkey and 1,5 m² per goat or sheep to be accommodated therein at any time with an overall minimum area of 50 m² must be provided.

- (c)(i) A separate change room, clearly designated, must be provided for every sex if more than three non-resident persons of that sex are employed in the keeping of animals or poultry.
 - (ii) Every change room must have a floor area of at least 0,5 m² per employee, subject to an overall minimum area of 6,5 m² and a minimum width of 2,1 m.
 - (iii) Every such change room must be equipped with a metal clothes locker for the keeping of personal clothing of each employee.
 - (iv) For each employee for whom no change room is required in terms of subparagraph (i), a metal clothes locker must be provided.
 - (d)(i) One wash hand basin and one shower-bath must be provided for every 15 persons, or part thereof employed.
 - (ii) Every wash hand basin and shower-bath must be located within or adjacent to the change rooms; must have a constant supply of hot and cold running water laid on and be drained in terms of section 25.
 - (e) Soap and towelling must be provided at the wash hand basin and shower-bath.
 - (f) Overalls or other protective clothing and, if required by Council, protective footwear must be provided for the use by persons employed in the keeping of animals or poultry.
- (3) In respect of employees resident on or at the premises-
- (a) sleeping accommodation equipped with a bed for each employee must be provided;

- (b)(i) ablution facilities comprising one wash hand basin and one shower-bath or bath, separate for the sexes and clearly designated, must be provided for every 10 persons or part thereof of a particular sex employed;
- (ii) every wash hand basin, shower-bath or bath must have a constant supply of hot and cold running water laid on and be drained in terms of section 25.
- (c)(i) cooking facilities and a scullery for the cleaning of cooking and eating utensils must be provided;
- (ii) the scullery must be fitted with a double bowled sink of stainless steel with a constant supply of hot and cold running water laid on and drained in terms of section 25;
- (iii) every bowl of the sink must have a minimum capacity of 55 litres, be fitted with a 150 mm high splash screen on the side nearest the wall and be positioned at least 100 mm away from any wall surface.
- (d) laundry facilities consisting of a stainless steel laundry trough with a constant supply of hot and cold running water laid on and drained in terms of section 25 must be provided;
- (e) a refuse container must be provided in the scullery;
- (f) a locker or other approved facilities must be provided in the room where the cooking facilities are situated for the storage of non-perishable food of each employee.

CHAPTER 13

DOG KENNELS AND CATTERIES

19. Requirements for Premises

19(1) No person may maintain a kennel or a cattery, unless the requirements of subsections (2) to (12), are complied with.

(2) Every dog or cat must be kept in an enclosure complying with the following requirements:

- (a) it must be constructed of durable materials and must be adequately accessible for cleaning purposes;
- (b) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending the full width of the floor and situated within the enclosure, which channel must be graded and drained into a gully connected to Council's sewer by means of an earthenware pipe 100 mm in diameter;
- (c) a kerb 150 mm high must be provided along the entire length of the channel referred to in paragraph (b) and on the side thereof adjacent to the surrounding outside area to prevent storm water from such area from entering the channel.

(3) Every enclosure referred to in subsection (2) must contain a roofed shelter for the accommodation of dogs or cats complying with the following requirements:

- (a) every wall must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface without cracks or open joints;
- (b) the floor must be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints and every junction between the floor and the walls of a permanent structure must be coved;

- (c) every shelter must, for cleaning and de-verminising purposes, be adequately accessible;
- (4) In the case of dogs, a dog kennel of moulded asbestos or other similar material, which is movable, and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter contemplated in subsection (2) and if the base of such kennel is not rendered waterproof, a sleeping board which will enable the dog to keep dry, must be provided in every kennel.
- (5) A concrete apron extending at least 1 m wide around the extremities of the enclosure must be provided. The apron must be graded and drained for the draining of storm water away from the enclosure.
- (6) Adequate supply of water for drinking and cleaning purposes must be provided in or adjacent to the enclosure.
- 7(a) If required by Council, a separate room or roofed area with a floor area of not less than 6,5 m², a width of not less than 2.1 m and a height of not less than 2,4 m must be provided for the preparation of food.
- (b) The floor of the room or roofed area must be of concrete or other durable and impervious material brought to a smooth finish.
- (c) The internal wall surfaces of the room or roofed area must be smooth plastered and painted with a light coloured washable paint.
- (d) The room or roofed area must be equipped with preparation tables of metal manufacture and a double bowled stainless steel sink with a constant supply of hot and cold water laid on and drained in terms of section 25.
- (e) Every bowl of the sink must have a minimum depth of 225 mm and a minimum capacity of 55 litres.

- (8) At least 5 m of clear unobstructed space must be provided between any shelter or enclosure and the nearest point of any dwelling, other building or structure used for human habitation or place where food is stored or prepared for human consumption, or to boundary of any land.
- (9) Isolation facilities must be provided for sick dogs or cats.
- (10) If washing, clipping or grooming of pets is done, the following facilities must be provided:
- (a) a bathroom with a minimum floor area of 9 m², a width of not less than 2,1 m fitted with a bath or similar approved fitting and wash hand basin with a constant supply of hot and cold running water laid on;
 - (b) a clipping and grooming room with a minimum floor area of 10 m², a width of not less than 2,1 m and fitted with approved impervious topped tables and an adequate number of portable storage containers of an impervious durable material with close fitting lids for the storage of cut hair pending removal;
 - (c) the rooms referred to in paragraphs (a) and (b) must be laid out in such a manner so as to provide an unobstructed floor area of at least 30%;
 - (d) the floors of the rooms referred to in paragraphs (a) and (b) must be constructed of concrete or other durable and impervious material, brought to a smooth finish, graded to a channel drained in terms of section 25;
 - (e) every junction between the floor and walls of such rooms must be coved and the coving must have a minimum radius of 75 mm;
 - (f) every internal wall surface must be smooth plastered and painted in a light coloured washable paint.

- (11) If cages are provided for the keeping of cats, such cages must be of durable impervious material and constructed so as to be easily cleaned.

20. Duties of Person in Control of Kennels or Catteries

20. Any person in control of kennels or a cattery must-

- (a) maintain the premises, equipment, every container and sleeping board used in connection with the kennel or cattery in a clean, sanitary condition and in good working order;
- (b)(i) provide portable storage containers of an impervious material with close fitting lids for the storage of dog and cat faeces;
- (ii) every container must be kept in a platform constructed of concrete or other durable and impervious material adjacent to the enclosures.
- (c) remove all faeces and other waste matter from the enclosure and the shelter at least once every 24 hours and place it in the containers referred to in paragraph (b);
- (d) remove the contents of the storage containers from the premises at least twice every 7 days and dispose them in a manner which will not create a nuisance;
- (e) store all food in a rodent proof store-room and all loose food in rodent proof containers with close fitting lids within the store-room;
- (f) provide refrigeration facilities in which all perishable food must be stored at a temperature not higher than 10° c;

- (g) take effective measures for the prevention of harbouring or breeding of, and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of unpleasant smells arising from the keeping of dogs or cats;
- (h) provide refuse containers with close fitting lids in the food preparation room or roofed area required in terms of section 19(7);
- (i) keep any sick dog or cat in the isolation facilities required in terms of section 19(10) above, whilst on the premises;
- (j) ensure that no nuisance arises from the keeping of dogs and cats.

CHAPTER 14

PET SHOPS AND PET SALONS

21. Requirements for Premises

21. No person may conduct a business of a pet shop or pet salon in or upon any premises-
- (a) in which there is direct internal access with any room or place used for human habitation or in which clothing is stored or sold or food for human consumption is prepared, stored, sold or consumed;
 - (b) unless the premises are constructed and equipped in accordance with the following requirements:
 - (i) every wall including any partition of any building must be constructed of brick, concrete or other durable material; must have a smooth internal surface and painted with a light coloured washable paint;

- (ii) the floor of any building must be constructed of other durable and impervious material, brought to a smooth finish;
- (iii) the ceiling of any building must be constructed of durable material, have a smooth finish, be dust proof and painted with a light coloured washable paint;
- (iv) one wash hand basin with a constant supply of hot and cold running water and laid on, must be provided for every 15 persons or part thereof employed on the premises which must be drained in terms of section 25;
- (v) (aa) a rodent proof store-roof, with a floor area of not less than 10 m² must be provided;
 - (bb) if Council is satisfied that, having regard to the extent of the business and the quantity of goods and equipment and pet food to be stored on the premises, a store-room of dimensions less than the minimum dimensions in terms of subparagraph (aa) is adequate, it may permit a smaller store-room.
- (vi) facilities for the washing of cages, trays and other equipment may be provided in the form of either-
 - (aa) a kerbed and roofed over platform with a surface area of at least 1,5 m² raised at least 100 mm above the floor and constructed of concrete or other durable and impervious material brought to a smooth finish. The platform must be provided with a constant supply of water laid on; or
 - (bb) a stainless steel sink or trough not less than 304 mm deep with a drained board and with a constant supply of water laid on.

- (vii) the platform, sink or trough referred to in subparagraph (vi) must be drained in terms of section 25. Any wall surface within 0,5 m of the platform, sink or trough must be permanently covered with durable waterproof material to a height of at least 1,4 m above the floor;
- (viii) (aa) a separate change room, clearly designated, must be provided for each sex if more than two persons of the same sex are employed on the premises.
- (bb) every change room must have a floor area of at least 0,5 m² for each employee with a minimum overall floor area of 6,5 m² and a minimum width of 2,1 m and must be equipped with a separate metal clothes locker for the keeping of personal clothing of each employee.
- (cc) for each employee for which no change room is required in terms of subparagraph (aa), a metal clothes locker must be provided;
- (ix) no door, window or other opening in any wall of a building on the premises may be within 2 m of any door, window or opening to any building in which food is prepared, stored or sold for human consumption;
- (x) if the washing, clipping or grooming of pets is done on the premises the requirements of section 19(10) must be complied with.

22 Conducting a pet shop business

22. Every person who conducts the business of a pet shop must-

- (a) provide cages for housing animals, poultry or birds, and the following requirements must be complied with:
 - (i) the cages must be constructed entirely of metal or other durable impervious material and must be fitted with a removable metal tray below the floor thereof to facilitate cleaning;
 - (ii) every cage must be free from any recess or cavity not readily accessible for cleaning and every tubular or hollow fitting used in connection therewith must have its interior cavity sealed;
 - (iii) every cage must be of such size and weight and so placed that it can be readily moved;
 - (iv) if rabbits are kept in a cage, the metal tray referred to in subparagraph (i) must be drained to a removable container;
 - (v) every cage must be fitted with a drinking vessel filled with water and accessible to the pets kept in the cage;
 - (vi) the distance from any cage to the nearest wall must at all times not be less than 150 mm;
 - (vii) the cage must be kept not less than 450 mm above floor level and the space beneath the cages must be unobstructed.
- (b) provide rodent proof container of an impervious material with close fitting lids in the store-room in which all loose pet food must be stored;
- (c) provide refrigeration facilities in which all perishable pet food kept on the premises must be stored at a temperature not higher than 10° C;
- (d) maintain in every room in which pets are kept, an unobstructed floor

space of not less than 30% of the floor area of such room and a distance of not less than 800 mm between rows of cages;

- (e) maintain the premises and every cage, tray, container, basket and all apparatus, equipment and appliances used in connection with the pet shop, in a clean, sanitary condition, free from vermin and in good working order;
- (f) take effective measures for the prevention of harbouring or breeding of, and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of unpleasant smells arising from the keeping of pets on the premises;
- (g) provide overalls or other protective clothing for the use of persons employed in connection with the pet shop and ensure that such apparel is worn by every employee when on duty;
- (h) at all times keep every pet in the building on the premises, unless otherwise approved by Council;
- (i) provide isolation facilities, in which every pet which is or appears to be sick must be kept whilst on the premises;
- (k) ensure that the premises are at all times properly ventilated to ensure sufficient movement of air for the comfort and survival of the pets;
- (l) ensure that the number of pets per cage does not impede free movement of the pets;
- (m) ensure that floors are closed regularly of all cut hair and that the hair is placed in the containers provided;

- (n) ensure that all the tops and surfaces of portion walls, doors, window sills and frames, piping, switches, cages, containers and appliances are free from cut hair.
- (o) ensure that there is an adequate supply of water for drinking and cleaning purposes;

CHAPTER 15

HAWKING OF POULTRY AND RABBITS

23 Requirements for Hawking

23. No person may hawk poultry or rabbits, unless the following requirements are complied with:
- (a) the business of a hawker must be conducted from premises on which poultry or rabbits are kept in compliance with the provisions of Chapters 5 and 6 and facilities must be provided for the parking of the vehicle used for hawking after normal trading hours;
 - (b) facilities must be provided on the premises for the washing and disinfection of cages, crates and trays in the form of either-
 - (i) a kerbed platform with a surface area of at least 1,5 m², raised at least 100 mm above the floor and constructed of concrete or other durable and impervious material brought to a smooth finish and drained in terms of section 25;
 - (ii) a stainless steel sink or trough not less than 304 mm deep and 0,6 m² in area with a drainage board, and with a constant supply of water laid on at the washing platform, sink or trough.

- (c) (i) a vehicle of sound construction, oil painted and bearing the name of the hawker, together with his or her residential address and the address of his or her business premises in clearly legible letters not less than 50 mm in height on both sides of the vehicle must be provided;
- (ii) the part of the vehicle in which poultry or rabbits are conveyed must be provided with a top or cover of heat resistant material, other than metal, and provision for through ventilation must be made.
- (d)(i) cages or crates of an impervious and durable material must be provided for conveying poultry or rabbits on the vehicle;
- (ii) the cages, crates or divisions thereof must be fitted with removable trays of impervious material for the reception of poultry or rabbit droppings;
- (iii) in the case of rabbits, the trays must be drained to a removable receptacle.
- (e) every cage, crate or division must be provided with a drinking vessel, not less than 100 mm in depth filled with water, which must be fixed to an inside corner of the cage, crate or division.

24. Duties of Hawkers

24. Every person hawking poultry or rabbits must-

- (a) wash and thoroughly cleanse the part of the vehicle in which poultry or rabbits are conveyed and every cage, crate and tray used on the vehicle, after each day's trading;
- (b) remove from every cage or crate on the vehicle any poultry or rabbits which appear to be sick and place them in a separate cage;

- (c) maintain the premises, vehicle and every cage, crate, tray, vessel and container used in connection with the hawking in a clean, and sanitary condition, free from vermin and in good working order;
- (d) store all feed in rodent proof containers.

CHAPTER 16

MISCELLANEOUS

25 Drainage

25. All sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, including channels and washing platforms, required to be drained in terms of these by-laws, must be drained to an external gully, connected to Council's sewer or where no sewer is available or readily accessible, to other means of drainage approved by Council.

26. Discharge of Taps

26. Taps at all water supply points required in terms of these by-laws, other than those within a building or structure the floors of which are graded and drained, must be placed so as to discharge directly over and into a dished top fitted to an external gully connected to Council's sewer or where no sewer is available or readily accessible, to other means of drainage approved by Council.

27. Nuisance

27. No person may-
- (a) keep any animal or pet in such a manner as to cause a nuisance;

- (b) fail to duly dispose of dead animals in such a manner as prescribed by the Medical Officer of Health.

28. Illness Attributable to Animals

28. The illness of any person which is attributable to the keeping of any animal, poultry, bird or pet as contemplated in Chapters 7 to 10, must be reported to the Medical Officer of Health within 24 hours of diagnosis by the person making the diagnosis.

29. Inspection

29. The Medical Officer of Health and any officer authorised Council may, in order to satisfy himself or herself that the provisions of these by-laws are being complied with-

- (a) enter any premises on which animals, poultry, birds or pets are kept or on which kennels or a cattery is conducted or the business of a dealer or speculator in livestock or a pet shop, a pet salon or a hawker of poultry or rabbits is being conducted or on which he reasonably suspects animals, poultry, birds or pets are kept or such business is being conducted, at all reasonable times;
- (b) inspect such premises or any vehicle used or reasonably suspected by him or her to be used for such business and anything on and in it; and
- (c) question any person on the premises or in the vehicle or who has recently been on the premises or in the vehicle.

30. Offences and Penalties

30 Any person-

- (a) who contravenes or fails to comply with any provision of these by-laws;
- (b) who keeps animals, birds or poultry or who is the person in control of or who conducts the business of a dealer or speculator in livestock, a pet shop, dog kennels or cattery or hawker of poultry or rabbits on any premises and fails to ensure that all the provisions of these by-laws applicable to such premises or business are complied with;
- (c) who fails or refuses to give access to premises to the Medical Officer of Health or any officer contemplated in section 29 when requested to give such access;
- (d) who obstructs or hinders the Medical Officer of Health or other officer in the execution of his duties under these by-laws;
- (e) fails or refuses to give information to the Medical Officer of Health or other officer which is lawfully required, or knowingly furnishes false or misleading information;
- (f) fails or refuses to comply with a notice in terms section 2, is guilty of an offence and may be liable on conviction to a fine not exceeding R2000-00 or, in default of payment, to imprisonment for a period not exceeding six months, or to both the fine and imprisonment.

CHAPTER 17

SHORT TITLE

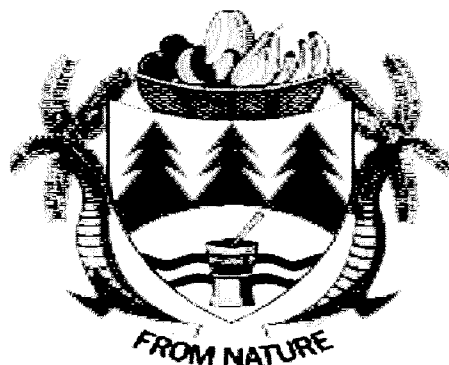
31. This by-law shall be known as the Greater Tzaneen Municipality: Keeping of Animals, Birds, Poultry or Pets By-Laws and takes effect on the date of publication in the *Provincial Gazette*.

B.S. MATLALA

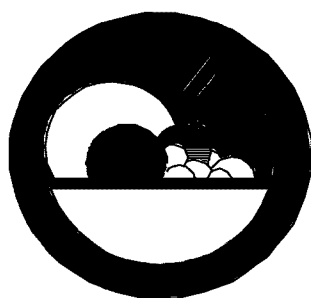
27 SEPTEMBER 2019

MUNICIPAL MANAGER

LOCAL AUTHORITY NOTICE 155 OF 2019



**STREET TRADING BY
LAW**



Greater Tzaneen Municipality

The Municipal Manager of Greater Tzaneen Local Municipality hereby, in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) read together with section 162 of the Constitution of the Republic of South Africa, publishes the Street Trading By-law as approved by its Council.

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1. Definitions

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

“authorized official” means an official of the Council authorized to implement the provisions of the by-law;

“council” means Greater Tzaneen Local Municipality Council;

“foodstuff” means any article or substances ordinary eaten or drunk by person or purporting to be suitable, or manufactured or sold, for human consumption and includes any part or ingredient of any such article or substance, or any substance used or intended or destined to be used as a part or ingredient at any such article or substance;

“goods” means any waste transferable interest but excludes any living thing and hazardous;

“litter” means any waste material and includes any container or other matter which has been discarded, abandoned or left behind by a person trading or customers;

“pavement” means a sidewalk or that portion of a road reserved for the pedestrians;

“nuisance” means any action or behavior by anyone which constitutes a disturbance or causes discomfort to anyone;

“perishables” means milk, meat, fish, crustaceans, fruit and vegetables as well as product which require special storage facilities;

“prohibited area” means any place declared or to be declared by resolution of the Council to be an area in which street trading may be prohibited;

“property” means in relation to a person carrying on the business of the street trading means any article, receptacle, vehicle or structure used or intended to be used in connection with such business and includes goods in which they trade;

“public building” means a building occupied or sold by the State or the Council or any organs of state;

“public place” means any square, park, recreation ground, sport ground, sanitary lane or open space;

“public road” means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and includes the verge of any such roads, street or thoroughfare, any bridge, ferry or drift traversed by such road, street or thoroughfare and any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

“restricted area” means any place declared by resolution of the Council to be an area in which street trading may be restricted;

“sell” means alienation for value and includes supply to and also exchange or hire, store, expose, offer or prepare for sale and “sale” has a corresponding meaning;

“service” means any advantage or gain for consideration or reward;

“street trader” means a person who is mobile or immobile and sells goods for own profit whether such goods are the products of own labour or not; and

“trade ” and “trading ” means the lawful sale of goods or services in a public road or public place.

2. Purpose

- (1) To provide for the supervision and control of the carrying on of business of street traders or hawker, formal recognition and regulation of informal trading, promotion of cleanliness, pulic health and entrepreneurship and the restriction or prohibition.

3. Application and allocation of a permit

- (1) Any person who intends to carry on a business as a street trader or vendor must apply to the Municipal Council in the prescribed manner for the allocation of a stand.
- (2) The council may grant, subject to such conditions or refuse an application.
- (3) If such application is successful, the street trader must, in respect of the allocation of such stand, be given a valid permit which must be produced on the request by an authorized officer.

- (4) If the application is unsuccessful, the municipality must notify the applicant about the disapproval of the application and the applicant's rights in terms of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000) and section 62 of the Local Government: Municipal Systems Act (Act 32 of 2000).
- (5) In respect of the allocation, as well as the lease of a stand, a permit shall be issued to the street trader as proof of the person's right to occupy stand for the purpose of carrying on business.
- (6) A street trader must, while carrying on business on the stand, retain such permit ready for display to any authorized officer who may request it.
- (7) Permits are non-transferable.
- (8) No person may conduct trading on municipal property without a valid permit from the municipality.
- (9) The municipality is entitled to charge a permit holder or applicant-
 - (a) an application fee; and
 - (b) a trading fee;
- (10) An additional fee or tariff shall be determined by the council from time to time in respect of additional costs or services provided where the permit- holder trades within a market.
- (11) In the event that a person qualifies for a permit, but has motivated in writing the inability to pay the fee, the municipality may determine a payment system in terms of which the person may pay the fee over a stipulated period by way of instalments.
- (12) In order to qualify for a permit, the applicant-
 - (a) must be intending to be a street trader;
 - (b) must be a South African citizen, failing which, must be in possession of a valid work permit which includes but is not limited to a refugee permit; and
 - (c) must not employ children and actively utilise the services of not more than two persons.
- (13) The municipality must take into account the following factors when considering an application for a permit-
 - (a) the need to give preference to applicants that are historically disadvantaged individuals;
 - (b) where there are limited number of trading bays available in the trading area in respect of which a permit is sought, the need to give preference to applicants that would be new entrants to trading within the municipality;
 - (c) the nature of the trading goods which the applicant intends selling, or the services which the applicant intends rendering, bearing in mind the nature of the businesses within that trading area or in its immediate vicinity;
 - (d) the need to give preference to unemployed applicants; or
 - (e) whether the applicant has, in terms of this by-law committed an offence or had a permit revoked or suspended.

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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 ngwadisits'we bjalo ka Kuranta) • (Yo redzhistariwa sa Nyusiphepha)*

Vol. 26

POLOKWANE,
27 SEPTEMBER 2019
27 SEPTEMBER 2019
27 MDZATI 2019
27 SETEMERE 2019
27 KHUBVUMEDZI 2019

No. 3036

- (14) The municipality is entitled to impose such terms and conditions in respect of permits as it deems fit, subject to the provisions of the applicable trading plan; including but not limited to, the right to-
- (a) specify the-
 - (i) trading hours during which the permit-holder may trade;
 - (ii) nature of the goods or services the permit-holder is permitted to trade; and
 - (iii) permit-holder's trading bay number;
 - (b) allocate the street trader an alternative bay in the same trading area;
 - (c) specify the type of structures, if any, which may be erected on a trading bay or in a trading area;
 - (d) impound trading goods in the event of a contravention of this by-law or any other law;
 - (e) on reasonable notice to the street trader and after affording the relevant street trader an opportunity to make oral or written representations, revoke or suspend a permit in the event of a street trader who-
 - (i) breach any provision of the permit or the by-law;
 - (ii) has been convicted of trading illegal or counterfeit goods or providing a service unlawfully; or
 - (iii) wilfully supplying incorrect information when required to provide the municipality with information;
 - (f) upon reasonable prior notice to the street trader and with no compensation payable by the municipality to the permit holder, temporarily-
 - (i) relocate a permit holder;
 - (ii) suspend the validity of a permit; or
 - (iii) prohibit a permit holder from trading at the relevant trading bay should it be necessary to do so because of the performance of activities which renders the continuation of trading from the relevant trading bay impractical or severely inconvenient and such activities shall include, but not limited to, maintenance or construction of infrastructure or building performed by the municipality, property developments, alterations or refurbishments by any entity, or activities by public entities conducted in terms of their powers and functions.

4. General conduct of street traders

- (1) A street trader shall-
- (a) not place property on a verge or public place except for the purpose of commencing to trade;
 - (b) ensure that the property does not cover an area of a public road, public place, or pavement which is greater in extent than three square meters (3m²) unless written permission for a greater area is obtained from the Council;

- (c) not trade on pavements narrower than 2,5 m;
- (d) not place or stack property which is likely to injure any person or damage property;
- (e) not erect any structure for the purpose of providing shelter or sleep over night at the place of business without the prior written approval of the council and where approval is given for a shelter to protect goods, the street trader shall not erect an unsightly structure from which to conduct the business;
- (f) not obstruct access to a fire hydrant or area demarcated solely for the use of emergency vehicle or service;
- (g) on concluding business for the day, remove the property, except any permanent structure permitted by the Council, to a place which is not part of a public road or public place;
- (h) on request by an employee or agent of the Council or any supplier of telecommunication or electricity or other services, move the property so as to permit the carrying out of any work in relation to a public road or public place;
- (i) not make an open fire at a place of trading or in circumstances where it could harm a person or damage a building or a vehicle;
- (j) not store the property in manhole or storm water drain, bus shelter, public toilet or trees; and
- (k) not sell goods in a street by using megaphones, radios, loudspeaker, or constantly shouting or singing in a manner which shall constitute a nuisance or disturbance in the area.

5. Cleanliness

(1) A street trader must-

- (a) keep property and the area or site occupied for the purpose of such business in a clean and sanitary condition;
- (b) dispose of litter generated by business in whatever receptacles provided thereof by the Council, including recycling and dumping sites and not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
- (c) ensure that on completion of business for the day the area or site occupied for purposes of the trade is free of litter; and
- (d) take such precaution as may be necessary by the council to prevent the spilling onto a public road or public place any fat, oil, grease or any hazardous substances in the course of conducting business and prevent any smoke, fumes, odour, or noise emanating from activities from becoming a nuisance.

6. Obstruction of pedestrians

(1) No person shall trade at place where such trading-

- (a) obstruct access to or use of street facilities such as bus passenger bench or shelter or queuing line, refuse disposal bin or other facility intended for the use of the general public;
- (b) obstruct the visibility of the display window, signboard or premises, if the person carrying on business in the premises concerned object thereto;
- (c) obstruct access to a building in width, automatic bank teller machine, pedestrian crossing or motor vehicle; or
- (d) leaves less than 1,5m in width of a sidewalk clear for the pedestrian use or in any manner substantially obstruct pedestrians in their use of a sidewalk.

7. Obstruction of vehicle traffic

- (1) No person shall trade at a place where such trading-
- (a) causes an obstruction on a roadway;
 - (b) limits access to parking or loading bays or other facilities for vehicular traffic;
 - (c) obscures any road traffic sign or any marking, notice or sign or any display made in terms of this or any other by-law;
 - (d) interferes in any way with any vehicle that may be parked alongside such place; or
 - (e) obstruct or impedes the view of any user of the road, any traffic sign or any other road user.

8. Prohibitions

- (1) No person shall trade in any area, prohibited by council being-
- (a) at a place or an area declared as a place or area in which the carrying on of street trading is prohibited;
 - (b) on a verge, contiguous to-
 - (i) a building belonging to or occupied solely by the State or the Council;
 - (ii) a church or other place of worship; or
 - (iii) a building declared to be a monument;
 - (c) on a verge contiguous to a building in which business is being carried on by any person who solely or mainly sells goods of the same or similar nature as goods being sold by the street trader concerned, without the consent of that person;
 - (d) on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control or any occupier of the building objects thereto;
 - (e) at a place where it substantially obstructs pedestrians in the use of a sidewalk or take up a position or deposit the property on a sidewalk so as to do so;
 - (f) at a place where it causes an obstruction to vehicular traffic;
 - (g) at a place where it causes an obstruction in front of-
 - (i) an entrance to or exit from a building; and
 - (ii) a fire hydrant;
 - (h) on a stand or in any area if is not in possession of proof that he or she has hired such stand or area from the Council or that it has otherwise been allocated to him or her; or
 - (i) in contravention of the terms and conditions of the lease or allocation of a stand or area.

9. Restrictions

- (1) No person carrying on the business as a street trader shall –
- (a) if such business is carried on any public road or public place-
 - (i) sleep overnight at the place of such business; or
 - (ii) erect any permanent structure at the business site for the purpose of providing shelter without prior written approval of the Council,
 - (b) carry on such business in such a manner as to-
 - (i) create a nuisance;

- (ii) damage, deface the surface of any public place or any public or private property, or
 - (iii) create a traffic hazard;
 - (c) other than in a refuse receptacle approved or provided by the council, accumulate, dump, store or deposit or cause or permit to be accumulated, dumped, stored or deposited any litter on any land or premises or on any public road or public place;
 - (d) obstruct access to a service or to service works of the Council or of the State or any statutory body;
 - (e) interfere with the ability of persons using a sidewalk to view the goods displayed behind a shop display window or obscure such goods from view;
 - (f) obstruct access to a pedestrian arcade or mall;
 - (g) carry on business or take up a position or place property on a portion of a sidewalk or public place in contravention of a notice or sign erected or displayed by the Council for the purpose of this by-law;
 - (h) carry on such business in a place or area in contravention of any restriction imposed by Council resolution;
 - (i) obstruct access to pedestrian crossings, parking or loading bays or other facilities for vehicular or pedestrian traffic;
 - (j) obstruct access to or the use of street furniture such as bus passenger benches or shelters and queuing lines, refuse disposal bins and other facilities designed for the use of the general public; or
 - (k) obscure any road traffic sign displayed in terms of the National Road Traffic Act, 1996 (Act 93 of 1996), and regulations made thereunder or any marking, notice or sign displayed or made in terms of these by-law.
- (2) The council shall reserve the right to restrict the number of street traders and street trader associations.

10. Application to lease a kiosk

- (1) Any person who intends to carry on business in a municipal kiosk shall apply to the municipality for the lease of a kiosk at the prescribed tariff.
- (2) If such application is successful –
 - (a) the municipality and the applicant shall enter into a lease agreement;
 - (b) the lessee must at all times comply with the terms and conditions determined by Council as indicated in the lease agreement;
 - (c) a certificate will be issued to the lessee as proof of the person's right to occupy such kiosk or designated area for the purpose of carrying on business; and
 - (d) the lessee must while carrying on business at the kiosk, at all times retain such certificate ready to produce same to any authorized officer on request.
- (3) A lessee may use the services of an employee subject thereto that the employee must at all times be in possession of the issued certificate and the provisions of this by-law shall be applicable to such an employee.
- (4) Should a person enter into a lease agreement for the lease of a kiosk and fail to pay the prescribed rental in part or at all on the due date, the Council shall have the right to cancel such agreement after having given such person 14 days written notice to make payment and the person persist in such non-payment and such person shall thereupon

immediately return the certificate to the Council.

11. Signs indicating restrictions

- (1) The Council may pass a resolution after consultation with all interested parties, prescribing signs, markings or other devices to indicate-
 - (a) specified hours, places , goods or services in respect of which street trading is restricted;
 - (b) the location or boundaries of a restricted area;
 - (c) the boundaries of a stand or area set apart for the purpose of the carrying on of a business of street trading;
 - (d) the fact that any such stand or an area has been let or otherwise allocated; and
 - (e) any restriction or prohibition against trading in terms of this by-law and the location of boundaries of a prohibited area.
- (2) The municipality may display any such sign, marking or device in such a position and manner that indicate the restrictions or other location or boundaries of the area or stand concerned.

12. Removal and impoundment

- (1) Any authorized officer may remove and impound any goods, articles, receptacle, vehicle or structure which the authorized officer-
 - (a) reasonably suspect is being used or has been used in or in connection with street trading; and
 - (b) find at a place where street trading is restricted or prohibited and it constitutes an infringement.
- (2) An official may remove and impound such property or goods of the street trader concerned, or arrange for the removal and impoundment of such goods -
 - (a) after the content of the instruction for the moving or removing of property or goods, have been explained to the street trader;
 - (b) after the official concerned ensured that the property or goods to be removed and impounded have been reasonably suspected to be used or were intended to be used for the trading which is in contravention of this by-law; and
 - (c) found by the official concerned at the place where such trading was restricted or prohibited.
- (3) An official who acts in terms of subsections (1) and (2) of this by-law, shall –
 - (a) be properly authorized in writing;
 - (b) except where property or goods which have been abandoned are removed and impounded, immediately provide the transgressor concerned with a detailed and itemised receipt of the goods removed and impounded, which receipt shall contain—
 - (i) comprehensive information where the impounded goods shall be stored,
 - (ii) the procedure for the reclaiming of such goods, and

- (iii) the procedure to make representation and show cause to the municipality why the removal and impoundment was not reasonable; and
 - (c) immediately hand over the goods impounded to the municipality for safekeeping.
- (4) Any goods impounded in terms of this by-law shall–
 - (a) be kept by the municipality at a place of safekeeping and in the case of perishable products be stored in cold storage and a proper register shall be kept of all goods which are stored as such;
 - (b) in case of perishable goods impounded by the municipality, be destroyed after 7 days, after written notice to make representation why the goods should not be destroyed has been given to the owner of the products concerned, where the contact particulars of such owner are known, and subject to the provision of subsection (3), the products may be reclaimed by the owner of such products before the disposal thereof –
 - (i) when requested by such owner;
 - (ii) on submission of proof of ownership; and
 - (iii) on payment of the penalties and costs incurred by the municipality for the removal, impounding, storage and safekeeping of such perishable products, and such products shall then be handed over to the owner thereof; and
 - (c) in case of any property other than perishable products impounded by the municipality, after written notice has been given to the owner of the products concerned, where the contact particulars of such owner are known, the property shall be returned to the owner within a period of 30 days, subject to subsection (3) and on condition that the property shall only be returned to the owner, on submission of proof of ownership, payment of the penalties and the costs incurred by the municipality for the removal, impounding, storage and safekeeping of such property or goods.
- (5) The municipality shall be entitled to retain the property or goods impounded in terms of subsection (2) of this by-law until all the penalties involved and the reasonable costs incurred by the municipality have been paid and by failure thereof the municipality may sell the involved property or goods on public auction or in the case of perishable products destroy it.
- (6) The municipality shall when non-perishable products and other property or goods, have not been claimed by the owner thereof within 30 days after written notices thereof to such owner or by failure of the owner of such property or goods to pay the required penalties and the costs owed to the municipality for the impoundment of such property or goods, or when the owner cannot be traced, sell the property or goods concerned by means of public auction and recover costs and penalties.
- (7) The municipality shall pay the remainder of the proceeds of an auction to the owner of the impounded property or goods after all penalties and costs of the municipality have been subtracted and if such owner cannot be traced the proceeds shall be forfeited to the municipality.
- (8) When the costs of the municipality cannot be recovered from the proceeds of an auction, the owner of such property or goods shall remain liable for the payment thereof.

13. Appeals

Any person whose rights are affected by a decision taken by the municipality in terms of this by-law under a duty or power which has been delegated or sub-delegated, may appeal against that decision in terms of section 62 of the Systems Act.

14. Offences and penalties

Any person who contravenes or fails to comply with any provision of this by-law shall upon conviction if found guilty, be liable to a fine not exceeding R500-000 or to imprisonment.

15. Repeal of by-laws

The provisions of any by-law relating to Street Trading by-law are hereby repealed insofar as they relate to matters provided for in these by-laws; provided that such provisions shall be deemed not to have been repealed in respect of any such by-law which has not been repealed and which is not repugnant to these by-laws on the basis as determined by the relevant by-laws.

16. Short title and commencement

This by-law is called Greater Local Municipality Street Trading By-Law and shall come into effect on the date of publication in the *Provincial Gazette*.

B.S. MATLALA
MUNICIPAL MANAGER

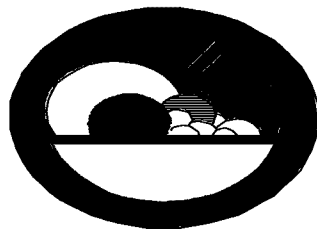
27 SEPTEMBER 2019

LOCAL AUTHORITY NOTICE 156 OF 2019

Greater Tzaneen Municipality



PARKING BY LAWS



Greater Tzaneen Municipality

Greater Tzaneen Municipality

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 and the National Road Traffic Act, 1996 (Act 93 of 1996) the Greater Tzaneen Municipality enacts as follows:-

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1. Definitions

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

“animal” means any equine, bovine, sheep, goat, poultry, camel, dog, cat, or other domestic animal or bird, or any wild animal, or reptile which is in captivity or under the control of a person, or insects, such as, but not limited to, bees which are kept or are under control of a person;

“approved” means approved by the Municipality and **“approval”** has a corresponding meaning;

Greater Tzaneen Municipality

“authorised officer” means an inspector of licences, examiner of vehicles, examiner for driver’s licences, traffic warden or a traffic officer, and includes any other person whom the Minister, by regulation, has declared to be an authorised officer of the Municipality;

“authorized official” means any employee of the Municipality who is acting within the scope of his or her duties on behalf of the Municipality and who is in uniform with a distinctive badge and appointment certificate of office;

“authorised person” means a person nominated by an organization and authorised by the Municipality;

“bib” or “jacket” means a garment which fits around the chest of a person, which garment has a recognizable insignia identifying the person as a parking attendant and which is approved by the Municipality;

“bridge” means a bridge, as contemplated in the National Road Traffic Act, 1996 (Act 93 of 1996);

“bus” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry more than 35 seated persons, excluding the driver, and includes a bus train;

“bus facility” means a stand or demarcated stopping place where passengers may board or alight from a bus for which a permit has been issued;

“bus train” means a bus which: (a) consists of two sections that connect to form a unit; (b) can swivel in a horizontal plane at the connections between such sections; (c) is designed or adapted solely or principally for the conveyance of the driver and at least 100 other persons; and (d) has a continuous passageway over its length;

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

“Chief Traffic Officer” means the Municipality’s Chief Traffic Officer to whom any function, power or duty has been delegated, and includes any other officer under his or her control;

“Municipality” means the Greater Tzaneen Municipality as established in terms of section 12 of Municipal Structures Act, and includes any political structure, political office bearer, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such political structure, political office bearer, agent or employee;

Greater Tzaneen Municipality

“Municipality card” means any document or card, irrespective of the form thereof, issued by the Municipality in order to be used as method of payment for parking;

“combined parking meter” means an appliance in which more than one parking meter is contained;

“coupon” means anything whatsoever which, either by itself or in connection with any other thing entitles or purports to entitle the holder thereof to park any vehicle in a parking bay or parking ground, whether electronic or not and includes any device approved by the Municipality from time to time;

“dealer” means a person who, for gain, carries on the business selling, buying, exchanging or garaging vehicles;

“decal” means a colour-coded sticker or other means of identification issued by the Municipality to the holder of a taxi permit;

“demarcated parking bay” means a place referred to in section 80A of the National Road Traffic Act, 1996 (Act 93 of 1996), as a space laid out and marked in a public road, parking ground or public place, the time and occupation by which a vehicle is intended to be recorded by a parking meter;

“demarcated stopping place or stand” means the stand for a bus as contemplated in section 76;

“donation” means any amount of money that a driver gives to a parking attendant on a voluntary basis for services rendered by the parking attendant;

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

“examiner of vehicles” means an examiner of vehicles registered and appointed in terms of Chapter 11 of the National Road Traffic Act, 1996 (Act 93 of 1996);

“footpath” means that portion or lateral extremities of the public road which, although not actually defined or made, is habitually used by pedestrians as a sidewalk;

“goods vehicle” means a motor vehicle other than a motor car or bus, designed or adapted for the conveyance of goods on a public road and includes a truck, tractor, motor cycle or motor tricycle;

Greater Tzaneen Municipality

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

“holding area” in relation to a taxi, means a place, other than a rank, where a taxi remains until space for it is available at a rank or stopping place;

“marshal” means a person who arranges passenger and vehicle-related procedures at taxi facilities;

“mechanically or otherwise controlled parking ground” means a parking ground to which entry is controlled by a mechanism, such as a boom, which opens or is manually opened on presentation of proof that any payment was or is to be made as determined by the Municipality's annual schedule of tariffs;

“metered parking bay” means a parking bay in respect of which a parking meter has been installed or in respect of which a hand held device or electronic payment system has been implemented;

“metered parking ground” means a parking ground or any part thereof where parking is controlled by means of a parking meter or meters;

“metered taxi” means a motor car designed for conveying not more than five people, including the driver, which must be fitted with a taximeter, as contemplated in Chapter 4;

“midi-bus” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry from 19 to 35 seated persons, excluding the driver;

“mini-bus” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996 (Act 93 of 1996), to carry from nine to 18 seated persons, excluding the driver;

“Minister” means the National or Provincial Minister of Transport;

“motor car” means a motor vehicle, other than a motor cycle, motor tricycle or motor quadrocycle as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), designed or lawfully adapted by a registered manufacturer in compliance with the Act to carry not more than eight persons, excluding the driver;

“motor vehicle” means any self-propelled vehicle and - (a) a trailer; and (b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine

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or motor, or both such pedals and engine, or motor, but does not include- (i) a vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or (ii) a vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;

“operate” in relation to a vehicle, means to use or drive a vehicle, or to permit a vehicle to be used or driven on a public road, or to have or to permit a vehicle to be on a public road;

“operator” means a public transport operator, as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), being a person carrying on the business of a public passenger road transport service;

“organization” means a group of people, company, association or body representing parking attendants that operates a parking attendant service in certain geographical areas as approved by the Municipality;

“owner” in relation to a vehicle, means - (a) the person who has the right to the use and enjoyment of a vehicle in terms of common law or a contractual agreement with the titleholder of such vehicle; 6 (b) a person referred to in paragraph (a), for any period during which such a person has failed to return that vehicle to the titleholder in accordance with the contractual agreement referred to in paragraph (a); and (c) a person who is registered as such in accordance with Section 14 of the National Road Traffic Act, 1996 (Act 93 of 1996);

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

“parking marshals” means a person in the employ of an organization to render a parking management service to drivers in a public place or on a public road;

“parking bay” means a demarcated area within which a vehicle is to be parked in terms of this by-law, demarcated as such upon the surface of a parking ground or a public road;

“parking ground” means any area of land or any building set aside by the Municipality as a parking ground or garage for the parking of vehicles therein by members of the public, whether or not charges are prescribed by this by-law for the use thereof;

“parking meter” means a device commissioned in terms of this by-law, registering and visibly recording the parking time either by means of a meter affixed to the device, or on a

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parking meter ticket issued by the device, or any other device by which parking time can be recorded whether operated by an authorized official or a service provider approved by the Municipality;

“parking period” means the maximum continuous period during which a vehicle is permitted to park in a parking ground or parking bay as indicated by a road traffic sign;

“particulars” means any form of information of a person or business and includes the name, surname, company name, residential, identification number, business or e-mail address, telephone, cellular or fax number, or any other such information;

“passenger” means any person in or on a vehicle, but does not include the driver or the conductor;

“passenger-carrying motor vehicle” means a taxi or a bus used or designed to convey passengers for reward;

“pay-and-display machine” means any machine or device installed or operated at a pay-and-display parking ground for the sale of coupons;

“pay-and-display parking ground” means a parking ground in which a parking coupon must be obtained from a parking coupon vending machine which is situated in or in close proximity of the parking ground;

“pedal cycle” means any bicycle or tricycle designed for propulsion solely by means of human power;

“prescribed” means determined by resolution of the Municipality, and in relation to a fee, means as set out in the tariff policy of the Municipality;

“prescribed coin” means a coin of the Republic of South Africa being legal tender in terms of the South African Mint and Coinage Act, 1964 (Act 78 of 1964), of the denomination indicated on the parking meter concerned and includes debit, credit or Municipality7 cards and any other method of payment as may be approved and prescribed by the Municipality from time to time;

“public place” means any square, park, recreation ground, sports ground, sanitary lane or open space which has: (a) in connection with any subdivision or layout of land into erven, been provided, reserved or set apart for use by the public, or the owners, or occupiers of such erven, whether or not it is shown on a general plan, plan of subdivision or diagram; (b) at any time been dedicated to the public; (c) been used by the public without interruption for

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a period of at least 30 years, or (d) at any time been declared or rendered such by the Municipality or other competent authority;

“public road” means any road, street, cycle path, thoroughfare, parking bay or any other place, and includes: (a) the verge of any such public road; (b) any footpath, sidewalk or similar pedestrian portion of a road reserve; (c) any bridge, ferry or drift traversed by any such public road; (d) any other object belonging to such public road, which has at any time been - (i) dedicated to the public; (ii) used without interruption by the public for a period of at least 30 years; (iii) declared or rendered such by the Municipality or other competent authority; or (iv) constructed by a local authority; (e) any land, with or without buildings or structures thereon, which is shown as a public road on: (i) any plan of subdivision or diagram approved by the Municipality or other competent authority and acted upon; or (ii) any general plan as defined in the Land Survey Act, 1997 (Act 8 of 1997), registered or filed in a deeds registry or Surveyor General’s office, unless such land is on such plan or diagram described as a private public road;

“regulation” means a regulation under the National Road Traffic Act, 1996 (Act 93 of 1996);

“rank” in relation to a taxi, means a place upon a public road where a taxi may stand to ply for hire or to pick up passengers for their conveyance for reward;

“residence” means a building, or part of a building, that is – (a) fixed to land; and (b) designed or approved by the Municipality, for human habitation by a single family unit; and (c) used for residential purposes;

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

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

“special parking place” means a rank or stand established by the Municipality on a public road within the Municipality for the parking or standing of passenger-carrying motor vehicles;

“stand” in relation to a bus, means the place where a bus route starts or ends;

“stop” in relation to a taxi stopping on a public road, means to keep a taxi, whether occupied or not, stationary for a period of time no longer that is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such stopping by reason of a cause beyond the control of the driver of such taxi;

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“stopping place” in relation to - (a) a taxi, means the place designated by the Municipality where a taxi may stop to pick up or drop off passengers; and (b) a bus, means a demarcated stop where a bus may stop to pick up or drop off passengers;

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

“taxi” means a motor vehicle which plies for hire, is operated for reward, and includes- (a) a mini-bus, a midi-bus, motor tricycle or motor quadrocycle; and (b) a metered taxi;

“taxi association” means a taxi association recognized as such by the Municipality and the Limpopo Province;

“taxi facility” means a holding area, special parking place, stopping place, rank, terminal and any other facility that is specifically identified and designated by the Municipality for the exclusive use of taxis;

“taxi operator” means the person responsible for the use of the taxi, provided that in terms of Chapter IV of the National Road Traffic Act, 1996 (Act 93 of 1996), it means the person who has been registered as the operator of such vehicle;

“taxi rank” means a taxi facility identified by the Municipality as a place where taxis stand to await passengers;

“temporary taxi facility” means a taxi facility contemplated in section 67(2);

“traffic warden” means a person appointed by the Municipality to enforce the parking by-laws and the National Road Traffic Act, Act 93 of 1996;

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

“tri-cycle” means a three-wheeled cycle exclusively designed or prepared for the conveyance of goods and propelled solely by human power;

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“verge” means that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or the shoulder;

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

(2) In these by-laws, a word or expression that has been defined in the National Road Traffic Act, 1996 (Act 93 of 1996), has that meaning, unless the context otherwise indicates.

2. Principles and objectives

The Greater Tzaneen Municipality, in terms of Section 156 of the Constitution of the Republic of South Africa Act No. 108 of 1996 read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, and being aware of its duty to control parking and to control motor vehicle attendants, taxis and buses within the area under its jurisdiction so as to provide a safe environment for all people within the municipal area, adopts these by-laws with the aim of controlling parking within its area of jurisdiction.

CHAPTER 1: GENERAL PROVISIONS RELATING TO PARKING

Part 1: General provisions

3. Control of parking

(1) Whenever the public or a number of persons are entitled or allowed to use, as a parking place, an area of land, including land which is not part of a public road or a public place, an authorised officer may, in cases of emergency or when it is desirable in the public interest, direct and regulate traffic thereon.

(2) The Municipality may manage parking and collect any fees related to parking or appoint a service provider to manage parking and to collect any fees related to parking.

(3) No person may without the prior written approval of the Municipality erect or place any sign or notice in any position or place indicating that parking in any parking bay is either reserved for a person or a class of persons.

(4) The Municipality may operate a parking management system in areas and during times determined by the Municipality from time to time.

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- (5) A person who disregards an instruction of an authorised officer in terms of subsection (1) or who erects or places a sign or notice in contravention with subsection (3) or who contravenes subsection (4) commits an offence.

4. Parking in a loading zone

- (1) No person who operates or who is in charge of a vehicle on a public road may allow, subject to subsections (2) and (3), the vehicle to remain stationary in a loading zone –
- (a) between the hours of 07:00 and 18:00 on Mondays to Saturdays, except where such day is a Public Holiday; 10
 - (b) between the hours of 07:00 to 14:00 on Sundays, except where such day is a Public Holiday; or
 - (c) between other restricted hours as may be specified in respect of a particular loading zone by a road traffic sign or marking.
- (2) No person who operates or who is in charge of a vehicle on a public road may allow a vehicle, other than a goods vehicle, to remain stationary in a loading zone for more than five minutes continuously and only while actually loading or off-loading persons or goods and while a licensed driver is in attendance at the vehicle.
- (3) No person who operates or who is in charge of a vehicle on a public road may allow a goods vehicle to remain stationary in a loading zone for more than 30 minutes continuously and only while the vehicle is being actually loaded or unloaded.
- (4) The driver of a vehicle, other than a goods vehicle, stationary in a loading zone must immediately remove the vehicle from the loading zone upon being directed to do so by an authorised official, even if the vehicle has not been stationary therein for longer than the maximum period allowed in respect of a vehicle of that class.
- (5) A person who contravenes a provision of this section commits an offence.

5. Parking at a bus stop

- (1) No person who operates or who is in charge of a vehicle on a public road may, in the case of a vehicle other than a bus, allow the vehicle to remain stationary in a bus stop between the hours of 06:00 and 18:00.
- (2) A person who contravenes subsection (1) commits an offence.

6. Parking in a public road

- (1) No person who operates or who is in charge of a vehicle on a public road may park the vehicle in any public road within the municipal area for a period beyond that indicated on a road traffic sign relevant to the specific area.

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(2) No person may, without the written consent of the Municipality, park a heavy motor vehicle designed, adapted or used for the conveyance of goods, between the hours of 20:00 and 06:00 anywhere in the municipal area, except on private land or in those areas where road traffic signs regulating such parking have been erected.

(3) Application for consent must be made on the form provided for this purpose by the Municipality. (4) A person who contravenes a provision of this section commits an offence.

7. Parking upon a traffic island

(1) No person may park a vehicle upon a traffic island, unless directed or instructed to do so by an authorised official or unless a parking bay has been demarcated upon such traffic island.

(2) A person who parks a vehicle upon a traffic island in contravention of subsection (1), or who fails to comply with a direction or instruction by an authorised officer commits an offence.

8. Parking by a dealer or seller of a vehicle

(1) No dealer or seller of a vehicle may park or allow to be parked on the verge of a public road within the municipal area a vehicle which is advertised for sale or for rental.

(2) A dealer or seller who contravenes a provision of subsection (1) commits an offence.

9. Parking of a vehicle under repair

(1) No person responsible for the control of a business of recovering or repairing vehicles may park, cause or permit to be parked, in any public road or public place within the municipal area any vehicle that is in an obvious state of disrepair, which has been placed in his or her charge in the course of the business of recovering or repairing.

(2) A person who contravenes a provision of subsection (1) commits an offence.

10. Parking of heavy vehicles and caravans

(1) No person may, for an uninterrupted period exceeding two hours, except on places reserved for the parking of heavy vehicles, park on a public road within the municipal area –

- (a) a motor vehicle with a tare exceeding 3500 kg;
- (b) a trailer not attached to a vehicle;
- (c) a semi-trailer, or
- (d) a caravan not attached to a vehicle.

(2) Whenever a vehicle is parked in contravention of subsection (1), it is deemed that the owner thereof has parked such vehicle, unless the contrary is proved.

(3) A person who contravenes a provision of subsection (1) commits an offence.

Greater Tzaneen Municipality**11. Exemption of medical practitioners from parking restrictions**

(1) (a) Registered general medical practitioners to whom a badge has been issued in terms of subsection (3) (a) are exempt from the provisions of any law, subject to paragraph (b), relating to parking in force in the Municipality when using, on bona fide professional domiciliary visit, a motor vehicle on which is displayed a badge conforming with the requirements of subsection (2) issued to him or her by the Municipality.

(b) A person contemplated in paragraph (a) is not exempt from a provision prohibiting the stopping of a vehicle or the parking of a vehicle in a bus stop or across an entrance.

(2) (a) The badge must be a windscreen sticker badge displaying on the face thereof –
(i) a serial number; and
(ii) the name of the person to whom it is issued.

(b) The badge must be displayed on the lower left corner of the windscreen and must have a pocket in which the person contemplated in subsection (1) inserts a white card showing the address at which the holder of the badge is actually making a professional domiciliary visit at the time the motor vehicle to which it is affixed is parked, and the address shown on the card must be easily legible from outside the vehicle.

(c) The address referred to in subsection 2(b) must be in the same street or a street adjoining the place where the vehicle is parked.

(3) (a) Written application for the issue of a badge must be made to the Municipality and if the Municipality approves the application; it must issue a badge bearing a registered serial number to the applicant.

(b) The Municipality must keep a register in which it records the serial number allocated by it of the badge, the issue of which has been authorised by it, and the name of the holder.

(c) The Municipality may issue a duplicate badge.

(d) Where the Municipality has reason to believe that any holder of a badge is abusing a privilege conferred by the badge, it may withdraw the badge from the holder and the privileges conveyed by the badge shall thereupon cease.

(e) The municipality may charge a fee for the issuing of a badge or a duplicate thereof.

(f) The municipality may prescribe the period for which a badge will be valid.

(4) Application for a badge must be made on a form provided for this purpose by the Municipality.

(5) A person who displays a forged badge or a badge which was not issued by the

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Municipality commits an offence.

12. Pick-up and set-down areas at schools

(1) The Municipality may by notice designate areas in the vicinity of schools and crèches as pick-up and set-down areas.

(2) No person may park in a pick-up and set-down area for any longer than necessary to pick-up or set down learners.

(3) A person who contravenes subsection (2) commits an offence.

13. Outspanning in public roads

(1) No person may outspan or allow to be outspanned in any public road or public place any vehicle drawn by animals, or detach or leave in any public road or public place any trailer, caravan or vehicle which is not self-propelled, however, this provision does not apply when such vehicle is being loaded or unloaded.

(2) A person who contravenes subsection (1) commits an offence.

Part 2: Parking permits**14. Resident parking permit**

(1) Subject to any conditions the Municipality may impose and subject to section 18, (1) and

(2) a resident parking permit may be granted to persons –

(a) who reside in a residence –

(i) situated on a section of road in circumstances where parking immediately adjacent to the residence is regulated by time; and

(ii) in circumstances where not more than 1 person who resides in the residence is the holder of a current permit; and

(iii) situated on a section of road in circumstances where the issue of the permit would not unduly impede the flow of traffic either on the road or in the area; and (b) whose residence does not have and cannot reasonably provide off-street parking.

(2) A person who parks a vehicle in contravention with subsection (1) commits an offence.

15. Temporary parking permit

(1) Subject to any conditions the Municipality may impose and subject to section 18(1) a temporary parking permit may be granted to allow the holder of the permit to park one or more vehicles in a designated parking space or spaces for a period specified in the permit

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despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces.

- (2) A temporary parking permit may only be granted if the Municipality is satisfied that –
- (a) the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space or spaces to which the application relates; and
 - (b) it is not reasonably practical for the applicant to carry out that activity unless the designated parking space or spaces to which the application relates are allocated to the applicant's exclusive use for the duration of the activity.
- (3) A person who parks a vehicle in contravention with subsection (1) commits an offence.

16. Work zone permit

(1) Subject to any conditions the Municipality may impose and subject to section 18(1) and (3) a works zone parking permit may be granted for parking or other building or construction purposes in a parking bay or parking ground or on the verge of a road or in the road reserve if the Municipality is satisfied that –

- (a) the part of the road or other area referred in subsection (1) to which the application relates is adjacent to the site of proposed building or construction work; and
- (b) the carrying out of the building or construction work is lawful; and
- (c) having regard to the nature of the building or construction work and the characteristics of the site of the work, it is not reasonably practical for all work activity involving vehicle loading and unloading and associated vehicle movements to be confined within the site.

(2) A person who parks a vehicle in contravention with subsection (1) commits an offence.

17. Municipal works parking permit

(1) Subject to any conditions the Municipality may impose and subject to section 18(1), a local government works parking permit may be granted to allow a person to park 1 or more 14 vehicles in a designated parking space or spaces, and for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces if the person is –

- (a) an employee, contractor or agent of the Municipality; and
- (b) parking the vehicle or vehicles in the space or spaces –
 - (i) for the purpose of carrying out work for or on behalf of the Municipality; and
 - (ii) in the course of carrying out his or her duties for or on behalf of the Municipality.

Greater Tzaneen Municipality**18. Conditions of parking permits**

- (1) The conditions that will ordinarily be imposed on all parking permits are, amongst others that may be imposed by the Municipality—
- (a) the holder of the permit must affix the original permit to the vehicle identified in the permit facing outwards and as near as practicable to the registration label for the vehicle; and
 - (b) a replacement permit will only be issued after completion by the permit holder of a statutory declaration detailing the facts and circumstances of the loss, destruction or damage of the original permit.
- (2) The conditions that will ordinarily be imposed in a resident parking permit are –
- (a) the permit must be used only in respect of the parking of a vehicle at the location identified in the permit which must be –
 - (i) the road adjacent to the place of residence identified in the permit; or
 - (ii) the one or more segments of road in close proximity to the place of residence identified in the permit; and
 - (b) the holder of the permit must only use the permit whilst the holder remains a resident at the place of residence identified in the permit; and
 - (c) a resident parking permit is not specific to any particular vehicle; and
 - (d) a maximum of 1 parking space per residence may be granted.
- (3) The conditions that will ordinarily be imposed in a works zone parking permit are –
- (a) the permit must specify the part of the road to which the permit relates; and
 - (b) the holder of the permit must pay the prescribed fee, as determined by the local government, for the installation of official traffic signs, or other signs and markings, as determined by the local government to be appropriate, to identify the boundaries of the works zone identified in the permit; and
 - (c) materials of any kind must not be stacked, placed or otherwise left on the road or footpath (either within or outside of the works zone); and
 - (d) a vehicle must not be parked, and loading or unloading or other operations must not be carried out, in a manner which obstructs pedestrian movement along a footpath within or adjacent to the works zone; and
 - (e) the permit must be kept on site and produced upon request by an authorised officer.
- (4) Any person who contravenes any conditions imposed by the Municipality or this section commits an offence.

19. Reserved parking for the disabled, diplomatic corps, South African Police

Greater Tzaneen Municipality**Services and other identified groups**

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

CHAPTER 2: PARKING METERS AND PAYMENT FOR PARKING**20. The Municipality may install parking meters or use any other device to record the time parked**

- (1) The Municipality may install or cause to be installed or operate or cause to be operated in a public road or place in the municipal area –
 - (a) a parking meter at a demarcated parking bay; or
 - (b) a combined parking meter at demarcated parking bays; or
 - (c) any other device by which parking time can be recorded and displayed.
- (2) The Municipality may install or operate a parking meter contemplated in subsection (1) upon the kerb, footpath or sidewalk which adjoins the parking bay or bays in respect of which it is installed or at any other place in close proximity that serves the parking bay.
- (3) In the instance where a parking meter is not automatically activated by the insertion of a prescribed coin, a notice, which indicates the kind of action to be taken in order to set the meter in operation once the prescribed coin has been inserted, must be clearly displayed on the parking meter or a notice board.
- (4) In the instance where a meter is out of order, an authorised official may securely place over the meter a hood carrying in legible letters the words: "Out of order" and in such instances a vehicle may be parked without payment of the prescribed amount.

21. Method of parking

- (1) No driver or person in charge of a vehicle may park the vehicle –
 - (a) in a parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a parking bay;
 - (b) in a parking bay which is already occupied by another vehicle; or
 - (c) in a parking bay in contravention of a road traffic sign which prohibits the parking or stopping of vehicles in the public road or portion of the public road concerned.
- (2) A person who contravenes the provisions of subsection (1) commits an offence.

Greater Tzaneen Municipality**22. Payment for parking**

- (1) (a) When a vehicle is parked in a parking bay, the driver or person in charge of the vehicle must:
- (i) immediately deposit or cause to be deposited in the parking meter which adjoins the parking bay or bays in respect of which it is installed the prescribed coin or coins as indicated on the meter for the period of time during which he or she desires to park his or her vehicle in the bay, and must, where applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable, in accordance with the instructions appearing on the parking meter; or
 - (ii) effect payment by any other means prescribed by the Municipality irrespective of the device used to record the time parked and irrespective whether payment is required at the beginning or end of the period so parked, and a driver or person in charge of a vehicle who fails to do so, commits an offence.
- (b) When a vehicle or a vehicle and a trailer is of such dimensions that it occupies more than one metered parking bay, the driver or person in charge of the vehicle must:
- (i) immediately deposit or cause to be deposited in the parking meter which adjoins the parking bay or bays in respect of which it is installed the prescribed coin or coins as indicated on the meter for the period of time during which he or she desires to park his or her vehicle in the bay, and must, where applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter, or where applicable, in accordance with the instructions appearing on the parking meter; or
 - (ii) effect payment by any other means prescribed by the Municipality irrespective of the device used to record the time parked and irrespective whether payment is required at the beginning or end of the period so parked, and a driver or person in charge of a vehicle who fails to do so, commits an offence.
- (c) On completion of the actions prescribed in paragraph (a) and (b), the metered parking bay may be lawfully occupied by the vehicle during the period which is indicated on the parking meter, however, subject to paragraph (d) a driver or person in charge of a vehicle may, without payment, park the vehicle during such time (if any) as may be indicated on the parking meter as being unexpired

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from its previous use, provided that the Municipality may cancel any paid for time remaining on a meter after a vehicle for which the parking was paid for vacated the parking bay.

(d) Subsection (c) does not apply to any parking bay where unexpired time is not visibly displayed.

(2) Subject to the provisions of subsection (3), the driver or person in charge of a vehicle may again, irrespective of whether the authorised period of parking has expired or not, immediately set the parking meter in operation as set out in subsection (1) (a), and after the meter has been set in operation, the vehicle may lawfully occupy the parking bay for the further period indicated on the parking meter.

(3) No person may leave a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter or other device, and a person who leaves a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter, a sign or device, commits an offence.

(4) Subject to the provisions of section 14, no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in a parking bay while the indicator of the parking meter or any other device shows that –

(a) the time has expired; or

(b) that the parking meter has not been set in operation either by the insertion of the prescribed coin or, where applicable in accordance with the instructions appearing on the parking meter, and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.

(5) Subject to subsection 1(a), where a parking meter cannot be set in operation despite compliance or attempted compliance with the procedure prescribed in subsection (1)(a)(i), no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay for a continuous period exceeding the period which was indicated by the indicator of the parking meter when such vehicle was parked in the said parking bay, however if –

(a) the indicator shows that –

(i) the time has expired;

(ii) the parking meter has not been set in operation; or

(b) a hood has been placed over the parking meter as envisaged in section 20(4), no driver or person may cause, allow, permit or suffer the vehicle to be or remain parked in the parking bay, and a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.

Greater Tzaneen Municipality**23. The Municipality may prevent parking at a parking bay**

An officer authorised by the Municipality to display road traffic signs may, whenever necessary or expedient to do so in the interests of the movement or control of traffic, place or erect a traffic sign or signs indicating "No Stopping" or "No Parking" at a parking bay or bays, and no person may stop or park a vehicle or cause or permit a vehicle to be stopped or parked in such parking bay or bays – (a) while the sign is so placed or erected; or (b) during any period when the stopping or parking of a vehicle in the public road or portion of the public road concerned is prohibited in terms of such traffic sign, and a person who contravenes a provisions of this section commits an offence.

24. Tampering with a parking meter or device

- (1) No person may misuse, damage or knock a parking meter or interfere, or tamper or interfere with or attempt to misuse, damage or knock or tamper or interfere with the working operation or mechanism of a parking meter.
- (2) No person may, without authority from the Municipality, affix or attempt to affix or place a placard, advertisement, notice, list, document board or thing on a parking meter.
- (3) No person may paint, write upon or disfigure a parking meter.
- (4) No person may, without the consent of a parking marshal, remove or tamper with any device from the possession of such parking marshal.
- (5) A person who contravenes a provision of this section commits an offence.

25. Prescribed coin only to be deposited

- (1) No person may deposit or cause to be deposited in a parking meter anything whatever other than the prescribed coin or coins.
- (2) A person who contravenes subsection (1) commits an offence.

26. Unlawful operation of a parking meter

- (1) No person may operate or attempt to operate a parking meter by any means other than as prescribed in these by-laws.
- (2) A person who contravenes subsection (1) commits an offence.

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

- (1) No person may cause, allow, permit or suffer any vehicle to be parked in a parking bay, except as permitted by the provisions of these by-laws.
- (2) Where any vehicle is found to have been parked in contravention of these bylaws, it is deemed to have been parked, or caused to be parked, or allowed to have been parked by

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the person in whose name the vehicle is registered unless and until he or she adduces evidence to the contrary.

(3) The Municipality may:

- (a) attach a wheel clamp to any unlawfully parked vehicle;
- (b) or cause an unlawfully parked vehicle to be removed to a place designated by the Municipality; and
- (c) charge a fee for the removal of a wheel clamp attached in terms of subsection (3)(a) or the release of a vehicle which was removed from in terms of subsection (3)(b), which fees will be payable upon removal of such wheel clamp or release of such vehicle.

(4) A person who contravenes subsection (1) commits an offence.

28. Exemptions

(1) Notwithstanding any other provision in these by-laws, the driver or person in charge of the following vehicles may, subject to the provisions of this section, park in a metered parking bay without payment of the prescribed fee:

- (a) a vehicle used as an ambulance and being at the time used to attend to a life threatening situation;
- (b) a vehicle used by a fire brigade for attendance at fires and being at the time used by the brigade in attending to a fire; and
- (c) a vehicle used by a member of the South African Police Service and being at the time used in connection with a crime that is either in progress or in connection with the collection or protection of evidence in the aftermath of a crime.

(2) Subject to any time limits or restrictions regarding the stopping or parking of vehicles as are prescribed by any other law, or regulations, or by-laws a parking bay may be occupied without charge during the hours indicated by the Municipality on a sign erected for that purpose. (3) A person who contravenes subsection (2) commits an offence.

CHAPTER 3: PARKING GROUNDS**Part 1: General provisions****29. The Municipality not liable for loss or damage**

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

Greater Tzaneen Municipality**30. Interference with an attendant**

(1) No person may obstruct, hinder or in any manner interfere with an authorised official or a parking marshal employed by an appointed service provider to the Municipality, who is the attendant of the parking grounds in the exercise of his or her duties under these by-laws.

(2) A person who contravenes a provision of subsection (1) commits an offence.

31. Payment of prescribed fee

(1) A person making use of a parking ground or parking bay must, where fees have been determined in respect of the parking ground or parking bay, pay the prescribed fee in any way or format prescribed by the Municipality.

(2) The Municipality may in respect of a parking ground controlled by the issue of coupons, issue at the prescribed fee a coupon which entitles the holder for one calendar month or any lesser period stated in the coupon to park a vehicle in the ground, if a parking bay is available, at the times stated in the coupon.

(3) The Municipality may issue to any of its officials a coupon which entitles the holder, when using a vehicle regarding the business of the Municipality, to park the vehicle in a parking ground specified, if space in the parking ground is available.

(4) A coupon issued under subsection (2) or (3) –

- (a) may not, without the prior written consent of the Municipality–
 - (i) be transferred to any other person; or
 - (ii) be used in respect of any vehicle other than the specified vehicle; and
- (b) must be affixed by the holder of the coupon to the vehicle in respect of which it is issued in such manner and place that the written or printed text of the coupon is readily legible from the outside of the vehicle; and
- (c) will only be valid for the period stated on such coupon.

(5) Application for consent contemplated in subsection (4) (a) must be made on a form provided for this purpose by the Municipality.

(6) A person who contravenes subsection (1), or who uses a parking ground or parking bay when the period for which a coupon was issued in terms of subsection (2) has elapsed, or who contravenes a provision of subsection (4) commits an offence.

32. Observance of signs

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

(2) A person who contravenes a provision of subsection (1) commits an offence.

Greater Tzaneen Municipality**33. Parking and removal of vehicle**

- (1) No person may in any parking ground park a vehicle otherwise than in compliance with an instruction or direction given by an authorised official or as indicated by way of a sign, or introduce or remove a vehicle otherwise than through an entrance or exit to the parking ground demarcated for that purpose.
- (2) Where parking bays have been demarcated in a parking ground, no person having control or charge of a vehicle may park the vehicle –
- (a) in a place on the parking ground which is not a demarcated parking bay, unless instructed to do so by the authorised attendant at the parking ground;
 - (b) in a parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a parking bay; or
 - (c) in a parking bay which is already occupied by another vehicle.
- (3) No person may park a vehicle on a sidewalk or a roadway within a parking ground.
- (4) No person may in a parking ground park a vehicle in a manner which obstructs or inconveniences other users of the parking ground.
- (5) No person may park, or cause, or permit a vehicle other than a vehicle as defined in the National Road Traffic Act, 1996 (Act 93 of 1996), to be parked or to be or remain in a parking ground.
- (6) A person who contravenes a provision of this section commits an offence.

34. Abandoned vehicle

- (1) The Municipality may remove, to the Municipality's pound, a vehicle which has been left in the same place in a parking ground for a continuous period of more than seven days.
- (2) The Municipality must take all reasonable steps to trace the owner of a vehicle which was removed in terms of subsection (1), and if the owner of the vehicle or the person entitled to possession of the vehicle cannot be found within a period of 90 days after the vehicle has been removed, the Municipality may, subject to the provisions of subsection (3) and sections 82 and 83, sell the vehicle at a public auction.
- (3) The Municipality must, 14 days before the auction contemplated in subsection (2), publish or cause to be published in at least two newspapers circulating within the municipal area, a notice of the auction, however, if the owner or the person entitled to possession of the vehicle claims the vehicle before the auction commences, the vehicle may not be sold at the auction, and the person must pay to the Municipality all prescribed fees payable in terms of these by-laws and the applicable costs in terms of subsection (4).
- (4) The proceeds of a sale concluded in terms of this section must be applied first in payment of the fees referred to in subsection (3) and thereafter to defray the following:
- (a) the costs incurred in endeavouring to trace the owner in terms of subsection (2);

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- (b) the costs of removing the vehicle;
- (c) the costs of publishing the notice of the auction;
- (d) the costs of effecting the sale of the vehicle;
- (e) the costs, calculated at a rate determined by the Municipality, of keeping the vehicle in the pound;
- (f) the parking fees applicable for having left the vehicle in the parking ground as contemplated in subsection (1); and (g) any unpaid parking fees or unpaid traffic fines in respect of such vehicle and the balance, if any, of the proceeds must be paid, upon claim, to the owner of the vehicle or the person entitled to the vehicle if he or she can prove his or her right to the vehicle.

(5) If no claim is established within one year of the date of the sale, the balance of the proceeds contemplated in subsection (4) is forfeited to the Municipality.

(6) No person may leave a vehicle in the same place in a parking ground for a continuous period of more than seven days, and a person who does so commits an offence.

35. Damage to notices

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

36. Negligent and dangerous driving and speed restriction

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

37. Entering or remaining in parking ground

- (1) No person may enter, remain or be on a parking ground otherwise than for the purpose of parking on the parking ground a vehicle, or lawfully removing from the parking ground a vehicle, in respect of which he or she has paid the prescribed parking fee, however this section does not apply to:
- (a) a person in the company of a person who is parking or removing a vehicle;
 - (b) and official of the Municipality engaged in official activities or on instruction from the Municipality; and
 - (c) a person employed by an appointed parking management service provider

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engaged in the execution of his or her duties.

(2) A person who contravenes a provision of subsection (1) commits an offence.

38. Tampering with vehicle

(1) No person may, on a parking ground, without reasonable cause or without the knowledge or consent of the owner or person in lawful charge of a vehicle, in any way interfere or tamper with the machinery, accessories, parts or contents of the vehicle, or enter or climb upon the vehicle, or set the machinery of the vehicle in motion.

(2) A person who contravenes a provision of subsection (1) commits an offence.

39. Defacing coupon

(1) No person may in a parking ground with intent to defraud the Municipality forge, imitate, deface, mutilate, alter or make a mark upon a parking coupon issued in terms of this by law.

(2) A person who contravenes a provision of subsection (1) commits an offence.

40. Defective vehicle

(1) No person may park, or cause, or permit a vehicle which is mechanically defective or for any reason incapable of movement, to be parked or to remain in a parking ground.

(2) If a vehicle, after having been parked in a parking ground, develops a defect which renders it immobile, the person in charge must take all reasonable steps to have the vehicle repaired if minor emergency repairs can be affected, or removed within a reasonable time.

(3) A person who contravenes a provision of subsection (1) or subsection (2) commits an offence.

41. Cleaning of vehicle

(1) No person may, without the prior approval of the Municipality, clean or wash a vehicle in a parking ground or parking bay.

(2) A person who contravenes a provision of subsection (1) commits an offence.

42. Refusal of admission

(1) An authorised official may refuse to admit into a parking ground a vehicle which, together with its load, is longer than five metres, or is, by reason of its width or height, likely to cause damage to persons or property, or to cause an obstruction or undue inconvenience.

(2) A person who disregards an authorised official's refusal of admission commits an offence.

43. Parking hours and classes of vehicles

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

44. Reservation by the Municipality

- (1) The Municipality may, by notice exhibited in the parking ground, reserve a portion of a parking ground for the parking of vehicles owned by the Municipality or vehicles used by members of its staff on the business of the Municipality.
- (2) A person who parks a vehicle in a portion reserved for the parking of vehicles owned by the Municipality or for members of the Municipality's staff commits an offence.

Part 2: Mechanically controlled parking ground**45. Parking of a vehicle in a mechanically or otherwise controlled parking ground**

- (1) Subject to section 3, a person who –
 - (a) wishes to park a vehicle;
 - (b) causes or permits a vehicle to be parked; or
 - (c) allows a vehicle to be parked, in a mechanically or otherwise controlled parking ground must, when entering the parking ground and after the vehicle has been

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brought to a standstill and in accordance with the instructions which are displayed on or near the parking coupon vending machine, obtain a parking coupon which is issued by the machine.

(2) A person contemplated in subsection (1) may not park a vehicle –

- (a) except in a parking bay and in compliance with such directions as may be given by an authorised official or where no such bay has been marked, except in a place indicated by the authorised official;
- (b) after an authorised official has indicated to the person that the parking ground is full;
- (c) after the expiry of the parking period indicated on the parking coupon; or
- (d) for a longer period than indicated as indicated by sign.

(3) A parking coupon obtained in terms of subsection (1) is valid until the time of expiry thereof as indicated on the coupon, and a person may not allow the vehicle to remain in the parking ground after expiry of the parking period, provided that the Municipality may implement a system where payment is required at the end of the parking period.

(4) A person who does not obtain a coupon in accordance with subsection (1) or who contravenes a provision of subsection (2) or (3) commits an offence.

46. Removal of a vehicle from a mechanically or otherwise controlled parking ground

(1) No person may remove, or cause or permit the removal of, a vehicle in a parking ground, unless –

- (a) he or she has produced to the authorised official a coupon authorising him or her to park in the parking ground and which was issued to him or her by the parking coupon vending machine upon entering the parking ground; and
- (b) he or she has paid to the authorised official the prescribed parking fee.

(2) If a person fails to produce a coupon authorising him or her to park in the controlled parking ground, he or she is deemed to have parked the vehicle from the beginning of a period that the ground is open for parking until the time he or she wants to remove the vehicle, and he or she shall be charged a fee as determined by the Municipality from time to time.

(3) A person may not, after he or she fails to produce a coupon, remove, or cause, or permit the removal of a vehicle parked in the parking ground until he or she has produced other proof to an authorised official of his or her right to remove the vehicle, and the authorised official –

- (a) must require the person to produce proof of identity and complete and sign an indemnity form as supplied by the Municipality, which form has the effect of indemnifying the Municipality against claims of whatever nature by a person

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relating to the removal of that vehicle; and

(b) may require the person to furnish such security as may be determined by the Municipality.

(4) Subsection (1) (a) does not apply where the prescribed parking fees were paid upon entering the parking ground and the person who paid such fees produces the required coupon to the authorised official on demand.

(5) Where a vehicle has not been removed from a parking ground by the end of the parking period for which the prescribed fee has been paid, a further charge as may be determined by the Municipality from time to time is payable for the next parking period.

(6) A person who contravenes a provision of subsection (1), or who removes, or causes, or permits the removal of a vehicle in contravention of subsection (3), or who does not comply with a request made by an authorised official in terms of subsection (3)(a) or (b) commits an offence.

Part 3: Pay-and-display parking ground**47. Parking of a vehicle in a pay-and-display parking ground**

(1) A person who –

(a) wishes to park a vehicle;

(b) causes or permits a vehicle to be parked; or

(c) allows a vehicle to be parked, in a pay-and-display parking ground must immediately, upon entering the parking ground, buy, in accordance with the instructions which are displayed on or in the vicinity of the parking coupon vending machine in the parking ground, a coupon which is issued by the machine, and a person who does not comply with this subsection commits an offence.

(2) The following must be indicated on the parking coupon vending machine:

(a) the period during which a vehicle may be parked in the pay-and-display parking ground and

(b) the coin or other prescribed object or method of payment to be inserted or used in respect of the parking period into or in connection with the pay and display machine.

(3) The person must display the coupon by affixing it to the inside on the driver's side of the front windscreen of the vehicle in such a manner and place that the information printed on the coupon by the pay-and-display machine is readily legible from the outside of the vehicle.

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(4) No person may allow a vehicle to remain in a pay-and-display parking ground after the expiry of the departure time indicated on the parking coupon and, unless evidence the contrary is produced, the date or day and time of departure as recorded by a parking coupon vending machine is taken, on the face of it, to be correct evidence of date or day and time.

(5) No person may park a vehicle, cause, permit, or allow a vehicle to be parked in a pay-and-display parking ground if a parking coupon cannot be obtained from the parking coupon vending machine in the manner indicated thereon or when a notice displayed on the machine indicates that it is out of order.

(6) If a vehicle is removed from a pay-and-display parking ground and returned to the pay-and-display parking ground within the period of validity of the parking coupon, the coupon continues to be valid.

(7) Possession of a valid parking coupon in respect of a vehicle not within a parking bay does not guarantee the availability of a vacant parking bay.

(8) A person who contravenes a provision of subsection (3), (4) or (5) commits an offence.

48. Miscellaneous offences in respect of a pay-and-display parking ground

A person commits an offence if he or she –

(a) inserts or attempts to insert into a parking coupon vending machine –

(i) a counterfeit coin;

(ii) where another kind of object is to be used, a false object;

(iii) a coin which is not South African currency; or

(iv) any object which is not meant to be inserted into the parking coupon vending machine;

(b) jerks, knocks, shakes or in any way interferes or tampers with, or damages, or defaces a parking coupon vending machine or appurtenance thereto, or affix or attempt to affix or place a sign, placard, advertisement, notice, list, document, board or thing on, or paint, write upon or disfigure a parking coupon vending machine; or

(c) removes or attempts to remove a parking coupon vending machine or any part of the machine from its mounting.

CHAPTER 4: TAXIS AND BUSES**Part 1: Special parking places for taxis, permits and decals****49. Establishment of special parking places for taxis and taxi rank permits for special parking places for taxis**

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(1) The Municipality may establish special parking places for use by taxis or the parking of a taxi belonging to a person to whom a permit to use the parking place or to park a taxi has been issued as provided for in section 51.

(2) A taxi rank permit may be issued allocating a particular special parking place or subdivision of a special parking place to a particular person or motor vehicle for his, her or its exclusive use.

(3) If no space is available in a special parking place at any particular time for the parking of a taxi by a taxi rank permit holder or for a taxi to which the taxi rank permit relates, the taxi must be parked at a holding area specified by a duly appointed marshal operating at the special parking place, as contemplated in section 70, until the marshal or any other duly appointed person summons and permits the person to park the taxi at the special parking place.

(4) No person or motor vehicle other than the person or motor vehicle referred to in subsection (2) may, except by virtue of a taxi rank permit, use or be parked at the special parking place or its subdivision, and a person who contravenes this provision, or a person who parks a motor vehicle at a holding area other than the one contemplated in subsection (3) commits an offence.

50. Taxi parking

(1) A driver may, subject to subsection (2) –

(a) park a taxi at a special parking place or taxi holding area only and only for the purpose of conducting business directly related to the taxi; or

(b) ply for hire, or pick up or drop off passengers only at a special parking place or a taxi stopping place provided.

(2) In emergencies or at recreational and other similar functions, the Municipality may set aside temporary taxi facilities identified by the Chief Traffic Officer as suitable for the parking and stopping of taxis.

(3) A person who contravenes a provision of subsection (1), or who parks or stops a taxi at a place other than a temporary taxi facility contemplated in subsection (2) commits an offence.

51. Use of taxi ranks

(1) A driver –

(a) may, subject to subsection (3), park a taxi at the taxi rank specified on the taxi permit concerned, if space is available and only for the purpose of conducting business directly related to the taxi; and

(b) must, if no space is available, remove and park the taxi at a holding area in accordance with the provisions of section 49.

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- (2) The driver must, when plying for hire at a taxi rank, do so in a queue and must –
 - (a) position his or her taxi in the first vacant place available in the queue immediately behind any other taxi already in front; and
 - (b) move his or her taxi forward as the queue moves forward.
- (3) When plying for hire at a taxi rank, a driver –
 - (a) of any taxi which occupies the first, second or third position from the front of any queue at a rank must be in close and constant attendance of his or her taxi so long as it remains in such a position;
 - (b) may not position his or her taxi ahead of any taxi that arrived and took up a position in the queue before he or she did; and
 - (c) may, if his or her taxi is the first taxi in the queue, and any person calls for a taxi, respond to the call, unless the person clearly indicates his or her preference for a taxi not in front of the queue.
- (4) No person may park or stop a taxi which is not in good working order as required by the Act or the regulations, in a taxi rank, or cause or permit the taxi to remain in a rank.
- (5) No person may park or stop any vehicle in a taxi rank except a taxi for which a taxi permit and decal, specifying the rank, have been issued for the year in question, as contemplated in Part 1 to this Chapter.
- (6) A person who contravenes a provision of this section commits an offence.

52. Prohibition on parking of a taxi at no-stopping place

No taxi driver may park a taxi at a no-stopping place, and a taxi driver who does so, commits an offence.

53. Servicing and washing taxis at taxi facilities

- (1) No person may repair or maintain any motor vehicle in any way whatsoever at a taxi facility.
- (2) No person may wash any motor vehicle at a taxi facility, except at a wash bay at the facility that has been specially constructed for this purpose.
- (3) A person who contravenes a provision of this section commits an offence.

54. Behaviour prohibited at a taxi rank

A person who causes a disturbance or behaves in a riotous or indecent manner commits an offence in terms of this by-law and may be removed from a queue, taxi rank or the vicinity of a taxi facility by any authorised officer or authorised official of the Municipality.

Part 2: Bus facilities and permits, and operation of buses

Greater Tzaneen Municipality**55. Establishment of bus facilities**

The provisions of section 49(1),(2) and (3) apply, with the necessary changes, to buses, and “special parking places” must, in relation to buses, be read as “demarcated stopping places or stands for buses” as contemplated in section 76.

56. Distinguishing of demarcated stops and stands for buses

Each demarcated stopping place or stand must be distinguished by the appropriate traffic sign to indicate the type of bus or, where applicable, the name of the concern entitled to use the stopping place or stand.

57. Parking at stopping places for buses and destination signs

(1) No driver or person in charge of a bus may park the bus at any stopping place on the route or allow the bus to be parked at any stopping place.

(2) A driver or person in charge of a bus must ensure that a destination sign is displayed in the bus. (3) A driver or a person in charge of a bus who contravenes a provision of this section commits an offence.

CHAPTER 5: MISCELLANEOUS PROVISIONS**58. Obeying and interfering with an officer**

(1) An authorised officer may direct all traffic by means of visible or audible signals, and no person may disobey such signals.

(2) No person may obstruct, hinder, abuse, or interfere with any authorised officer or parking marshal in the exercise of the powers in terms of these by-laws.

(3) A person who contravenes a provision of subsection (1) or (2) commits an offence.

59. Appeal

(1) A person whose rights are affected by a decision made under these by-laws 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) When the appeal is against a decision taken by –

(a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority; or

(b) the Municipal Manager, the EXCO is the appeal authority;

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- (4) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

60. Sale of impounded vehicles

- (1) The Municipality must –

- (a) within 14 days of the impounding of a vehicle, apply to the Court for authority to sell the vehicle; and
- (b) in the application contemplated in paragraph (a), provide the Court with proof that he or she lodged a statement as contemplated in sub-section (2) with the owner.

- (2) The statement contemplated in subsection (1) (b) must include the fees and costs due in terms of these by-laws.

- (3) The Court, whether the amounts set forth in the statement contemplated in subsection (1) (b) are disputed or not, must –

- (a) summarily enquire into the matter;
- (b) enquire whether notice was given to the owner of the vehicle by the Municipality; and
- (c) make such order as it considers just and equitable, including an order –
 - (i) as to costs; and
 - (ii) on the process to be followed by the Municipality in the sale of the vehicle.

61. Procedure to be followed in application to Court

An application to Court for the sale of an impounded vehicle in terms of these by-laws, must comply with the procedure contemplated in section 66 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and Rule 41 of the Rules of Court, made by the Rules Board for Courts of Law in terms of section 6 of the Rules Board for Courts of Law 30 Act, 1985 (Act No. 107 of 1985), and published under Government Notice No. R.1108 in Regulation Gazette No. 980 of 21 June 1968, as amended from time to time, read with the necessary changes.

62. Compliance notices and the recovery of costs

- (1) Notwithstanding any other provisions of this by-law, the Municipality may –

- (a) where the permission of the Municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and
- (b) where any provision of this by-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance, serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the

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structure, object, material or substance, or to take such other steps as the Municipality may require rectifying such contravention within the period stated in such notice.

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

63. Presumptions

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

(2) A motor vehicle that is found on a taxi or bus facility or that has stopped at a taxi or bus facility is presumed to be plying for hire, unless the contrary is proved.

(3) (a) Where in any prosecution in terms of the common law relating to the driving of a vehicle on a public road, or in terms of these by-laws it is necessary to prove who was the driver of such vehicle, it is presumed, in the absence of evidence to the contrary, that such vehicle was driven by the owner thereof.

(b) Whenever a vehicle is parked in contravention of any provision of these by-laws, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was parked by the owner thereof.

(c) For the purposes of these by-laws it is presumed, in the absence of evidence to the contrary, that, where the owner of the vehicle concerned is a corporate body, such vehicle was driven or parked by a director or servant of the corporate body in the exercise of his or her powers or in the carrying out of his or her duties as such director or servant, or in furthering, or endeavouring to further the interests of the corporate body.

(4) In any prosecution in terms of these by-laws, the fact that any person purports to act or has purported to act as a traffic officer or peace officer is prima facie proof of his or her appointment and authority so to act, however, this section does not apply to a prosecution on a charge for impersonation.

(5) Any motor vehicle which is found on a taxi facility or which has stopped at a taxi facility will be presumed to be plying for hire, unless the contrary is proved.

(6) Any person, who, by means of any motor vehicle, conveys passengers will be presumed to have conveyed such passengers for hire or reward, and such vehicle shall be presumed to be a taxi unless the contrary is proved.

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(7) A document which purports to be a receipt of prepaid registered post, a telefax transmission report or a signed acknowledgement of hand delivery, will on submission by a person being prosecuted under this by-law, be admissible in evidence and prima facie proof that it is such receipt, transmission report or acknowledgement.

64. Penalties

A person who has committed an offence in terms of these by-laws is, on conviction, and subject to penalties prescribed in any other law, liable to a fine, or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

65. Short title and commencement

These by-laws are called the Greater Tzaneen Municipality: Parking By-laws and come into operation upon publication in the Provincial Gazette.

B.S. MATLALA
MUNICIPAL MANAGER

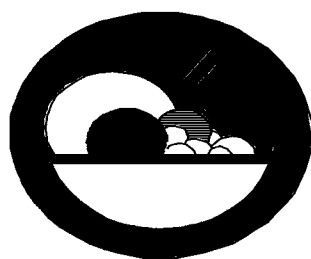
27 SEPTEMBER 2019

LOCAL AUTHORITY NOTICE 157 OF 2019

Greater Tzaneen Municipality



ENVIRONMENTAL HEALTH BY LAWS



Greater Tzaneen Municipality

Greater Tzaneen Municipality

ENVIRONMENTAL HEALTH BY-LAWS

Be it enacted by the Council of the Greater Tzaneen Municipality, in terms of Section 156 of the Constitution of the Republic of South Africa Act 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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CHAPTER 1: DEFINITIONS

Definitions

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

"authorised official" means an authorised official authorised by the Council for the purposes of these by-laws to perform and exercise any or all of the functions in terms of these by-laws or the provisions of any other law;

"compliance notice" means a notice issued in terms of section 16 to comply with these by-laws or with a permit issued in terms of these by-laws;

"Council" means the Municipal Council of the Greater Tzaneen Municipality;

"environmental health officer" means an official appointed by the Council, and who is duly registered as an environmental health officer or environmental health practitioner with the Health Professions Council of South Africa;

"municipal manager" means a person appointed as such by the Council in terms of section 54A of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

"occupier", in relation to any premises, means any person -

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- (a) occupying the premises;
- (b) leasing the premises; or
- (c) who is not occupying the premises but is entitled to do so;

“owner”, in relation to any premises, means -

- (a) the person in whose name the title to the premises is registered; or
- (b) if the person referred to in (a) is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian or other person who is legally responsible for administering that person’s estate;

“permit” means a public health permit granted by the Council in terms of the section 10;

“person” means a natural person or a juristic person, and includes an organ of state;

“pest” means any animal that may create a public health hazard or public health nuisance if it is present in significant numbers and without limitation, includes rats, mice, flies, mosquitoes and cockroaches;

“premises” means -

- (a) any land without any buildings or other structures on it;
- (b) any building or other structure and the land on which it is situated; or
- (c) any vessel, vehicle or movable structure that is used for a scheduled use;

“prescribed fee” means a fee determined by the Council by resolution;

“prohibition notice” means a notice issued in terms of section 17;

“public health” means the mental and physical health and well-being of people in the Council's area;

“public health hazard” means any actual threat to public health, and without limitation, includes –

- (a) the circumstances referred to in section 2(3);
- (b) unsanitary conditions;
- (c) circumstances that make it easier for a communicable disease to spread;
- (d) circumstances that make food or drink, including water for domestic consumption, unhygienic or unsafe to eat or drink; and
- (e) circumstances that allow pests to infest any place where they may affect public

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health;

“public health nuisance” means the use of any premises or place in a manner that creates conditions that significantly increase the risk of a public health hazard occurring or that compromises any aspect of the public health to an extent that is more than trivial or insignificant, and without limitation, includes those circumstances in which a public health nuisance is considered to exist in terms of section 5; and

“public place” means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, sidewalk, lane square, open space, garden park, path, bus or taxi rank, servitude or enclosed space vested in a Council and includes any road, place or thoroughfare which is in the undisturbed use of the public or which the public have the right to use.

CHAPTER 2: PUBLIC HEALTH HAZARDS**Prohibition on causing a public health hazard**

2. (1) No person may create a public health hazard.

(2) Every owner or occupier of premises must ensure that a public health hazard does not occur on the premises.

(3) An owner or occupier of premises creates a public health hazard if –

- (a) the premises are infested with pests or pests are breeding in significant numbers on the premises;
- (b) there are conditions on the premises that are conducive to the spread of a communicable disease;
- (c) there are unsanitary conditions in any part of the premises; or
- (d) any water supply for domestic consumption on the premises is unsafe for human consumption.

(4) Any person that contravenes or fails to comply with subsections (1) or (2) commits an offence.

Duty to report

3.(1) The owner or occupier of premises who knows of a public health hazard on the premises must within 24 hours of becoming aware of its existence –

- (a) eliminate the public health hazard; or
- (b) if the owner or occupier is unable to comply with subsection (a), take

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reasonable steps to reduce the risk to public health and report the existence of the public health hazard to the Council.

(2) An owner or occupier who does not comply with subsection (1) commits an offence.

CHAPTER 3: PUBLIC HEALTH NUISANCES

Prohibition on causing a public health nuisance

4.(1) No person may cause a public health nuisance.

(2) Every owner or occupier of premises must ensure that a public health nuisance does not arise on the premises.

General nuisances

5. An owner or occupier of premises creates a public health nuisance where –

- (1) any stream, pool, marsh, ditch, gutter, watercourse, cistern, urinal, drain, sewer, septic tank, long drop, slop tank, ash heap or dung heap is so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to the public health;
- (2) any stable, kraal, shed, run or other structure used for the keeping of animals or birds is so constructed, situated, used or kept as to be offensive or to be injurious or dangerous to health;
- (3) any accumulation of refuse, offal, manure or other matter is offensive or is injurious or dangerous to health;
- (4) any factory, industrial or business premises is so overcrowded, inadequately lit or ventilated as to be injurious or dangerous to the health of those employed therein or thereon; and
- (5) any factory, industrial or business premises causes or gives rise to smells or effluvia which are offensive or which are injurious or dangerous to health.

Pest control

6. An owner or occupier of premises creates a public health nuisance where -

- (1) waste or other material is left or kept in a manner that attracts rodents or other pests to the premises; or

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- (2) flies or mosquitoes are attracted to, or breeding , in significant numbers on the premises;

CHAPTER 4: POTENTIALLY HAZARDOUS USES OF PREMISES**Duty to list potentially hazardous uses**

7. The Council may list any use of premises, in a schedule to these by-laws, which has caused, or is likely to cause, a public health hazard or to create a public health nuisance unless reasonable measures are taken to avoid the risk or to reduce it to an acceptable level and Council must prescribe measures that must be taken to avoid the risk or reduce it to a level acceptable to the Council.

Scheduled uses

8. Any person who uses premises in a manner or for a purpose listed in the Schedule to these by-laws must –

- (1) comply with each of the provisions set out in the Schedule relating to that use unless that person has been granted an exemption under section 9 from complying with any provision; and
- (2) obtain a permit under section 10 before commencing the use and must comply with the terms and conditions of the permit.

Exemption certificate

9. (1) Any person who wishes to use premises in a manner or for a purpose listed in the Schedule to these by-laws, but who wishes to be exempted from complying with one or more of the requirements of the Schedule, may apply to the Council for an exemption certificate.

- (2) The Council may grant an exemption certificate, with or without conditions, if an environmental health officer is satisfied that –
 - (a) the measures taken to avoid or reduce the risk to public health arising from the scheduled use are equivalent to or better than the measures required by the relevant schedule; and
 - (b) the scheduled use for which the exemption is required is not likely to cause a public health hazard or a public health nuisance.

Greater Tzaneen Municipality**Public health permits**

10.(1) Any person who wishes to use premises in a manner or for a purpose listed in the Schedule to these by-laws, must apply in writing to the Council in accordance with section 11 for a public health permit.

(2) The Council may issue a public health permit to the owner or occupier of any premises if an environmental health officer is satisfied that the use for which the permit is required is not likely to cause a public health hazard or a public health nuisance.

(3) A public health permit –

- (a) must be issued subject to conditions aimed at reducing the risk to public health created by the scheduled use, to a level acceptable to the Council; and
- (b) may exempt the permit holder from complying with one or more of the provisions of the relevant schedule, if the person authorised to issue the permit reasonably believes that the permit requires the permit holder to take measures to avoid or reduce the risk to public health arising from the activity that are equivalent to, or better than, the measures required by the relevant schedule.

Application procedure

11.(1) Any person that wants to obtain a permit or an exemption certificate must apply to the Council in writing in a form stipulated by the Council, prior to undertaking the relevant scheduled use.

(2) When the Council receives an application for a permit or an exemption certificate it must ensure that the relevant premises are inspected by an environmental health officer as soon as reasonably possible.

(3) Before deciding whether or not to approve an application referred to in subsection (1), the Council –

- (a) must ensure that any persons in the vicinity of the premises whose health or wellbeing may be affected if the premises are used for a scheduled use, have been consulted and have had an opportunity to make representations; and
- (b) may request the applicant to provide any further information which the Council considers relevant to enable him or her to make a properly informed decision.

General terms applicable to permits and certificates

12.(1) A permit or an exemption certificate –

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- (a) is not transferable from one person to another; and
 - (b) applies only to the premises specified in the permit or certificate.
- (2) Every permit or exemption certificate –
- (a) must specify the address and other relevant details regarding the location of the premises concerned;
 - (b) must describe the premises concerned;
 - (c) must describe the activity concerned;
 - (d) may specify terms and conditions; and
 - (e) must indicate when it expires.
- (3) The Council may charge applicants a prescribed fee for considering and granting the permit or exemption certificate.
- (4) The Council may refuse to consider an application until it has been provided with the information that it reasonably requires to make an informed decision and until the prescribed fee (if any) has been paid.

Suspension, cancellation and amendment of permits and of exemption certificates

13.(1) An environmental health officer may by written notice to the holder of a permit or exemption certificate, suspend, amend or cancel the permit or certificate.

- (2) An environmental health officer may suspend or cancel a permit or exemption certificate with immediate effect if –
- (a) the environmental health officer reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health posed by a public health hazard or a public health nuisance; and
 - (b) the holder of the permit or certificate has failed to comply with a compliance notice that states that the permit or certificate may be suspended or cancelled without further notice if the holder fails to comply with the compliance notice.
- (3) An environmental health officer may amend a permit or exemption certificate by endorsing the permit or certificate or by written notice to the holder, if the environmental health officer reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the permit or exemption certificate was issued.

Greater Tzaneen Municipality**CHAPTER 5: IMPLEMENTATION AND ENFORCEMENT****Appointment and identification of environmental health officers**

14. (1) The Council must issue an identity card to each environmental health officer.

(2) The identity card must –

- (a) contain a recent photograph of the environmental health officer;
- (b) be signed by the environmental health officer; and
- (c) identify the person as an environmental health officer.

(3) The environmental health officer must display his or her identity card so that it is clearly visible or produce it at the request of any person in relation to whom the environmental health officer is exercising a power under these by-laws.

General powers of an environmental health officer

15. (1) An environmental health officer may, for the purposes of implementing or administering any power or duty under these by-laws –

- (a) exercise any power afforded to such officer in terms of these by-laws or any other applicable legislation;
- (b) issue a compliance notice in terms of section 16 requiring any person to comply with the provisions of these by-laws;
- (c) issue a prohibition notice in terms of section 17 prohibiting any person from conducting an activity;
- (d) undertake measures in terms of section 19 to remove, reduce and/or minimise any public health nuisance;
- (e) cancel, suspend or amend any permit or exemption certificate in terms of section 13 or
- (f) enter and inspect premises and for this purpose may-
 - (i) question any person on the premises;
 - (ii) take any sample that the environmental health officer considers necessary for examination or analysis;
 - (iii) monitor and take readings or make measurements; and
 - (iv) take photos or make audio-visual recordings of anything or any

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person, process, action or condition on or regarding any premises.

- (2) An environmental health officer who removes anything from any premises being inspected must –
- (a) issue a receipt for it to the owner, occupier or person apparently in control of the premises; and
 - (b) return it as soon as practicable after achieving the purpose for which it was removed.

Compliance notices

16. (1) If an environmental health officer, after inspecting premises, reasonably believes that a public health hazard or public health nuisance exists on the premises or that the premises are being used in a manner or for a purpose listed in the Schedule to these by-laws without a permit, the environmental health officer may serve a compliance notice on one or more of the following persons:

- (a) the owner of the premises;
- (b) the occupier of the premises; or
- (c) any person apparently in charge of the premises.

(2) A compliance notice must state –

- (a) why the environmental health officer believes that these by-laws is being contravened;
- (b) the measures that must be taken –
 - (i) to ensure compliance with these by-laws; or
 - (ii) to eliminate or minimise any public health nuisance;
- (c) the time period within which the measures must be taken;
- (d) the possible consequences of failing to comply with the notice; and
- (e) how to appeal against the notice.

(3) If a person fails to comply with a compliance notice that requires a particular action be taken, the Council may –

- (a) take the required action specified in the compliance notice; and
- (b) recover, as a debt, from the person to whom the notice was given, the costs

Greater Tzaneen Municipality

and expenses reasonably incurred in taking the required action.

Prohibition notice

17.(1) An environmental health officer may, after inspecting premises, serve a prohibition notice prohibiting the premises from being used for specified purposes and requiring measures to be taken to ensure that this occurs, on one or more of the following persons:

- (a) the owner of the premises;
- (b) the occupier of the premises; or
- (c) any person apparently in charge of the premises.

if the environmental health officer reasonably believes that that person has not complied with the terms of a compliance notice.

- (2) The environmental health officer must give the person on whom he or she intends serving a prohibition notice a reasonable opportunity to make representations before serving the notice unless the environmental health officer reasonably believes that the delay in doing so would significantly compromise public health, in which case the person on whom a prohibition notice is served must be given reasonable opportunity to make representations why it should be withdrawn.

- (3) A prohibition notice must state –

- (a) the reasons for serving the notice;
- (b) whether or not the Council will withdraw the notice if certain measures are taken, and if so, the measures that must be taken;
- (c) the possible consequences of failing to comply with the notice; and
- (d) how to appeal against the notice.

- (4) The environmental health officer must as soon as possible affix a copy of the notice in a conspicuous position on the premises.

Withdrawal of prohibition notice

18.(1) An environmental health officer must, within 48 hours of receiving a written request for the withdrawal of a prohibition contained in a prohibition notice, carry out an investigation of the premises.

- (2) After completing the investigation the environmental health officer must inform the person on whom the prohibition notice was served or that person's agent in writing,

Greater Tzaneen Municipality

whether or not the prohibition has been removed or the prohibition order withdrawn.

- (3) The Council may charge the owner or occupier of any premises where an investigation is carried out in terms of subsection (1), a prescribed fee for undertaking the investigation.

Municipal remedial work

19. The Council may enter any premises and do anything on the premises that it reasonably considers necessary –

- a. to ensure compliance with these by-laws or with any compliance notice or prohibition notice;
- b. to reduce, remove or minimise any public health nuisance; or
- c. to reduce, remove or minimise any significant public health hazard.

CHAPTER 6: APPEALS**20. Appeals**

- (1) A person whose rights are affected by a decision taken by any authorised official under these by-laws may appeal against the 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 promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).
- (3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (4) When the appeal is against a decision taken by –
 - (a) a staff member other than the municipal manager, the municipal manager is the appeal authority; or
 - (b) the municipal manager, the executive mayor is the appeal authority.
- (5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

Greater Tzaneen Municipality**CHAPTER 7: GENERAL****Offences**

21. Any person who -

- (a) contravenes or fails to comply with any provisions of these by-laws;
- (b) fails to comply with any notice issued in terms of these by-laws;
- (c) fails to comply with any lawful instruction given in terms of these by-laws; or
- (d) obstructs or hinders any authorised official in the execution of his or her duties under these by-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R15 000 or imprisonment for a period not exceeding 6 months or both.

Repeal of existing By-laws

22 The Council's existing By-laws are hereby repealed.

Short title and commencement

23 These by-laws shall be called the Greater Tzaneen Environmental By-laws, and shall come into operation on the date of publication in the *Provincial Gazette*.

**Greater Tzaneen Municipality
SCHEDULE**

SCHEDULED USES

The uses of premises defined as scheduled businesses in this Schedule are considered to pose an unacceptable risk to public health unless the measures specified are taken to avoid the risk or to reduce it to a level acceptable to the Council.

1 Definitions

In this Schedule, unless the context indicates otherwise -

“effluent” means any waste water which may arise as a result of undertaking any scheduled use;

“scheduled uses” means any business listed below or that involves an activity listed below –

- (a) panel beating or spray painting;
- (b) operating a waste recycling plant;
- (c) scrap yard;
- (d) tanning, glue or size making;
- (e) charcoal burning, brick burning or lime burning;
- (f) manure or compost making or storing;
- (g) manufacturing malt and yeast;
- (h) cement works, coke-ovens or salt glazing works;
- (i) sintering of sulphurous materials;
- (j) viscose works;
- (k) ore and mineral smelting, calcining, puddling and rolling of iron and other metals, conversion of pig iron into cast iron, reheating, tempering, hardening, forging, conversion and compounding of carbon with iron and other metals;

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- (l) works for the production of carbon bisulphide, cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, pyridine, liquid or gaseous sulphur dioxide or sulphur chlorides;
- (m) works for the production of amyl acetate, aromatic ethers, butyric acid, caramel, enamelled wire, glass, hexamine, lampblack, B-naphtha, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride and zinc oxide; or
- (n) the refining or processing of petrol, oil or their products; and

“scheduled business person” means any person who owns, conducts or carries on a business which is listed as a scheduled use or which includes an activity listed as a scheduled use.

2 Permit requirement

No person may conduct a scheduled business in or on any premises, except in terms of a valid permit.

3 Requirements for premises

No person may undertake a scheduled use of any premises unless –

- (a) the floors of the premises are constructed of cement concrete or a similar impervious material, brought to a smooth finish;
- (b) the floors of the premises are adequately graded and drained for the disposal of effluent to an approved disposal system;
- (c) the inside walls, except where glazed or glass brick or glazed tiles are used, are plastered, brought to a smooth finish and painted with a light-coloured, washable paint;
- (d) the surface of any backyard or open space is paved with concrete or similar impervious material, brought to a smooth finish;
- (e) the premises are provided with adequate light and ventilation as prescribed in National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977), as amended;
- (f) an adequate supply of running potable water is provided;

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- (g) an adequate number of portable containers constructed of iron or another non-absorbent material, equipped with closely fitting lids, are provided for the removal of all waste and waste water from the premises;
- (h) adequate means are provided for the disposal of all effluents arising from the manufacturing process performed on the premises;
- (i) adequate accommodation is provided for the storage of all finished products or articles or materials which are used in the manufacturing process and which may-
 - (i) discharge offensive or injurious effluent or liquids; or
 - (ii) decompose in the course of the work or trade;
- (j) adequate means are provided to control the discharge in the open air of any noxious, injurious or offensive gases, fumes, vapours or dust produced during any handling, preparation, drying, melting, rendering, boiling, grinding process or storage of material;
- (k) adequate toilet facilities are provided as prescribed in the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977), as amended;
- (l) a perimeter wall or fence with a minimum height of 2 metres is constructed around the premises;
- (m) all gates to the premises are of solid construction with a minimum height of 2 metres;
- (n) all perimeter walls and gates adequately screen activities from public view; and
- (o) all materials are stacked or stored on the premises below the height of the perimeter screening.

4 Duties of a scheduled business person

A scheduled business person must –

- (a) maintain the premises in a clean, hygienic and good condition at all times;
- (b) maintain all walls and floors of the premises in a manner and condition that prevents the absorption of any waste or waste water;

Greater Tzaneen Municipality

maintain all machinery, plant, apparatus, furniture, fittings, tools, implements, vessels, containers, receptacles and vehicles in a clean, hygienic and good condition at all times; and

- (d) prevent the emission of noxious, injurious or offensive gases, fumes, vapours or dust generated during any handling, preparation, drying, melting, rendering, boiling, grinding process or storage of any material on the premises.

B. S MATLALA
MUNICIPAL MANAGER

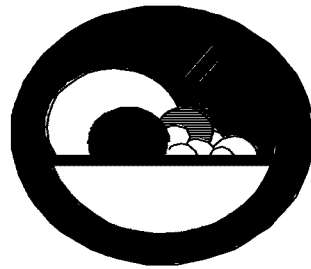
27 SEPTEMBER 2019

LOCAL AUTHORITY NOTICE 158 OF 2019

Greater Tzaneen Municipality



**REFUSE
BY-LAW**



**Greater Tzaneen
Municipality**

Greater Tzaneen Municipality

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

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1. DEFINITIONS

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

“bin” means a standard type of refuse bin with a capacity of 0,1m³ or 85 litre as approved by the Council and which may be supplied by the Council. The bin may be constructed of galvanized iron, rubber or polythene;

“bin liner” means a plastic bag approved by the Council which is placed inside a bin with a maximum capacity of 0,1m³. These bags must be of a dark colour 950mm x

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750mm in size of low density minimum thickness 40 micrometer or 20 micrometer high density;

“builders refuse” means refuse generated by demolition, excavation or building activities on premises;

“bulky garden refuse” means such refuse as tree-stumps, branches of trees, shrubs, hedge-stumps and branches of hedges and any other garden refuse of quantities more than 2m³;

“bulky refuse” means refuse which emanates from any premises, excluding industrial refuse, and which cannot by virtue of its mass, shape, size or quantity be conveniently accumulated or removed in a refuse bin with a bin liner;

“business refuse” means refuse generated by the use of premises other than a private dwelling-house used solely as a residence, but shall not include builders refuse, bulky refuse, domestic refuse or industrial refuse;

“container” means a receptacle of larger volume than a bin, and of a structure and material determined by Council;

“Council” means the Council of the Greater Tzaneen Local Municipality;

“domestic refuse” means refuse normally generated by the use as a residence of a private dwelling-house, and including flats, hospitals, schools, hostels, compounds, benevolent societies, churches and halls situated on private property and which can be easily removed without damaging the bin liner;

“dry industrial refuse” means dry refuse generated as a result of manufacturing, maintenance, fabricating and dismantling activities and the activities of railway marshalling yards, but shall not include builders refuse, special industrial refuse or domestic refuse;

“garden refuse” means refuse such as grass cuttings, leaves, plants and flowers which is generated as a result of normal gardening activities;

“human blood and blood products” means waste such as serum, plasma and other blood components;

“infectious waste” means waste capable of producing or transferring an infectious disease;

“isolation waste” means waste generated by hospitalized patients isolated to protect others from communicable diseases;

“occupier” means a person who occupies any premises or part thereof, without regard to the title under which he or she occupies;

Greater Tzaneen Municipality

“owner” means –

- (a) the person to whom from time-to-time is vested the legal title to premises;
- (b) in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in any case where the Council or its authorized agent is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;
- (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
- (e) in relation to –
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No 95 of 1986), the developer or the body corporate in respect of the common property, or
 - (ii) a section as defined in the Sectional Titles Act, 1986 (Act No 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

“pathological waste” means waste consisting of tissues, organs, body parts and body fluids that are removed during surgery and autopsy;

“public place” means such place to which the public has access, with or without the payment of money; and

“tariff” means the tariff of charges as determined from time-to-time by the Council.

2. The council’s service

- (1) The council shall provide a service for the collection and removal of business and domestic refuse from premises at the tariff charge.
- (2) The occupier of premises on which business or domestic refuse is generated, must avail himself or herself of the council’s service for the collection and removal of such refuse, except where special exemption is granted.
- (3) The owner of the premises in which the business or domestic refuse is generated, will be liable to the council for all charges in respect of the collection and removal of refuse from such premises.

Greater Tzaneen Municipality**3. Notice to council**

- (1) The occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises, on which business refuse or domestic refuse is generated, must within seven days after the commencement of the generation of such refuse notify the Council –
 - (a) that the premises are being occupied; and
 - (b) whether business refuse or domestic refuse is being generated on the premises.

4. Provision of refuse bins

- (1) The Council will determine the number of bins required on a premises.
- (2) If a bin is supplied by the Council, such bin will be supplied at the prescribed tariff.
- (3) If required by the Council, the owner of a premise will be responsible for the supply of the pre-determined number and type of bins.
- (4) The Council may at the tariff determined deliver container units to premises if, having regard to the quantity of business refuse generated on the premises concerned, the suitability of such refuse for storage in bins, and the accessibility of the space provided by the owner of the premises in terms of section 5, to the council's refuse collection vehicles, Council considers container units more appropriate for the storage of refuse than bins, provided that container units shall not be delivered to the premises unless the space provided by the owner of the premises in terms of section 5 is accessible to the council's refuse collection vehicles for container units.

5. Place of Bins

- (1) The owner of the premises must provide adequate space on the premises for the storage of the bins or containers delivered by the Council in terms of section 4 or for the equipment and receptacle mentioned in section 7 (1).
- (2) The space provided in terms of sub section (1) must –
 - (a) be in such a position on the premises as will allow the storage of bins or containers without their being visible from the street or a public place;
 - (b) where domestic refuse is generated on the premises –

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- (i) be in such a position as will allow the collection and removal of refuse by the council's employees without hindrance;
- (ii) be not more than 10m from the entrance to the premises, used by the council's employees
- (c) if required by the Council, be so located as to permit convenient access to and egress from such space for the council's refuse collection vehicles;
- (d) be sufficient to house any receptacle used in the sorting and storage of the refuse contemplated in sections 6 (1) (a) (i) and 7 (8), as well as any such refuse not being stored in a receptacle, provided that this requirement shall not apply in the case of buildings erected, or buildings the building plans whereof have been approved, prior to the coming into operation of this by-law.
- (3) The occupier of the premises, or in the case of premises being occupied by more than one person the owner of such premises, must place the bins or containers delivered in terms of section 4 in the space provided in terms of subsection (1) and shall at all times keep them there.
- (4) Notwithstanding anything to the contrary in subsection (3) contained –
 - (a) in the case of buildings erected, or buildings the building plans whereof have been approved prior to the coming into operation of this by-law; and
 - (b) in the event of the council, in its opinion, being unable to collect and remove business refuse from the space provided in terms of subsection (1); the Council may, having regard to the avoidance of nuisance and the convenience of collection of refuse, indicate a position within or outside the premises where the bins shall be placed for collection and removal of such refuse and such bins or containers shall then be placed in such position at such times and for such periods as the Council may prescribe.

6. Use and care of containers and bin liners

- (1) Every occupier of premises or in the case of premises being occupied by more than one person, the owner of such premises must ensure that–
 - (a) all the domestic or business refuse generated on the premises is placed and kept in such bin liners for removal by the Council, provided that the provisions of this subsection shall not prevent any occupier, or owner, as the case may be –

Greater Tzaneen Municipality

- (i) who has obtained the council's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption; or
- (ii) from utilizing such domestic refuse as may be suitable for making compost.
- (b) no hot ash, unwrapped glass or other business or domestic refuse which may cause damage to bin liners or which may cause injury to the council's employees while carrying or handling bin liners, is placed in bin liners before he or she has taken such steps as may be necessary to avoid such damage or injury;
- (c) no material, including any liquid which, by reason of its mass or other characteristics, is likely to render bin liners, unreasonably difficult for the council's employees to handle or carry, is placed in such bin liners;
- (d) every container on the premises is covered, save when refuse is being deposited therein or discharged therefrom, and that every container is kept in a clean and hygienic condition; and
- (e) no person deposits refuse in any other place than in the bins or containers provided for that purpose.
- (2) No bin or container may be used for any purpose other than the storage of business, domestic or garden refuse and no fire shall be lit in such container.
- (3) In the event of a container having been delivered to premises in terms of section 4 (4), the occupier of such premises shall, 24 hours before the container is likely to be filled to capacity, inform the council thereof.
- (4) The owner of premises to which bins or container units have been delivered in terms of section 4 or 11, shall be liable to the Council for the loss thereof and for all damage caused thereto except for such loss or damage as may be caused by the employees of the Council.
- (5) Plastic bin liners with domestic or garden refuse, or both, must be properly closed and be placed outside the property next to the fence and near the entrance or access road before 07h00 on the day determined by the Council for removal of refuse.

Greater Tzaneen Municipality**7. Compaction of refuse**

- (1) Should the quantity of domestic or business refuse generated on premises be such that, in the opinion of the Council, the major portion of such refuse if compactable, or should the owner or occupier of premises wish to compact such refuse, such owner or occupier, as the case may be, shall increase the density of that portion of such refuse as is compactable by means of approved equipment designed to shred or compact refuse and shall put the refuse so treated into an approved steel, plastic, paper or other disposable receptacle or into a compaction unit receptacle, and the provisions of section 4 shall not apply to such compactable refuse, but shall remain applicable to all other refuse.
- (2) The capacity of the steel, plastic, paper or other disposable receptacle referred to in subsection (1) shall not exceed 0,1m³.
- (3) After the refuse, treated as contemplated in subsection (1) has been put into a steel, plastic, paper or other disposable receptacle, such receptacle shall be placed in a bin or container unit.
- (4) In so far as the provisions of subsection (1) make the compaction of domestic or business refuse compulsory, such provisions shall not apply until a period of 6 months has elapsed from the date of the serving of a notice to this effect by the Council.
- (5) The steel, plastic, paper or other disposable receptacle mentioned in subsection (1) shall be supplied by the owner or the occupier, as the case may be.
- (6) If the container referred to in subsection (1) is made of steel, such container shall, after the collection thereof and after it has been emptied by the Council, be returned to the premises.
- (7) The Council will remove and empty the containers referred to in subsection (1) at such intervals as the Council may deem necessary in the circumstances.
- (8) The provisions of this section do not prevent any owner or occupier of premises, as the case may be, after having obtained the Council's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption.

Greater Tzaneen Municipality**8. Removal and disposal of garden and bulky refuse**

- (1) The occupier or in the case of premises occupied by more than one person, the owner of premises on which bulky garden or other bulky refuse is generated, must ensure that such refuse be disposed of within a reasonable time after the generation thereof.
- (2) Any person may remove and dispose of bulky garden refuse or other bulky refuse.
- (3) Bulky garden or other bulky refuse removed from the premises on which it was generated, must be deposited on a site designated by the Council as a disposal site for such refuse.

9. The council's special service

- (1) At the request of the owner of any occupier of any premises, the Council will at the prescribed tariff remove bulky garden and other refuse from premises, provided that the Council is able to do so with its refuse removal equipment. All such refuse shall be placed within 3m of the boundary loading point, but not on the sidewalk.

10. Responsibility for builders refuse

- (1) The owner of premises on which builders refuse is generated and the person engaged in the activity which causes such refuse to be generated must ensure that –
 - (a) such refuse be disposed of in terms of section 12 within a reasonable time after the generation thereof, but at any rate within 30 days from being notified by Council to remove such refuse;
 - (b) until such time as builders refuse is disposed of in terms of section 12 and subject to the provisions of section 12 (2) such refuse together with the containers used for the storing or removal thereof, be kept on the premises on which it was generated.
- (2) Any person may operate a builder's refuse removal service. Should the Council provide such a service it shall be done at the tariff charge.

Greater Tzaneen Municipality**11. Containers**

- (1) If containers or other receptacles used for the removal of builders refuse, bulky refuse or other waste material from premises can in the opinion of the Council not be kept on the premises, such containers or other receptacles may with the written consent of the Council be placed in the roadway for the period of such consent.
- (2) Any consent given in terms of subsection (1) will be subject to such conditions as the Council may deem necessary, provided that in giving or refusing its consent or in laying down conditions the Council shall have regard to the convenience and safety or the public.
- (3) The written consent of the Council referred to in subsection (1) will only be given on payment of the tariff charge for the period of such consent.
- (4) Every container or other receptacle used for the removal of builders refuse, must –
 - (a) have clearly marked on it the name and address or telephone number of the person in control of such container or other receptacle;
 - (b) be fitted with reflecting chevrons or reflectors which shall completely outline the front and the back thereof; and
 - (c) be covered at all times other than when actually receiving or being emptied of such refuse, so that no displacement of its content or dust nuisance occur.

12. Disposal of builders refuses

- (1) Subject to the provisions of subsection (2) all builders refuse must be deposited at the Council's refuse disposal sites after the person depositing the refuse has paid the tariff charge therefore.
- (2) For the purpose of reclamation of land, builders refuse may with the written consent of the Council be deposited at a place other than the Council's refuse disposal sites.
- (3) Any consent given in terms of subsection (2) will be subject to such conditions as the Council may deem necessary, provided that in giving or refusing its consent or in laying down conditions the Council shall have regard to –
 - (a) the safety of the public;
 - (b) the environmental impact on the proposed disposal site;
 - (c) the suitability of the area including the drainage thereof;

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- (d) the expected manner and times of depositing of refuse at the site;
- (e) the leveling of the site;
- (f) the control of dust; and
- (g) other relevant factors.

13. Notification of generation of special industrial refuse

- (1) A person engaged in an activity which causes special industrial refuse to be generated must inform the Council of the composition thereof, the quantity generated, how it is stored and how and when it will be removed.
- (2) If so required by the Council, the notification referred to in subsection (1) must be substantiated by an analysis certified by a qualified industrial chemist.
- (3) The Council or any person duly authorized by the Council may enter premises at any reasonable time to ascertain whether special industrial refuse is generated on such premises and may take samples and test any refuse found on the premises to ascertain its composition.
- (4) Having notified the Council in terms of subsection (1), the person mentioned in subsection (1) must notify the Council of any changes in the composition and quantity of the special industrial refuse occurring thereafter.

14. Storing of special industrial refuse

- (1) The person referred to in section 13 (1) must ensure that the special industrial refuse generated on the premises is kept and stored thereon in terms of subsection (2) until it is removed from the premises in terms of section 15.
- (2) Special industrial refuse stored on premises must be stored in such manner that it does not become a nuisance, pollute the environment or is dangerous or may become dangerous to any person, property or the environment.
- (3) If special industrial refuse is not stored in terms of subsection (2) on the premises on which it is generated, the Council may order the owner of the premises and the person referred to in section 13 (1) to remove such refuse within a reasonable time and, if thereafter such refuse is not removed within such time, the Council may by itself or through a contractor remove it at the owner's expense.

Greater Tzaneen Municipality**15. Removal of special industrial refuse**

- (1) No person may remove special industrial refuse from the premises on which it was generated without, or otherwise than in terms of, the written consent of the Council.
- (2) The Council may give its consent in terms of subsection (1), subject to such conditions as it may deem fit, having regard to –
 - (a) the composition of the special industrial refuse;
 - (b) the suitability of the vehicle and container to be used;
 - (c) the place where the refuse shall be dumped; and
 - (d) proof to the Council of such dumping.
- (3) The Council will not give its consent in terms of subsection (1), unless it is satisfied that the person applying for such consent is competent and has the equipment to remove the special industrial refuse and to comply with the conditions laid down by the Council.
- (4) The person referred to in section 13 (1) must inform the Council, at such intervals as the Council may stipulate, having regard to the information to be given to the Council in terms of section 13 (1), of the removal of special industrial refuse, the identity of the remover, the date of such removal, the quantity and the composition of the special industrial refuse removed.
- (5) Should any person be caught in the act of contravening the provisions of this section, such person must dispose of the refuse removed by him or her as directed by the Council.
- (6) Nothing shall be so construed as to diminish or substitute any requirement, obligation or duty imposed upon a person in regard to the handling, storage, removal, transport or disposal of special industrial refuse in terms of any legislation applicable to the substance of such refuse.

16. Conduct at disposal sites

- (1) Any person who, for the purpose of disposing of refuse enters a refuse disposal site controlled by the Council must –
 - (a) enter the disposal site only at an authorized access point;

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- (b) give the Council all the particulars requested in regard to the composition of the refuse; and
- (c) follow all instructions given to him or her in regard to access to the actual disposal point, the place where and the manner in which the refuse should be deposited.
- (2) No person may bring intoxicating substances onto a disposal site controlled by the Council.
- (3) No person may enter a disposal site controlled by the Council for any purpose other than the disposal of refuse in terms of this by-law and then only at such times as the Council may from time-to-time determine.

17. Ownership of refuse

- (1) All refuse removed by the Council and all refuse on or at disposal sites controlled by the Council will be the property of the Council and no person who is not authorized by the Council to do so, may remove or interfere therewith.
- (2) Only refuse which is generated on premises within the Council's area of jurisdiction may be disposed of on the Council's refuse disposal sites.

18. Littering

- (1) No person may –
 - (a) throw, let fall, deposit or spill any refuse into or onto any public place vacant stand, vacant erf, stream or watercourse;
 - (b) sweep any refuse into a gutter or onto a public place; or
 - (c) allow any persons under his or her control to do any of the acts referred to in paragraph (a) and (b).

19. Dumping

- (1) Subject to any provisions to the contrary in this by-law contained, no person may abandon anything or allow anything under his or her control to be abandoned at a place other than a disposal site of the Council.
- (2) Once it has been proved that such person left a thing or allowed a thing to be left at a place of which he or she is not the owner or occupier, he or she will be deemed to have contravened the provisions of subsection (1), unless and until he or she proves the contrary.

Greater Tzaneen Municipality**20. Abandoned things**

- (1) Anything, other than a vehicle deemed to have been abandoned, which is, in the light of such factors as the place where it is found, the period it has been lying at such place and the nature and condition of such thing, reasonably regarded by the Council as having been abandoned, may be removed and disposed of by the Council as it may deem fit.

21. Liability of responsible person

- (1) Where anything has been removed and disposed of by the Council in terms of section 20, the person responsible will be liable to pay to the Council the tariff charge in respect of such removal and disposal.
- (2) For the purposes of subsection (1) the person responsible is –
 - (a) the owner of the thing, and shall include any person who is entitled to be in possession of the thing under any title; or
 - (b) any person by whom it was put in the place aforesaid.

22. Storage of infectious waste

- (1) All infectious waste must be placed at the point of generation into a container approved by the Council.
- (2) The container used for the storage of sharp objects must be constructed of such a material that the object cannot pierce the container. The container must be fitted with a safe and hygienic lid which must be sealed after use.
- (3) The container used for the disposal of other infectious waste must be constructed of a suitable material, preventing the leakage of the contents. The container must be fitted with a safe and hygienic lid which must be sealed after use.
- (4) All containers must be adequately labeled and marked with the universal bio-hazardous waste symbol.

23. Transport of infectious waste

- (1) All containers of infectious waste must be sealed at the point of generation.
- (2) The vehicle transporting infectious waste must be clearly marked indicating infectious waste in transit.

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- (3) The vehicle used for the transport must be so designed that the drivers cab is separated from the load area. The load area must be enclosed with suitable sealable, lockable doors.
- (4) All loads being carried must be invoiced, indicating the premises from which the infectious waste was generated and the premises where the waste will be disposed of.

24. Removal and disposing of infectious waste

- (1) The Council may remove infectious waste from the premises of generation and dispose thereof in a safe, sanitary and supervised manner and the owner of such premises shall be liable to the Council for payment of the tariff charges in respect of such services.
- (2) Approved private contractors may remove and dispose of infectious waste after written consent has been granted to such contractor by the Council.
- (3) Infectious waste may be disposed of in an approved high temperature pollution free incinerator on the premises of origin after written consent has been granted by the Council.
- (4) The burning temperatures in the primary and secondary chambers of the incinerator will exceed 800 degrees C and 1 000 degrees C respectively and also have rapid cooling to prevent carcinogenic chemicals from entering the atmosphere.

25. Access to premises

- (1) Where the Council provides a refuse collection service, the occupier of premises must grant the Council access to the premises for the purpose of collecting and removing refuse and shall ensure that nothing obstructs, frustrates or hinders the Council in the carrying out of its service.
- (2) Wherein the opinion of the Council the collection or removal of refuse from any premises is likely to result in damage to the premises or the Council's property, or injury to the refuse collectors or any other person, it may, require the owner or occupier to indemnify it in writing in respect of any such damage or injury or any claims arising out of either.

Greater Tzaneen Municipality**26. Accumulation of refuse**

- (1) When any category of refuse accumulates on premises so as to constitute or so as to render it likely that a nuisance will be created thereby, the Council may make a special removal of such refuse and the owner shall be liable in respect of such special removal to pay the tariff charge therefore.

27. Charges

- (1) Save where otherwise provided in this by-law, the person to whom any service mentioned in this by-law has been rendered by the Council shall be liable to the Council for the tariff charge in respect thereof.
- (2) Services rendered by the Council in respect of which a monthly tariff charge is prescribed, will only be discontinued by the Council after receipt of a written notification from the owner or occupier of the premises to which the services are rendered that the generation of domestic or business refuse on the premises has ceased, or when it has become obvious to the Council that the generation of such refuse on the premises has ceased.
- (3) Monthly tariff charges are payable until receipt by the Council of the notice mentioned in subsection (2), or when it has become obvious to the Council that the generation of such refuse on the premises has ceased.

28. Offences and penalties

- (1) Any person, persons or institution, who fails to comply with the provision of this by-law shall upon conviction if found guilty of an offence and upon conviction be liable to a fine of at least R2000-00 or two imprisonment for a period not exceeding 12 months.

29. Short title and commencement

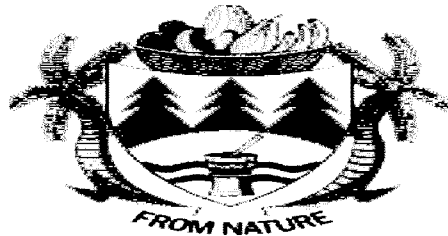
- (1) This by-law is called Greater Tzaneen refuse removal by-law and shall come into effect on the date of publication in the *Provincial Gazette*.

B. S. MATLALA
MUNICIPAL MANAGER

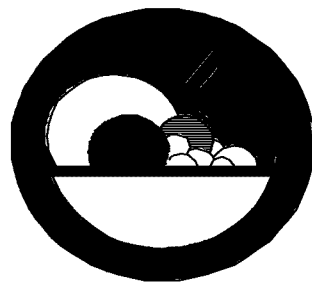
27 SEPTEMBER 2019

LOCAL AUTHORITY NOTICE 159 OF 2019

Greater Tzaneen Municipality



PUBLIC TRANSPORT BY LAW



Greater Tzaneen Municipality

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PREAMBLE

In terms of section 156 (1) (a) of the Constitution 1996 (Act 108 of 1996) as amended from time to time, the Greater Tzaneen Municipality has executive authority in respect of, and has the right to administer the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution, falling within its area of Jurisdiction which include Municipal Transport regulation.

The object of the Greater Tzaneen Municipality in these by-laws is to promote social and economic development for its community through Public Transport. The Municipality recognizes the key role that Public Transport plays in poverty alleviation, income generation and entrepreneurial development and, in particular, the positive impact that informal it has on historically disadvantaged individuals and communities.

The Municipality acknowledges the need to adopt a developmental, safe and protective approach to the community in order to create an environment that is conducive to the general safety and public order to the Public Transport sector through harmony, good public transport relations and abeyance of the local, national, provincial and national laws and policy governing Public Transport.

The Municipality further acknowledges the need for a balanced relationship between the Public Transport vehicle owners and the local communities in order to promote good Public Transport relationship, social and economic development within a well managed municipal area.

SCOPE AND APPLICATION

These by-laws apply to any area falling under the jurisdiction of the Greater Tzaneen Municipality in terms of the Local Government Demarcations Act 27 of 1998 as amended from time to time.

Greater Tzaneen Municipality**CHAPTER 1****INTERPRETATION****Definitions**

1. (1) In these By-laws, any word or expression that has been defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996); Road Traffic Act, 1989 (Act No. 29 of 1989), Administration and Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998), Criminal procedure Act, 1977, Road Traffic Management Corporation Act, 1999 (Act No. 20 of 1999), The National Land Transport Transition Act, 2000 (Act No.22 of 2000), Northern Province Interim Passenger Transport Act, 2000, Road Transportation Act, 1977 (Act 74 of 1977) has that meaning and, unless the context otherwise indicates –

“authorised official” means any official of the Council who has been authorised by it to administer, implement and enforce the provisions of these By-laws;

“Council” means –

- (a) means a municipal council referred to in section 157 (1) of the Constitution;
- (b) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
- (d) a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, or any other law, as the case may be.

“Traffic Police” means the municipal police department of the Council established in terms of section 64A of the South African Police Service Act, 1995 (Act No. 68 of 1995);

“lift club” means any club of which every member shall, for no direct or indirect reward, have a turn to convey or cause to be conveyed by means of a motor car, the members of such a club

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or other persons designated by such members, to or from specified places for a specific purpose;

“Health officer” means any person appointed as health officer under section 80 of the National Health Act, 2003 (Act No. 61 of 2003) or designated as such in terms of that section;

“prescribed fee” means a fee determined by the Council by resolution in terms of section 168 of Municipal Finance Management Act, 2003 (Act No. 56 of 2003), or any other applicable legislation.

“public road” means a public road as defined in the National Road Traffic Act, 1996;

“queue marshal” means a person designated by a taxi association to regulate minibus taxi-type services; and

“rank” means a facility set aside by the Council for use by public passenger road transport;

“cab licence” means a payment that may be charged annually as a once-off charge, and which gives road-based public transport operators the “right” or “permission” to operate within the Council’s municipal boundary.

“road-based public transport operators” mean operators of metered taxis, minibuses, midibuses and buses.

(2) If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

CHAPTER 2

Driver to take shortest route

2. (1) A driver of any metered taxi must, while the metered taxi is hired, drive to the passenger’s destination along the shortest route, unless another route is agreed on or directed by the

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passenger.

(2) A metered taxi driver must have a current map of the municipal area in his or her possession, which must be made available by the driver to a passenger on request.

Driver to keep engagement

3. (1) A driver of any metered taxi must convey a passenger and his or her personal effects to the destination agreed upon between the passenger and the driver.

(2) Should the driver of a metered taxi for any reason whatsoever, be unable to convey the passenger and the passenger's personal effects to the agreed destination, such driver must take all reasonable steps to arrange another metered taxi for the passenger, or let the passenger arrange for transport to get to his or her destination.

Operation of taximeter

4. (1) The driver of a metered taxi fitted with a taximeter must, as soon as the driver arrives at the point where his or her hiring commences and not sooner, set the taximeter in motion, and must upon the termination of hiring immediately stop the taximeter from recording.

(2) Upon the occurrence of any stoppage not caused by traffic congestion or by the action or request of any passenger, the said driver must for the duration of such stoppage stop the taximeter from recording.

(3) The owner of a metered taxi must ensure that the provisions of subsections (1) and (2) and the minimum or maximum fare as determined in terms of National Road Traffic Act, 1996 (Act No. 93 of 1996); Road Traffic Act, 1989 (Act No. 29 of 1989), Road Traffic Management Corporation Act, 1999

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(Act No. 20 of 1999), The National Land Transport Transition Act, 2000 (Act No.22 of 2000), Northern Province Interim Passenger Transport Act of 2000, Road Transportation Act 74 of 1977; if any, are affixed to the interior of his or her taxi, in such a position that they can be easily read by a passenger in the taxi.

CHAPTER 3**BUSES****Stopping places**

5. No driver of a bus, as defined in the National Land Transport Transition Act, 2000 (No. 22 of 2000), may stop it for the purpose of picking up or setting down any passenger, except at a stopping place designated by the Council.

Entering and alighting from a bus

6. A prospective passenger of a bus, as defined in the National Land Transport Transition Act, 2000 (No. 22 of 2000), may only enter or alight from a bus at a stopping place designated by the Council.

Driver to stop at stopping places

7. The driver of a vehicle engaged in a public passenger road transport service, which at the time is not carrying the maximum number of passengers the vehicle is lawfully entitled to carry, must stop at any designated stopping place if a prospective passenger is waiting at such stopping place.

CHAPTER 4**GENERAL**

Greater Tzaneen Municipality**Parking of metered taxi, minibus, midibus or bus**

8. No person may park a metered taxi, minibus, midibus or bus on any public road for the purpose of providing a public passenger road transport service, except in an exclusive parking bay, marked by a road traffic sign as prescribed in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996) for that vehicle.

Parking at places of entertainment or funeral

9. Notwithstanding the provision of section 8 of these By-laws, a metered taxi may park on a public road for the purpose of providing a metered taxi service, where a party or private entertainment is in progress or from which any funeral or wedding procession is about to start.

Engagement of passengers

10. (1) No driver of a metered taxi, minibus, midibus or bus, or any other person, may by using force or a threat, or in a clandestine manner or by any other means, prevent or seek to prevent any person from hiring any other metered taxi, minibus, midibus or bus or prevent or seek to prevent the driver of such other metered taxi, minibus, midibus or bus from obtaining or conveying a passenger or a load.

(2) No person may use force, a threat, or any clandestine or other method, to prevent or attempt to prevent any person from participating in a lift club.

(3) The driver or conductor of a metered taxi, minibus, midibus or bus may not use a hooter or

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sounding device to attract the custom of potential passengers or customers.

Failing or refusing to pay or attempting to evade payment of the fare due

(11) No hirer of, or passenger in or on a vehicle engaged in a public passenger road transport service, may fail or refuse to pay any fare due by such hirer or passenger.

Furnishing of name and address by person conveyed in or on metered taxi, minibuss, midibuss or bus

(12) Any person hiring, or conveyed in or on, a vehicle engaged in a public passenger road transport service, who has failed or refused to pay any fare due by him or her, must when requested to do so by the driver, state his or her correct name and address.

Conveyance of filthy or diseased persons

(13) (1) A driver of a vehicle engaged in a public passenger road transport service may refuse to convey or carry -

(a) any person who is obviously in a state of filth or obviously suffering from any contagious disease; or

(b) any dead animal except animals or poultry intended for human consumption if the animal or poultry is properly wrapped.

(2) No person who has another person in his or her care who to his or her knowledge has been exposed to, or contaminated with, any contagious disease, may place such person in any metered taxi, minibuss, midibuss or bus.

(3) No person who is obviously in a state of filth or obviously suffering from any contagious disease

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may enter any metered taxi, minibus, midibus or bus or, having entered, remain upon such vehicle after being requested by the driver or conductor thereof to leave the vehicle.

Disinfection of metered taxi, minibus, midibus or bus

14. (1) The owner, driver, conductor or any other person in charge of a vehicle engaged in a public passenger road transport service must take immediate steps as soon as it comes to his or her knowledge that -

- (a) any person suffering from a contagious disease; or
- (b) the body of any person who has died of such disease; or
- (c) anything which has been exposed to or contaminated with such disease, has been conveyed in or upon such vehicle engaged in a public passenger road transport service to report the matter to the Health Officer.

(2) Any owner, driver, conductor or other person referred to in subsection (1) must carry out every instruction issued by the Health Officer with regard to the disinfection of such vehicle engaged in a public passenger road transport service.

Driver's right to refuse to convey passengers

(15) (1) The driver of a vehicle engaged in a public passenger road transport service may, if he or she so decides, or at the request of any passenger, refuse to convey any person who is obviously in a state of intoxication or who is noisy or rowdy or otherwise misbehaving himself or herself.

(2) No person referred to in subsection (1), may remain in or upon such vehicle engaged in a public passenger road transport service, after having been requested by the driver or conductor thereof to leave the vehicle engaged in a public passenger road transport service.

Greater Tzaneen Municipality**Property left in metered taxi, minibus, midibus or bus**

(16) (1) If any property left in a vehicle engaged in a public passenger road transport service is not claimed within 24 hours after it has been discovered in such vehicle engaged in a public passenger road transport service, the driver or conductor of the vehicle must – 5

(a) if he or she belongs to a taxi association, take such property to the nearest office of such association;

(b) if he or she uses a bus depot for the purposes of the business in which he or she is engaged, take such property to such depot; or

(c) if he or she does not belong to a taxi association or use a bus depot for the purposes of the business concerned, take such property to the Greater Tzaneen Traffic Police Department, and obtain a receipt from the person with whom the property is deposited, or the officer on duty at the Greater Tzaneen Traffic Police Department, as the case may be.

(2) If the property referred to in paragraphs (a) and (b) of subsection (1) is not claimed within seven days of its receipt in the office of the relevant taxi association or bus depot, the person with whom it was deposited must take it to the Metropolitan Police department, and there deposit it with the officer on duty, who must issue a receipt for such property to the person depositing it.

Possession of dangerous or offensive articles

17. (1) If the driver or conductor of a vehicle engaged in a public passenger road transport service reasonably suspects that any passenger is in possession of any dangerous or offensive article, except a fire-arm as described in subsection (2), the driver or conductor or any other passenger may request the first mentioned passenger to hand such article to the driver or conductor.

(2) If a passenger is in possession of a fire-arm, the driver or conductor may request the passenger

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to display a valid licence for such fire-arm or, if the passenger is required to carry the fire-arm as a member of the national or a municipal police service established in terms of the South African Police Service Act, 1995, or as a member of the National Defence Force established under the Defence Act, 1957 (Act No. 44 of 1957), the driver or conductor may request the passenger to display the current identity document which was issued to the passenger by such service or force.

(3) If the passenger refuses to hand the article referred to in subsection (1), or fails to display the licence or identity document referred to in subsection (2), to the driver or conductor, the driver may refuse to convey the passenger.

(4) The article referred to in subsection (1) must be returned to its owner at the conclusion of his or her journey.

Cleanliness

(18) The driver or conductor of any vehicle engaged in a public passenger road transport service must be clean and neatly dressed at all times while conveying a passenger, and must treat every passenger politely and with respect.

Queue marshal

(19) (1) A queue marshal at any rank must be clearly identifiable as to his or her employer and must display his or her name in a conspicuous manner on his or her clothing below the left shoulder.

(2) A queue marshal must discharge his or her duties in a courteous and polite manner and show respect to every passenger.

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(3) Where a queue marshal is controlling the entry of passengers onto a metered taxi, minibus, midibus or bus, he or she must not allow more than the number of passengers permitted by law, to enter such metered taxi, minibus, midibus or bus.

Special Transport

No person may deny another person an opportunity to trade for the purpose of discharging special transport services.

This shall include any person who conducts transport services for the purpose of transporting school children, church congregation, community members who are engaging in personal or community services and anybody who transport workers for the purpose of going to work and from work.

Clean vehicle

(20) The owner and the driver of any metered taxi, minibus, midibus or bus must keep the vehicle clean and in good condition at all times while engaged in public passenger road transport services.

Offences and penalties

(21) Any person who –

- (a) contravenes or fails to comply with any provisions of these By-laws;
- (b) fails to comply with any notice issued in terms of these By-laws;
- (c) fails to comply with any lawful instruction given in terms of these By-laws; or
- (d) who obstructs or hinders any authorised official of the Council in the execution of his or her duties under these By-laws, is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requiring the discontinuance of such offence.

Greater Tzaneen Municipality**Charging of the cab licence**

(22) The Municipality may charge a cab licence to operators of all modes of road-based public transport on an annual basis as a once-off payment. The cab licence may also be reviewed annually.

Short title and Commencement

(23) This by-law shall be known as the Greater Tzaneen Municipality: Public Transport and takes effect on the date of publication in the *Provincial Gazette*.

B. S. MATLALA

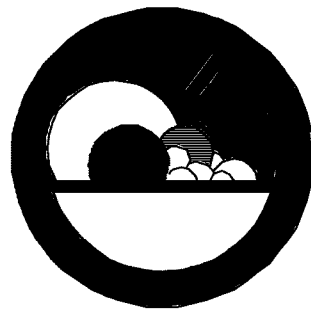
27 SEPTEMBER 2019

MUNICIPAL MANAGER

LOCAL AUTHORITY NOTICE 160 OF 2019



CREDIT CONTROL AND DEBT COLLECTION BY-LAW



Greater Tzaneen Municipality

The Municipal Manager of Greater Tzaneen Local Municipality hereby in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), publishes credit control and debt collection by-law as approved by its council as set out hereunder.

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Chapter 1

BACKGROUND AND INTERPRETATION

1 DEFINITIONS

In this by-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), has that meaning, unless the context, indicates otherwise:

“Acknowledgement of Debt” means an unequivocal admission of liability to the municipality by the client. The client acknowledges that he or she owes a particular sum of money to the municipality and undertakes to repay what is owed on terms so agreed with the municipality. For ease of administrative processes a standard form must be completed;

“Annually” means once every financial year;

“Application for Extension of Time for Arrear Payment” is a discretionary extension of time for the payment of arrears for which a client may apply once an acknowledgement of debt form has been completed. For ease of administrative processes a standard form must be completed;

“Application for services” means the process opening an account for municipal services. A prescribed form must be completed.

“Arrangement” means a written agreement entered into between the Municipality and the customer where specific repayment parameters are agreed to. Such arrangement does not constitute a credit facility envisaged in terms of section 8(3) of the National Credit Act but is deemed to be Incidental Credit as envisaged in terms of section 4(6)(b) read with section 5(2) and (3) of the National Credit Act;

“Arrears” means those rates and service charges that have not been paid by the due date and for which no arrangement has been made;

“Authorised Representative” means a person or instance legally appointed by the Municipality to act or to fulfil a duty on its behalf;

“Basic Municipal Services” shall mean a municipal service necessary to ensure an acceptable and reasonable quality of life, which service – if not provided – would endanger public health or safety or the environment;

“Billing Date” means the date upon which the monthly statement is generated and debited to the customer's account;

“Business and Commercial Property” means -
property used for the activity of buying, selling or trading in commodities or services and includes any office or other accommodation on the same property, the use of which is incidental to such

activity; or property on which the administration of the business of private or public entities take place.

“By-law” shall mean legislation passed by the council of the Municipality, and which shall be binding on the Municipality and on the persons and institutions to which it applies;

“Chief Financial Officer” means such municipal official appointed in terms of section 57 of the Municipal Systems Act, 2000 and administratively in charge of the budget and treasury office, or his or her nominee;

“Client”, “Customer” or “Consumer” means the owner or occupier of property or premises who is liable to the Municipality for payment of a municipal account or part thereof;

“Consumer Deposit” or “Deposit” is an amount paid by customer, to be held by the municipality as security for the consumption of services. This consumer deposit will remain in place from the opening of an account until closure or termination of the account. It will be refunded on termination provided that the customer does not owe the municipality any debt on the said account or other accounts.

“Council” means the Municipal Council of the Greater Tzaneen Municipality in terms of section 18 of the Municipal Structures Act, 1998 as amended and or section 157(1) of the Constitution;

“Councillor” shall mean a member of the Council of the Greater Tzaneen Municipality;

“Credit Control” means all the functions relating to the collection of monies owed by ratepayers and the users of municipal services;

“Credit Control and Debt Collection Policy” means the Credit Control and Debt Collection Policy of the municipality as adopted by Council in terms of section 96(b) of the Municipal Systems Act, 2000 as amended;

“Debt Collectors” means an external person or entity appointed by the Municipality to collect monies due and payable to the Municipality, subject to the conditions contained in this by-law;

“Defaulter” means any client who owes arrears to the Municipality;

“Delegated” means delegated in terms of section 59 of the Municipal Systems Act, 2000 as amended;

“Delivery Date” shall mean the date on which the periodic account is delivered to the customer or 3 days after the date the account was posted, whichever is the first;

“Domestic Customer or User” of municipal services shall mean the person or household to which municipal services are rendered in respect of “residential property” as defined below;

“Due Date” in relation to rates and services -rates due in respect of any immovable property, means the date for payment indicated on the account, in the case where rates and services are levied on a monthly basis, the due date shall be the 25th of each month

“Dwelling” means a building, structure or place of shelter to live in or conduct business from;

"Electricity Charges" means service charges in respect of the provision of electricity;

"Financial Year" means the municipality's financial year starting on the 1st July and ending at 30 June of the following year;

"Greater Tzaneen Municipality" means such municipality established in terms of section 12 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998);

"Illegal Connection" means any connection or reconnection of a property or premises to the water and/or electricity reticulation network of the municipality, in contravention of this by-law and related By-law, any other By-law of the municipality, act or regulation;

"Indigent" means a household who cannot afford to make a full monetary contribution towards rates and service charges as determined by Council;

"Interest" means the charge levied on arrears, calculated as the prime rate plus one percent, charged by the bank which holds the Municipality's primary bank account, as determined annually by Council and included annual budget and tariffs of the Municipality;

"Municipal Account" means an account in terms of this by-law;

"Municipal Systems Act" means the Local Government Municipal Systems Act, 2000 (Act 32 of 2000) as amended;

"Municipal Tariff" shall mean a tariff for services which the Municipality may set for the provision of a service to the local community, and may include a surcharge on such service. Tariffs for major services shall mean tariffs set for the supply and consumption or usage of electricity, water, sewerage and refuse removal, and minor tariffs shall mean all other tariffs, charges, fees, rentals or fines levied or imposed by the Municipality in respect of other services supplied including services incidental to the provision of the major services;

"Municipality" means the Greater Tzaneen Municipality;

"National Credit Act" refers to the National Credit Act, No 34 of 2005

"Notice of Termination of Services" means a form to be completed by a client when closing his/her municipal account;

"Occupier" means a person who occupies a property, dwelling or premises or any part thereof, whether such occupation is lawful or otherwise;

"Owner" means a person, being the registered owner of a property in terms of the Deeds Registries Act; 1937 (Act 47 of 1937) and in relation to immovable property means the person in whom is vested the legal title thereto provided that:-

- the lessee of immovable property which is leased for a period of not less than thirty years, whether the lease is registered or not, shall be deemed to be the owner thereof;
- the occupier of immovable property occupied under a service servitude or right analogous thereto, shall be deemed to be the owner thereof;

- if the owner is dead or insolvent or has assigned his or her 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, shall be deemed to be the owner thereof;

“Person” includes a natural person and a juristic person;

“Premises” means a portion of a property, for which a separate municipal account is rendered;

“Property” means a property registered under separate title in terms of the Deeds Registries Act, 1937 (Act 47 of 1937);

“Service Agreement” means an agreement between the Municipality or an institution or persons mentioned in section 76(b) of the Local Government: Municipal Systems Act 32 of 2000 and a customer.

“Water Charges” means service charges in respect of the provision of water;

2 PURPOSE

- (1) To give effect to the municipality's credit control and debt collection by-law, its implementation and enforcement as outlined in section 98 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

3 CUSTOMER CARE AND MANAGEMENT

The municipality shall conduct itself towards its customers in a manner that it is stipulated in section 95 of the Municipal Systems Act, 2000 which requires the municipality to, within its financial and administrative capacity. In terms of this the Municipality will:

- a) establish a sound customer management system that aims to create positive and reciprocal relationship between persons liable for the payments for municipal services and the municipality;
- b) establish mechanisms for users of services and ratepayers to give feedback to the municipality regarding the quality of the services and the performance of the municipality where possible.
- c) take reasonable steps to ensure that users of services are informed of the costs involved in service provision. The reasons for the payment of service fees and the manner in which monies raised from the service are utilised;
- d) where the consumption of services has to be measured, take reasonable steps to ensure that the consumption by individual users of services is measured through accurate and verifiable metering systems;
- e) ensure that persons liable for payments receive regular and accurate accounts that indicate the basis for calculating the amounts due;

- f) provide accessible mechanisms for those persons to query or verify accounts and metered consumption, and appeal procedures which allow such persons to receive prompt redress for inaccurate accounts;
- g) provide accessible mechanisms for dealing with complaints from such persons, together with prompt replies and corrective action by the municipality;
- h) provide mechanisms to monitor the response time and efficiency in complying with paragraph (g); and
- i) provide accessible pay points and other mechanisms for settling accounts or for making pre-payments for services.

Chapter 2

MUNICIPAL SERVICES

4 MUNICIPAL SERVICES

- a) The municipality shall produce monthly consolidated municipal accounts for the applicable charges of clients. These accounts will be distributed to clients in the manner provided for in section 8 of this by-law.
- b) The municipal account shall reflect amounts due for the following:
 - (a) The rates and services charge for a specific period;
 - (b) The interest charges for any overdue amount;
 - (c) Any other charges, levies and taxes due to the municipality; and
 - (d) The number of units consumed in relation to electricity and/or water consumed for a specific period.
 - (e) The consumer deposit paid by the client and held by the Municipality as security for the consumption of services.

4.1 RATES

- 4.1.1 The following provisions apply to rates and any levies:
 - (a) Interest shall be charged on all overdue accounts;
 - (b) If the account is not paid by the due date as displayed on the account the Chief Financial Officer may issue any notice in terms of this by-law showing the total amount owed to the Municipality;
 - (c) If the account is not settled or there is no response from the debtor to make acceptable arrangements to repay the debt –
 - i. The supply of any service to the property may be restricted, disconnected or discontinued in terms of section 21 of this by-law; and
 - ii. Irrespective of the exercise of powers by the Chief Financial Officer in terms of the Credit Control and Debt Collection By-law summons may be issued and the legal process followed;
 - (d) In instances where the rates debt is in respect of municipal property sold by suspensive sale agreement, the collection thereof will be dealt with in terms of the relevant deed of sale, and if applicable, this by-law, or any subsequent applicable written agreement between the Municipality and the debtor;
 - (e) At any stage while the debt is outstanding, all reasonable steps shall be taken to ensure that the ultimate sanction of a sale-in-execution is avoided or taken only as a last resort. The Municipality, however, has total commitment to a sale-in-execution should the debtor fail to make use of the alternatives provided for by the Municipality from time to time. This is also applicable to all debt, and

includes all debt which is a charge against a property, as referred to in this Chapter;

- (f) As part of the recovery process the Municipal Manager may bid, to a maximum of Rx (Rx could equal R10.00 or the total of the debt plus costs and include any reasonable amount of clearance proposes) at a sale-in-execution and if successful, sign all relevant documentation to acquire and take transfer of the property;
- (g) The Chief Financial Officer shall have the right to negotiate and to cancel the deed of sale, as referred to in sub-item (f) before transfer to the municipality, if such cancellation results in either the bond holder or the debtor, or both the said parties, paying in full for all debt in connection with that property as well as all costs related thereto: and
- (h) The municipal manager may proceed to sale-in-execution of any immovable property classified as a problem building in terms of the municipality's Problem Building By-law, for any debt owing to the municipality and may attach any condition to such property as determined in terms of the aforesaid By-law when proceeding as aforesaid.

4.2 SERVICES

4.2.1 The following provisions apply to the payment for services:

- (a) Accounts must be paid by the due date as shown on the account;
- (b) Interest will be charged on all overdue accounts;
- (c) The debtor must be warned on the monthly account of a possible disconnection and other credit control actions if payment is not received by the due date;
- (d) If payment is not received or suitable payment arrangements are not made by the due date, a notice may be served in terms of Section 115 of the Municipal Systems Act, warning of an imminent restriction, disconnection or discontinuation of a service after 14 (fourteen) days from the date as stated in the notice;
- (e) If payment is not received or suitable payment arrangements are not made by the due date as shown on the notice, the supply or supplies may be restricted, disconnected or discontinued for any service in respect of any arrear debt; and notwithstanding any of the mentioned actions, the services may be limited, if necessary, by the Chief Financial Officer;
- (f) A notice shall be left at the property advising that the supply has been restricted, disconnected or discontinued and warn that all electric points should be considered live and that all water outlets should be closed.
 - i. The notice will also advise that the supply will only be reconnected after the amounts specified on the notice and any other debt including the reconnection fee, have been paid or an arrangement acceptable to the Municipality has been made;
 - ii. The notice will also warn of the consequences of illegal reconnection.

- (g) All residential consumers, whose water supply has been restricted, may have access to basic water supply as determined by the Council from time to time by means of a restricted water flow to their property or where the water supply has been disconnected or discontinued as a result of, but not limited to, unauthorized or illegal reconnections and tampering, a water management device or prepayment water meter may be installed, or a communal water supply point, within a radius of approximately 200 (two hundred) meters from their property, may be provided; and
- i. The Chief Financial Officer has the sole discretion to insist on a water management device or a prepayment water meter being installed to a property where the water supply is regularly restricted due to non-payment; or
 - ii. The Chief Financial Officer considers the debtor to be a credit risk to the municipality; and
- a water management device, a prepayment water meter or any service may be restricted, disconnected or discontinued for any arrears owed to the municipality;
- (h) Subject to the provisions contained in sub-item (f), debtors may be required to pay all penalties and arrears in full before the supply is restored;
- (i) Subject to the municipality's capacity at the time to restore such service which has been, restricted, disconnected or discontinued, such service will be restored within reasonable period of time after the relevant conditions contained in this by-law have been met;
- (j) The onus shall always be on the debtor to request reconnection and to prove that the full amount for which the service was restricted, disconnected or discontinued, as shown in the notice referred to in section 4.2 (1) (d) of this by-law has been paid or that an arrangement was entered into in terms of sub-item(f);
- (k) Despite the provisions of sub-item (a) to (j), should the amount outstanding for the supply of services remain unpaid, full recovery procedures, including appropriate legal actions may be undertaken in order to collect these monies;
- (l) In the event of an insolvency, and notwithstanding any provisions provided for in this by-law, the Chief Financial Officer, shall serve notice in terms of sub-item (d) at the property and shall notify the trustee by giving 14 (fourteen) days' notice of the intention to restrict, disconnect or discontinue the services to the property; and
- i. Notwithstanding sub-item (l) the period referred to therein may be waived at the request of the trustee.
- (m) Where a water management device has been installed the Chief Financial Officer; may:
- i. Authorise that the adjustment of the water flow be limited to the affordability of the residential debtor based on the total household income; and in addition

- ii. Where the residential debtor who is registered as an indigent and who now has the ability to pay based on the total household income and requires that the supply be increased; and
 - iii. Where all the arrears were written off or reversed and are paid in full or a suitable arrangement is made to settle the said arrears, may have the supply increased in accordance with sub-item (m) i; and
 - (n) No arrangement will be entered into for arrears once the additional daily water allowance has been granted; and
 - i. If the daily allocation is not paid in full, the water management device will be reset to enable the consumer only to have access to the free basic water supply;
 - (o) Water and electricity meter must be read with regularity and accuracy so that the correct consumption information is recorded on the billing system; and
 - i. Consecutive estimations of metered consumption should be minimized to the extent that such is practically possible and with due cognizance of the right municipality to generate estimations as contained in the relevant by-laws and tariff policy or any other applicable legislation.
- 4.2.2 The following provisions apply in the event of illegal reconnection of, or tampering with, water or electricity supply:
- (a) Where this has occurred the water or electricity supply may be effectively disconnected;
 - (b) The full amount of arrears plus any illegal consumption, and any applicable tariffs, may be required to be paid prior to reconnection. Should exceptional circumstances exist, adequate payment arrangements may be permitted at the sole discretion of the Chief Financial Officer; and
 - (c) The illegal reconnection of, or tampering with, a service supply is considered a criminal offence which may result in legal action being taken.
- 4.2.3 The installation of a prepayment meter, with the written permission of the owner is encouraged, however:
- (d) The Chief Financial Officer has the sole discretion to insist on a prepayment meter being installed on a property, at a cost to the debtor, where the electricity supply has been disconnected for non-payment; or
 - (e) The Chief Financial Officer deems the debtor to be a credit risk to the municipality; and
 - (f) A prepayment meter may be disconnected or may be subject to the terms contained in sub-item (4); and
 - (g) Such meter shall be subject to any other action permitted in terms of any other relevant legislation including this by-law.
- 4.2.4 When purchasing units, the Chief Financial Officer may deduct a percentage of the monetary value towards setting off any amount referred to in sub-item (4) (b). This action will be by prior notification to such debtor and shall remain unchanged unless by default; and

- (a) The deduction applied may be based on the following:
 - i. For a property valued up to and including R500 000, the minimum deduction may be 30% and the maximum deduction will be 50%;
 - ii. For a property valued up to and including R500 001 to R1 000 000, the minimum deduction may be 50% and the maximum deduction will be 70%;
 - iii. For a property valued greater than R1 000 000, the minimum deduction may be 70% and the maximum deduction will be 90%;
 - iv. For single residential properties, who are charged at the domestic full tariff, in terms of the Tariff Policy, and who consume in excess, of any volume of water per month, as determined by Council from time to time, for water restriction purposes, may have such costs recovered in line with sub-items (4)(a)(i) to (iii) respectively; and
 - v. For any commercial or industrial customers, as determined in the Tariff Policy, such deduction will be 90%.
- (b) The deduction referred to in sub-item (a) may be offset against any debt as follows:
 - i. Electricity arrears;
 - ii. Any other arrears;
 - iii. Any fines; and
 - iv. Any penalties.
- (c) An authorised representative of, or service provider to the Municipality, shall be given access to any property in accordance with the provisions of section 101 of the Municipal Systems Act.
- (d) The Chief Financial Officer shall have the right to restrict, disconnect or discontinue any service to a property, regardless of who has occupation, upon the written request of the registered owner and provided the service account is in arrears; and
 - i. A notice may first be served in terms of section 115 of the Municipal Systems Act, giving 14(fourteen) days' notice of the intention to restrict, disconnect or discontinue such service.
- (e) Where a service account, which is not in the name of the registered owner, has been restricted, disconnected or discontinued, the Chief Financial Officer may insist that the service be transferred into the name of such registered property owner;
- (f) Notwithstanding anything to the contrary, the provisions of this item shall apply to any debt and the supply of any service to the property may be restricted, discontinued or disconnected or discontinued in terms of the relevant sections in the Credit Control and Debt Collection By-law.

- (g) Where a close corporation or company has been deregistered in terms of Section 26 of the Close Corporation Act, 69 of 1984 or section 83 of the Companies Act, Act 71 of 2008, as amended;
 - i. Any services may be restricted or disconnected; and
 - ii. Any services which have been restricted or disconnected may remain in this state, until the company or close corporation has been re-registered in terms of applicable legislation or court order and meets the criteria in terms of this by-law to be reconnected.

4.3 OTHER DEBT

- 4.3.1 All debt under this item will be subject to:
 - (a) Interest being charged on all overdue accounts;
 - (b) The supply of service to the property may be restricted, discontinued or disconnected or discontinued for outstanding sundry debt; and
 - (c) The municipality's right to utilize any legal action at its disposal as well as making use of third party debt collectors for the recovery of sundry debt.

Chapter 3

SERVICES ACCOUNT

5 SERVICE AGREEMENT

- 5.1 No municipal services shall be provided to any property unless a written agreement governing the supply of services and the cost thereof has been entered into between owner or occupant and the municipality. Such an agreement will be subject to the municipality's administrative, logistical and financial capability to render such services.
- 5.2 The supply of water, sanitation, electricity and refuse removal services will be automatically available to new owners where transfer of property took place and the services were previously available at the property concerned. Electricity supply to the property will only be reconnected, once a written agreement governing the supply and cost thereof of all municipal services has been entered into between the new owner and the municipality. Rates, water, sanitation and refuse removal services will be charged automatically to the new owner from date of registration of the property. The onus is on the new owner to discontinue any and all services if he or she is not in need of it. In the event of new water and or electricity meters being installed on a new property or property in the event of new improvements on such property, the owner will be charged for consumption on a basis that the opening reading on the respective meter was zero. New applications for services agreements for rental properties or premises occupied by a person other than the owner shall be entered only into by both the owner and occupier, where applicable. The owner shall bind himself/herself as surety and co-principal debtor in favour of the municipality for the fulfilment of the obligations of the occupier towards the municipality; the application will be subject to prescribed credit information and outstanding amounts related to the specific debtor may be transferred to the new account.
- 5.3 The owner and occupier shall be jointly and severally liable for payment of all services charges. It is the duty of the owners to ensure at all times that the occupiers of their premises are not in arrears with payments, but the Municipality shall within its financial and human resource constraints, endeavour to inform the owner of the performance by the occupier in terms of the agreement, where possible. The Municipality will make available payment information regarding the payment status of the occupier to the owner upon request.
- 5.4 In case of a service agreement between the municipality and a legal person such as business entities, including but not limited to trusts, companies, close corporations, partnerships, sole proprietors and voluntary associations, the municipality may require the agreement to be accompanied by any one or more or all of the following:

- (a) A resolution whereby authority to enter into the agreement is delegated to the signatory;
- (b) The business entity's registration number or ID number, if applicable;
- (c) The names, addresses and all relevant contact particulars of all the businesses' directors or members or trustees or proprietors or partners or executive members;
- (d) That any one or more or all partners/members/directors/trustees must sign as surety and co-principal debtor for the due fulfilment of all the obligations of the business entity;
- (e) That the signatory to the agreement warrants that he/she is duly authorised to do so, that all information supplied is true and correct and shall further warrant that the business is not trading in insolvent circumstances.
- (f) Copy of company registration documents, copies of IDs of directors or members or trustees or proprietors or partners or executive members.

5.5 The owner or the occupant must inform the municipality of the vacating of the property or premises by an occupier on or before the date of vacation or as soon thereafter as the owner may become aware of such vacation, by submitting to the Municipality a notice of Termination of Services.

5.6 Should the owner or occupier be represented by an agent or other representative, such agent or representative must submit a power of attorney authorizing such agency or representation in a form and contents to the satisfaction of the Chief Financial Officer.

6 SCREENING, CREDIT RATING AND CONSUMER DEPOSIT

- 6.1. The municipality will require a consumer deposit for the consumption of electricity and water consumption. All clients shall pay a deposit for the supply of electricity and water to the Municipality calculated at the rate of the deemed consumption for a specific period in respect of the property in question.
- 6.2. Prior to the provision of consumption services by the municipality a consumer deposit shall be paid by the owner or occupier. This consumer deposit is regulated by the Consumer Deposit Policy of Greater Tzaneen Municipality as adopted.
- 6.3. Where there is only one service supplied, a deposit shall only be payable in respect of the service to be supplied.
- 6.4. Where a service agreement with the municipality has not been entered into by the consumer for whatever reason, water and/or electricity may be disconnected until such time as a consumer agreement has been signed and the applicable deposit has been paid.

- 6.5. The municipality may require the service agreement application to be accompanied with banking details, previous municipal account, particulars of trade creditors and the client shall give, in the service agreement, permission and authority to the municipality to verify such information in order to assess the credit risk of the client;
- 6.6. The municipality may also make the necessary enquiries with credit bureaus and similar institutions in order to assess the credit risk of the client.
- 6.7. The Chief Financial Officer will classify clients in terms of their credit risk profile into four groups:
- (a) Good clients – clients with a good credit record and pose no credit risk to the municipality and will pay a deposit equal to two months' deemed consumption
 - (b) Moderate clients – clients with a moderate credit record and pose a credit risk to the municipality and will pay a deposit equal to four months' deemed consumption;
 - (c) Bad clients – clients with a bad credit record and pose a significant credit risk to the municipality and will pay a deposit equal to six months' deemed consumption; and
 - (d) Foreigners need to pay a deposit equal to six months' deemed consumption to open a service account.
- 6.8. In a case where a tenant applies for a services agreement and it is found that the person has a bad credit record and pose a significant credit risk to the municipality, the municipality will not enter into a services agreement with the tenant. The municipality will however enter into a services agreement with the owner of the property. The owner of a property remains responsible for the payment of accounts irrespective of whether a services account was opened by a tenant.
- 6.9. Should the owner / client wish to appeal against a decision of the Chief Financial Officer in terms of sections 6.6 and 6.7 of this by-law, the owner may submit an appeal and reasons in writing to the Municipal Manager, within twenty one (21) days from the date on which the owner is notified of the determination of the Chief Financial Officer. The Municipal Manager shall consider the appeal within six weeks from the date of the appeal and shall notify the client of his or her decision within a reasonable time thereafter.
- 6.10. The municipality shall review the consumption deposit on an annual basis in terms of the consumption deposit policy. The consumption deposit shall be reflected on the municipal account of the account holder.
- 6.11. The Municipality may review the consumption deposit in the event of credit control action being instituted.
- 6.12. Upon termination of the service agreement the amount of the consumption deposit less any outstanding amounts due will be refunded to the account holder.

6.13. It is incumbent upon owners and rental agents to ensure that they obtain a consumption clearance from the municipality, before releasing rental deposits to tenants.

6.14. No interest shall be payable to the account holder on deposits held by the municipality.

7 LEGAL PERSON

7.1. Should the occupier be a legal person, the following will apply:

- (a) If the occupier is a company registered in terms of the Companies Act, No 71 of 2008, the directors of such company shall agree to be jointly and severally liable for payment in terms of the service agreement, if the company fails to make such payment.
- (b) If the occupier is a closed corporation registered in terms of the Closed Corporations Act 1984 (Act 69 of 1984), the members shall agree to be jointly and severally liable for payment in terms of the service agreement, if the close corporation fails to make such payment.
- (c) If the occupier is an association with legal person, the members of the association shall agree to be jointly and severally liable for payment in terms of the service agreement, if the association fails to make such payment.

7.2. Any service agreement signed by a person on behalf of a legal person in section 7.1 of this by-law must be accompanied by a resolution authorizing such person to sign on behalf of the legal person.

8 DISTRIBUTION OF ACCOUNTS

8.1 Every document that is required to be delivered to a client may be delivered through one or more of the following mechanisms:

- (a) in person at the residential or business premises of the client, or at any other location designated by the client but at the expense of the client;
- (b) by ordinary mail;
- (c) by fax, fax to email;
- (d) by cellular phone short message service (SMS), MMS or WhatsApp;
- (e) by email; or
- (f) by printable web-page.

8.2 Delivery of document shall be in a manner chosen by the client from the options made available in section 8.1 of this by-law.

8.3 The municipality shall deliver a municipal account / document to all clients once a month. There will be no delivery charge for the options made available in sections 8.1(b) to (f) of this by-law. Charges for the delivery of municipal accounts in person will be determined on a case by basis.

- 8.4 The client is obliged to notify the municipality in writing of any changes to the preferred delivery method or change of the delivery destination details.
- 8.5 The onus is on the client to obtain an account from the municipality in the event of not receiving an account by means of the methods available in section 8.1 of this by-law. The client will have no remedy against credit control or debt collection action based on the excuse that he did not receive a municipal account or received it late.

Chapter 4

CREDIT CONTROL and DEBT COLLECTION

9 PAYMENT OF MUNICIPAL ACCOUNTS

- 9.1. The account holder shall be responsible for payment of municipal services when the municipal account becomes due.
- 9.2. In terms of sec 102(a) of the Municipal Systems Act the Municipality deems all separate accounts of a client liable for payment to the Municipality, to be consolidated regardless the fact that separate accounts for such debtor may be rendered and includes all pre-paid services for which an account is rendered.
- 9.3. The owner, who fails to enter into a service agreement, will despite such failure be liable for the payment of the municipal account.
- 9.4. Nothing contained in this by-law will prohibit the municipality to collect payment of any amount from the owner or any other person in terms of applicable legislation.
- 9.5. An increase in a consumption deposit in terms of sections 6.10 and 6.11 of this by-law, becomes payable within twenty five (25) days from the date on which the owner is informed thereof or should the owner appeal against such increase, then within twenty one (21) days from the date on which the client is informed of the decision of the Municipal Manager, if the appeal is not up held.
- 9.6. Partial payment will be allocated to oldest debt firstly then to the youngest debt until all debt is paid as set out in section13 of this by-law.
- 9.7. The municipality may attach rental or any other payments due to debtors who are in arrears with their Municipal accounts:
 - 9.7.1. If any debt levied in respect of a property is unpaid by the owner of the property, the Chief Financial Officer may recover the amount in whole or in part from a tenant or occupier of the property, despite any contractual obligation to the contrary on the tenant or occupier;
 - 9.7.2. The Chief Financial Officer may recover an amount only after a written notice was served on the tenant or occupier as provided for in Section 115 of the Municipal Systems Act; and
 - 9.7.3. The amount that the Chief Financial Officer may recover from the tenant or occupier of a property in terms of sub-item (a) is limited to the amount of the

- rent or other money due and payable, but not yet paid by the tenant or occupier to the owner of the property; and
- 9.7.4. Any amount the Chief Financial Officer recover from the tenant or occupier of a property must be set off by the tenant or occupier of a property to the owner of the property; and
- 9.7.5. The tenant or occupier of a property must, on request by the Chief Financial Officer, furnish the Chief Financial Officer with a written statement specifying all payments to be made by the tenant or occupier of a property to the owner of the property for rent or other money payable on the property during a period determined by the Chief Financial Officer;
- 9.7.6. The Chief Financial Officer may recover the amount due for debt on a property in whole or in part from the agent of the registered owner, if this is more convenient for the Chief Financial Officer;
- 9.7.7. The Chief Financial Officer may recover the amount due for debt from the agent of the registered owner only after a written notice was served on the tenant or occupier as provided for in Section 115 of the Municipal Systems Act;
- 9.7.8. The amount that the Chief Financial Officer may recover from the agent is limited to the amount of the rent or other money received by the agent on behalf of the registered owner, less any commission due to the agent; and
- 9.7.9. The agent must, on request by the Chief Financial Officer, furnish the Chief Financial Officer with a written statement specifying all payments for rent on the property and any other money received by the agent on behalf of the owner of the property during a period determined by the Chief Financial Officer; and
- 9.7.10. The Chief Financial Officer may take action as provided for in this by-law or any other relevant legislation, against a tenant, occupier or agent for not more than the amount outstanding as determined by this sub-item; and
- 9.7.11. Where such tenant, occupier or agent fails to respond to the notice as referred to in this section; or
- 9.7.12. Fails to comply with any notice or fails to adhere to any terms, conditions or undertakings in terms of this sub-item; or fails to make any agreed or required payments.

10 INTEREST

- 10.1 The municipality shall charge interest on any amount due for services and related costs in arrears, in terms of section 75A (1) (b) of the Municipal Systems Act. The interest rate shall be according to the rate as set out in the approved annual budget.
- 10.2 The interest charged on a default amount shall not in aggregate, exceed the unpaid balance of the principal debt as at the time that the default occurs in terms of Section 103(5) of the National Credit Act, 2005.

- 10.3 The interest rate to be charged on overdue amount on property rates shall be set at prime rate plus one percent (1%) as stipulated in Government Gazette No. 28113 (Notice 1856 of 2005). The prime rate is the prime rate of the bank where the primary bank account of the municipality is kept.
- 10.4 No interest will be charged on no-responsibility accounts or accounts that form part of debt reduction strategies.

11 DISHONoured PAYMENTS

- 11.1. Should any payment made to the municipality by debit order, credit or debit card, EFT or other negotiable instrument, be dishonoured by the financial institution on which it is drawn, the municipality may levy such collection charge against the municipal account (one account if an allocation to multiple accounts was done) to which the payment relates, as determined by the Council in terms of section 75A (2) of the Municipal Systems Act.
- 11.2. Any dishonoured payment meant in section 11.1 of this by-law due to insufficient funds with the financial institution on which it is drawn, will be sufficient grounds for a review of the minimum deposit held by the municipality.
- 11.3. The Chief Financial Officer will not accept cheque payments and may determine not to accept any other, negotiable instrument as payment from a client, other than a cheque or negotiable instrument on which payment is guaranteed by the financial institution on which it is drawn, should a payment or previous payment by the client been dishonoured as meant in section 11.1 of this by-law. The Chief Financial Officer reserves the right to refuse to accept such further method of payment from such payer and or beneficiary and may take any steps as contained in this by-law which may include criminal charges, if applicable, against the offender.

12 STAFF, COUNCILLORS AND WARD COMMITTEE MEMBERS IN ARREARS

- 12.1. Staff members in arrears
- (a) Item 10 of Schedule 2 to the Municipal Systems Act (Code of Conduct for Municipal Staff Members) states that–
- i. a staff member of the Municipality may not be in arrears to the Municipality for rates and service charges for a period longer than three (3) months; and
 - ii. a Municipality may deduct any outstanding amounts from a staff member's salary after this period.

- (b) The Municipality shall liaise with the relevant staff on repayment of their arrears.
 - (c) The staff member must sign an acknowledgement of debt and direct debit deduction form in accordance with this By-law
 - (d) No special treatment shall be afforded to staff members whose accounts are arrears.
 - (e) Any staff member who has breached the code will be dealt with in accordance with the disciplinary procedures adopted by the Municipality or as prescribed by Law or determined by a Collective Agreement.
- 13.2 Councillors in arrears
- (a) Item 12A of Schedule 1 to the Systems Act states that a Councillor may not be in arrears to the Municipality for a period longer than three months.
 - (b) The Municipal Manager shall liaise with the Speaker and issue the necessary salary deduction instruction where appropriate.
- 13.3 Where the Municipality is satisfied with the reasons supplied by the staff member or Councillor or Ward Committee Member stating why the account is in arrears, the staff member or Councillor or Ward Committee Member must pay such arrears within a period of 3 months with interest.
- 13.4 On appointment to a higher post, employees who have signed a Credit Authority shall increase their instalments on the Credit Authority in accordance with their new salary increase.
- 13.5 Staff and Councillors do not qualify for Debt Reduction under section 32.
- 13.6 The Council reserves the right to deduct any arrears from the stipend or any other amounts payable to ward committee members.

13 SETTLEMENT OF ACCOUNT

- 13.1 An amount tendered as payment against a municipal account will, if not representative of the full balance of such account on date of payment, will not be accepted as full and final payment of the amount due and payable on that date or any future date, unless so authorized by the Chief Financial Officer in writing. The settlement amount may include interest reversal of interest charged over the last two years' to the account.
- 13.2 An amount tendered as payment against a municipal account will, if less than the outstanding balance, be credited pro rata to the longest outstanding debt items reflected on such account subject thereto that the Chief Financial Officer may direct otherwise.
- 13.3 If an amount due and payable in terms of the municipal account is in arrears and the amount tendered is less than the balance reflected on such account, the payment will be

credited against such items on the municipal account as the Chief Financial Officer may direct.

14 CERTIFICATION

A certificate issued under the signature of the Chief Financial Officer, will be prima facie evidence of the amount or amounts due and payable to the municipality as reflected in such certificate, by the client indicated in the certificate, and will upon production thereof in a court of law, be accepted as prima facie evidence of the contents thereof. The municipality will not be obliged to prove the appointment and authority of the Chief Financial Officer.

15 COLLECTION COSTS

All collection and legal cost incurred by the municipality for the recovery of arrear amounts, due and payable in terms of the municipal account, will be debited against the municipal account, including any tracing cost and attorney's fees at the attorney-and-own-client scale, subject to the discretion of the court regarding the awarding of cost.

The municipality may levy and recover such collection charges determined in terms of section 75A (1) (b) of the Municipal Systems Act, not included in section 14(1).

16 REMINDER NOTICE

- 16.1. The municipality may deliver a notice to a client who fails to make timeous payment in terms of a municipal account. This notice will remind such client to make the due payment on or before a date specified in such notice to avoid the implementation of further credit control action.
- 16.2. A notice in terms of section 16.1 of this by-law may, be served on a client by electronic mail or by cellular phone short message service send to the electronic mail address or cellular phone number, respectively, provided by the client on the service agreement and such service shall have the effect as if served in terms of section 8 of this by-law.
- 16.3. Failure by the municipality to cause the delivery of the notice in section 16.1 of this by-law, or the client not receiving such notice, for whatever reason, will not prevent the municipality from instituting further process for the recovery of any arrear payment or constitute a defense against a claim instituted for the recovery of any arrear payment.
- 16.4. The municipality will charge a tariff as payment for the delivery of a reminder in section 16.1 of this by-law, as determined by the municipality in terms of section 75A (2) of the Municipal Systems Act. The tariff for the delivery of the reminder will be reviewed annually with the tariffs of the municipality.

17 LETTER OF DEMAND

- 17.1. The Municipality may cause to be delivered to a client who is in arrears with payment in terms of a municipal account, a letter demanding payment of such arrear amount on or before a date specified in such letter of demand.
- 17.2. Failure by the municipality to cause the delivery of the letter of demand in section 17.1 of this by-law, or the client not receiving such letter of demand, for whatever reason, will not prevent the municipality from instituting further process for the recovery of any arrear debt or constitute a defense against a claim instituted for the recovery of any arrear payment.
- 17.3. The Municipality will charge a tariff for the delivery of a letter of demand in section 17.1 of this by-law, as determined by the municipality in terms, of section 75A (2) of the Municipal Systems Act. The tariff for the delivery of the letter of demand will be reviewed annually with the tariffs of the municipality.

18 DEBT COLLECTORS

The municipality may appoint a debt collector agent or agents to collect on its behalf arrear payments from clients, and to take such legal steps necessary to give effect to such debt collection.

19 ATTORNEYS

- 19.1. The municipality may, at any time, appoint attorneys to institute or proceed with legal proceedings or appeal proceedings, against a client, to recover any amount due for payment by such client, including the enforcement of the acknowledgement of debt.
- 19.2. The Municipal Manager or a member of staff delegated by him or her, may appoint and give any instruction to an attorney and if prudent, legal counsel, to give effect to section 19.1 of this by-law and further to depose of or require any person to depose of an affidavit, to give evidence and to produce any document, for the purpose of such legal proceedings.

20 RIGHT OF ACCESS TO PROPERTY

- 20.1. The registered owner or occupier of any premises in the municipality must give an official of the municipality or any representative of a service provider, who is authorised by the Chief Financial Officer, access at all reasonable hours to the premises in order to inspect the premises, read, inspect, install or repair any meter or service connection for reticulation, stop or restrict or discontinue the provision of any service.

- 20.2. Where access has been denied to a property or where it is found that officials are unable to gain access the Chief Financial Officer may, having given fourteen days' due notice, insist on the installation of a water management device and any prepayment meter may be installed at the property, at the owners cost.
- 20.3. Where access has been denied to a property or where it is found that officials are unable to gain access the Chief Financial Officer may, having given fourteen days' due notice, disconnect, stop, restrict or discontinue the provision of any service, at the cost of the owner.

21 DISCONNECTION AND RECONNECTION OF SERVICES

- 21.1. The Chief Financial Officer may cause the supply of electricity and/or water to be discontinued to a property or premises, if payment is not received or suitable arrangements made by the due date as shown on the notice, subject to the provision of the minimum water supply to a property or premises as the municipality may determine from time to time.
- 21.2. The Municipality shall have the right to disconnect or restrict any service to a property, regardless of who has occupation, upon written request from the registered owner and provided the service account is in arrears.
- 21.3. The Municipality may insist that the services be transferred to the owners' account where tenants default on payment and or insist on changing to pre-paid services at the cost of the owner.
- 21.4. Reconnection of services will only be effected after the arrear amount specified has been paid or an arrangement acceptable to the Municipality has been made.
- 21.5. Debtors may be required to pay 30 – 50% of outstanding debt and enter into a written arrangement on the balance of debt where agreed upon, before services will be reconnected. The onus is on the debtor to request reconnection and to proof payment and or arrangement.
- 21.6. The municipality may insist on prepaid metering to a property where electricity was disconnected for non-payment or pose a credit risk.
- 21.7. Pre-paid meters may be disconnected or sales prohibited for non-payment of any debt owed to the municipality.
- 21.8. Payments for the reconnection of services must be in cash, debit or credit card or EasyPay or similar pay point services. No cheque payments or EFTs will be accepted.

22 EXTENSION FOR PAYMENT

- 22.1. A client may apply for extension of time for payment of arrears on the municipal account by submitting an application for extension of time for arrear payment.
- 22.2. An application will only be considered if the client provides all the information as required on the application for extension of time for arrear payment.
- 22.3. The Chief Financial Officer may consider an application submitted in terms of section 22.1 of this by-law, having regard to all relevant facts pertaining to the application and in particular the following:
- a. the amount in arrears;
 - b. the period over which the arrears accumulated;
 - c. the amount of payment made by the client over the period, if any;
 - d. any written or oral submissions or representations made by the client;
 - e. the financial income and expenditure of the client;
 - f. the ability of the client to make payments on the arrear amount; and
 - g. the current average cost over the prior six months of municipal services to the client.
- 22.4. The decision regarding the period of extension, the amount or instalment amounts to be paid and any other terms and conditions which are deemed necessary shall be made in terms of section 22.3 of this by-law. The period of extension may not exceed twelve months, unless extended at the discretion of the Chief Financial Officer.
- 22.5. The Chief Financial Officer shall on request of the client, provide reasons for refusing a payment extension.
- 22.6. Should the client wish to appeal against a decision of the Chief Financial Officer not to allow an extension applied for in terms of section 22.1 of this by-law or any term or condition relating to an extension granted by the Chief Financial Officer, the client may submit an appeal and reasons in writing to the Municipal Manager, within twenty one (21) days from the date on which the client is notified of the decision of the Chief Financial Officer referred to in Section 22.5 of this by-law. The Municipal Manager must consider the appeal within fourteen (14) days from the date of the appeal and must notify the client of the decision within a reasonable time thereafter.
- 22.7. An extension of time for payment granted in terms of this section of this by-law is subject to the client signing an acknowledgment of debt.
- 22.8. Debtors defaulting on arrangements more than twice will be denied the right to make further arrangements and the full account will become payable.

- 22.9. Arrangements will include current amount paid in full each month plus arranged amount on arrear debt.
- 22.10. Interest on arrears will be charged but may be suspended whilst the debtor adheres to the conditions of the arrangement.
- 22.11. All arrangements may be subject to periodic review.
- 22.12. In the event of default payments on arrangements, the arrear payment arranged amount will increase with 50% on first default and the full amount becomes payable on second default.
- 22.13. Tenants or occupiers applying for extension of payment must have the consent of the owners to apply in writing.
- 22.14. A client, who is under debt review in terms of Section 86 of the National Credit Act, remains responsible for the payment of the current consumption on a monthly basis, in addition to the payment of arrears in terms of the debt review process.

Chapter 5

GENERAL PROVISIONS

23 REFUNDS AND OFFSETTING OF DEBT

- 23.1. Subject to section 23.2 of this by-law refunds shall take the form of electronic bank transfers.
- 23.2. Subject to section 23.3 of this by-law the Chief Financial Officer shall have the right to offset any credit against any debt of the same debtor.
- 23.3. The right to offset any debt against any credit is subject to the Insolvency Act, or any court order prohibiting such off-set.
- 23.4. A refund shall be forfeited after 3 years if it remains unclaimed.

24 CLEARANCE CERTIFICATES

- 24.1. Any payment for a clearance certificate, which results in a credit on sellers account, shall be refunded to such seller, after registration, and after finalisation, to the satisfaction of Chief Financial Officer, of the respective account and closed account.
- 24.2. Where a sale does not result in registration taking place no refund shall be made unless there is a credit on the account, and such refund shall be limited to the total of the amount in credit which shall not exceed the credit placed to the account in order to obtain the clearance certificate
- 24.3. A clearance certificate issued by the municipality in terms of section 24.1 of this by-law is valid for a period of 60 days from the date of issue. The clearance amount must cover 120 days or more. Should the clearance certificate lapse then any payment made in respect of the clearance certificate will be regarded as payment on the account and may be offset against any debt of such debtor.
- 24.4. Only cash and/or electronic transfers will be accepted for clearances, no guarantees will be accepted.
- 24.5. All debt, inclusive of any advanced collection shall be deemed to be due and payable, for the purpose of issuing any clearance certificate in terms of Section 118 of the Municipal Systems Act, and must be paid in full:

- (a) No interest shall be paid in respect of any payment made in terms of this sub-item unless permitted in terms of any other legislation or by-law;
- (b) All payments will be allocated to the registered seller's municipal accounts in terms of this by-law;
- (c) Prior to any refund, this payment will be dealt with as follows:
 - i. The advanced collection shall be used to offset any debt that accumulated against the property as follows:
 - AA) any tenant debt; and
 - Bb) any of the seller's debt;
- (d) Any refund, in respect of any debt remaining after registration of transfer has been registered in the Deeds Office, shall be refunded to the seller subject to the seller not having any other outstanding debt owed to the Municipality;
- (e) No certificate, in terms of section 118 of the Municipal Systems Act, will be issued where the registered owner (and in this instance the seller) has not complied with any relevant legislation, policy or agreement relating to the property in question;
- (f) The Chief Financial Officer may require the purchaser to apply for all services at the property as part of the application for a clearance certificate; or
 - i. By virtue of registration of the property, the registered owner accepts liability for all services rendered by the municipality to the said property, except as provided for in other legislation or policy;
- (g) Prior to issuing the clearance certificate, in terms of section 118 of the Municipal Systems Act, the Chief Financial Officer has a right to visit the property and take all steps deemed necessary to ensure that all recoverable debt is accounted for against the existing owner.

25 PROVISION FOR BAD DEBTS AND IRRECOVERABLE DEBTS

- 25.1. The provision for bad debts shall be determined based on factors that affect the trade receivables age analysis of the entity to determine whether the provision for doubtful debts at financial year end is accurately stated for financial reporting purposes.
- 25.2. The municipality, in the case of charges due or where it is the service provider, shall only abandon recovery of a debt owed to it in one or more of the following circumstances:
 - (a) Insolvency or passing of the client or debtor as the case may be, if proven that his or her estate has insufficient funds to make payment;

- (b) A balance being too small to recover for economic reasons considering the costs of recovery;
- (c) Where the claim has become prescribed;
- (d) When the client or debtor as the case relocated and tracing agents are unable to trace the current whereabouts of such person;
- (e) All reasonable notifications and cost-effective legal avenues to recover the outstanding amount have been exhausted.
- (f) The amount outstanding is the residue of the payment of a dividend from an insolvent estate or where there is a danger of contribution in proving a claim against the insolvent estate.
- (g) If the debt outstanding cannot be proved;
- (h) The outstanding amount is due to an administrative error by the municipality; and
- (i) By council resolution on good cause shown or as per delegation system of the municipality.

25.3. Notwithstanding the above the municipality shall be under no obligation to write-off any particular debt.

26 OFFICIAL LANGUAGE AND ILLITERATE PERSONS

- 26.1. The municipality shall make an endeavour to provide any document that is referred to in this by-law in an official language that the client can read or understand.
- 26.2. The municipality shall delegate a member or members of its staff to assist any person who is illiterate or for any other reason, requires assistance to complete any form prescribed or other document required in terms of this by-law, or to read or interpret any account, notice or document issued in this regard.

27 DISPUTES

- 27.1. A client who disputes a municipal account must submit such dispute in writing to the Chief Financial Officer, stating clearly the reasons for such dispute and any relevant facts, information or representation which the Chief Financial Officer should consider to resolve such dispute.
- 27.2. A dispute submitted in terms of section 27.1 of this by-law, shall not stop or defer the continuation of any legal proceedings already instituted, for the recovery of arrear payment relating to such dispute, unless the Chief Financial Officer decides otherwise.
- 27.3. The Chief Financial Officer will consider a dispute submitted in terms of section 27.1 of this by-law and will inform the Client of the decision in writing within fourteen (14) days from the date on which such dispute is submitted, together with reasons for such decision.

- 27.4. Should the client wish to appeal against a decision of the Chief Financial Officer, the client may submit an appeal and reasons in writing to the Municipal Manager, within twenty one (21) days from the date on which the client is informed of the decision of the Chief Financial Officer meant in section 27.3 of this by-law. The Municipal Manager must consider the appeal within fourteen (14) days from the date of the appeal and must notify the client of the decision within a reasonable time thereafter.

28 ILLEGAL CONNECTIONS, UNAUTHORISED RECONNECTION AND VANDALISM

- 28.1. Any person, who undertakes or allow or causes any other person to undertake an illegal connection or unauthorised reconnection, will be guilty of an offence.
- 28.2. Any person who undertakes any act of vandalism to the metering units of the Greater Tzaneen Municipality will be guilty of an offence.
- 28.3. A client who becomes aware of an illegal connection or unauthorised reconnection of the electricity supply or the water supply to a property or premises owned by or occupied by such client, must immediately notify the municipality.
- 28.4. The municipality will immediately disconnect any illegal connection or unauthorised reconnection and remove any wiring, piping or other equipment or installation relating to an illegal connection.
- 28.5. Electricity and water losses due to an illegal connection or unauthorised reconnection will be as practically as possible be apportioned to the client's account.
- 28.6. The municipality shall impose a penalty on the property or premises where the illegal connection, unauthorised reconnection or vandalism to the metering units of the Municipality was discovered. The amount of the penalty for illegal connection, unauthorised reconnection or vandalism is set out in the Tariff Policy of the municipality and is reviewed annually.
- 28.7. An authorised representative of or service provider to the Municipality shall be given access to any premises in accordance with the provisions of Sec 101 of the Municipal Systems Act.

29 INDIGENT HOUSEHOLDS

The indigent households shall be treated in terms of the Indigent Policy of the municipality.

30 PENALTIES

- 30.1 A person who fails or omits to do anything prescribed by this by-law or do anything prohibited in terms of this by-law will be guilty of an offence.
- 30.2 A person found guilty of an offence in terms of section 30.1 of this by-law will be liable for a fine or imprisonment or both such fine and imprisonment.

31 PROCUREMENT OF GOODS AND SERVICES AND PAYMENTS IN TERMS OF CONTRACTS

- 31.1. When submitting a tender for the provision of services or the delivery of goods, each potential tenderer must prove to the satisfaction of the Municipality that all accounts for which the tenderer is liable, have been paid up to date, and that all accounts for which each and every director, member, owner, partner or trustee of the tenderer is liable, have also been paid up to date.
- 31.2. The Municipality will at its sole discretion check whether all the municipal accounts are up to date. Copies of all current accounts sent to the tenderer and to each director, member, owner, partner or trustee must be attached to the tender documents.
- 31.3. Where a tenderer's place of business or business interests are outside the jurisdiction of the Municipality, a Revenue Clearance Certificate from the relevant Municipality must be produced.
- 31.4. Before awarding a tender, the Municipal debts of the tenderer and of each director, member, owner, partner or trustee of the tenderer must be paid in full.
- 31.5. Where payments are due to a creditor of the Municipality, or in terms of any contractual arrangement with the Municipality, any arrear amount owing to the Municipality may be set off against such payments.
- 31.6. This By-law applies to quotations, public tenders and tenders in terms of the Municipality's Supply Chain Management Policy.

32 DEBT REDUCTION

From time to time payments habits of clients may be profiled for the purpose of incentives to keep clients within the payment net. The Municipality may from time to time introduce incentive schemes to improve the debt collection rate.

CONTINUES ON PAGE 386 - PART 4

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 ngwadisits'we bjalo ka Kuranta) • (Yo redzhistariwa sa Nyusiphepha)*

Vol. 26

POLOKWANE,
27 SEPTEMBER 2019
27 SEPTEMBER 2019
27 MDZATI 2019
27 SETEMERE 2019
27 KHUBVUMEDZI 2019

No. 3036

33 REPEAL OF BY-LAWS

Credit control and debt collection by-law published before the establishment of Greater Tzaneen Local Municipality in 2000 or any other by-law published dealing with Credit control and debt collection by-law are hereby repealed.

34 SHORT TITLE AND COMMENCEMENT

This by-law is called the Greater Tzaneen Local Municipality: Credit Control and Debt Collection By-law and comes into operation on date of publication in the *Provincial Gazette*.

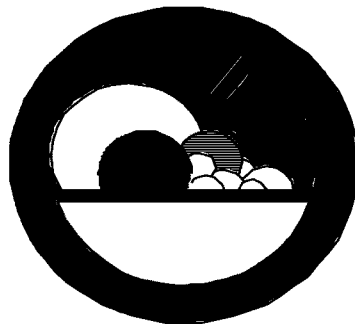
B. S. MATLALA
MUNICIPAL MANAGER

27 SEPTEMBER 2019

LOCAL AUTHORITY NOTICE 161 OF 2019



CONTROL OF OUTDOOR ADVERTISING AND SIGNAGE BY-LAWS



Greater Tzaneen Municipality

CONTROL OF OUT DOOR ADVERTISEMENT AND SIGNAGE BY-LAW

The Municipal Manager of Greater Tzaneen Local Municipality hereby, in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) read together with section 156 (2) & 162 of the Constitution of the Republic of South Africa, publishes the Control of Outdoor Advertising & Signage By-law for Greater Tzaneen Local Municipality, as approved by its Council, as set out hereunder

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1. Definitions

In these by-law, unless the context otherwise indicates:

“advertisement” means any representation by a word, or abbreviation thereof, letter, logo, symbol, sign, figure, painting, drawing or other pictorial representation, or light, displayed in or in view of any public place, local, provincial or national road within the jurisdiction of the municipality for the purpose of drawing the attention of the public to or promoting any product, service, business or commercial enterprise, trade, person, election or candidature in an election, voter registration, entertainment, function, meeting or other event, aspects relating to security and news headlines;

“advertising sign” means a screen, fence, wall or any other object, structure or device, freestanding or attached to any wall or structure, in a fixed position intended to be used or used for the purpose of displaying any advertisement and any object, structure or device which is in itself an advertisement, in or in view of a public place, local, provincial or national road and includes an advertising hoarding and billboard and in so far as any provision of these by-laws relating to an advertising sign is practically capable of being applied to an advertisement, includes an advertisement other than an advertisement displayed on an advertising sign and a poster;

“advertising” means the act or process of displaying an advertisement;

“approved” means approved in writing by the Council and “written approval” has a corresponding meaning;

“arcade” means a covered pedestrian thoroughfare not vested in the Council, whether or not located at ground level, passing wholly or partly through a building and to which the public normally has regular and unrestricted access;

“authorised official” means any official of the municipality who has been authorised to implement and enforce the provisions of these by-laws;

“banner” means a piece of cloth or similar material on which an advertisement is displayed in such a manner that it is legible in windless conditions and is attached to one or more ropes, poles or a flagstaff that projects vertically, horizontally or at any angle from the building or structure to which it is attached or is attached to a building or other structure, but excludes a banner carried as part of a procession;

“building schedule” means a development programme for the construction or renovation of a building or structure specifying the different phases of the development or renovation and the type of construction prepared by a person undertaking the activities concerned;

“clear height” means the vertical distance between the lowest edge of an advertising sign and the level of the ground, footway or roadway immediately below such sign;

“combination sign” means a single freestanding structure specially designed to accommodate and display more than one advertising sign for a location such as a roadside service area, shopping centre, office park, industrial park and other urban complexes;

“council” means Greater Tzaneen Local Municipality municipal council;

“directional sign” means an advertising sign indicating or directing the attention of the public to a place, undertaking or activity for the purpose of advertising it;

“display” means the display of an advertisement;

“dwelling house” means one dwelling unit forming a single building;

“dwelling unit” means an interconnected suite of rooms designed for occupation by a single family, irrespective of whether the dwelling unit is a single building or forms part of a building containing two or more dwelling units;

“elections” means a national, local government elections and any by-elections;

“electronic advertising sign” means an advertising sign, which has an electronically or digitally controlled, or both an electronically and digitally controlled, illuminated display surface, which allows for different advertisements to be shown, changed, animated or illuminated in different ways and at different intervals on one such sign;

“registered person” means a person registered with the Engineering Council of South Africa as a professional engineer or professional engineering technologist, professional certified engineer or professional engineering technician under the Engineering Profession Act, 2000, (Act No. 46 of 2000);

“event” means an occasion organised for the general public;

“façade” means the principal front of a building;

“flag” means a piece of cloth or similar material upon which an advertisement is displayed and which is attached to a single rope, pole or flagstaff projecting vertically in such a way that its contents are normally not legible in windless conditions but excludes –

- (a) a national flag which does not carry any advertisement in addition to the design of the flag or flagstaff;
- (b) a flag carried as part of a procession; and
- (c) a flag which is not displayed on a flagstaff.

“gantry” means a freestanding advertising sign that extends over, or suspends across a public street erected for the sole purpose of displaying an advertisement ;

“interested party” means any person who has in terms of these by-laws submitted an application or submitted comments or an objection or made representations in respect of any such application;

“intersection” means that area embraced within the prolongation of the lateral boundary lines of two or more public streets, open to vehicular traffic, that join one another at any angle, whether or not one such public road crosses the other;

“National Building Regulations and Building Standards Act” means the National Building Regulations and Building Standards Act, 1977, (Act No. 103 of 1977), and any regulations made there under;

“National Environmental Management Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998) and any regulations made there under;

“National Road Traffic Act” means the National Road Traffic Act, 1996 (Act No. 93 of 1996), and any regulations made there under;

“outdoor advertising” means the display of any advertisement in or in view of any public place, local, provincial or national road within the jurisdiction of the municipality;

“owner” means, in relation to –

- (a) property, the person registered as the owner or holder thereof and includes the trustee in an insolvent estate, the liquidator of a company or a close corporation which is an owner and the executor of any owner who has died or the representative recognised by law of any owner who is a minor or of unsound mind or is otherwise under disability, provided such trustee, liquidator, executor or legal representative is acting within the authority conferred on him or her by law; and
- (b) an advertising sign or advertisement, the person who owns such sign or advertisement and any person who has a right to, or share in, the ownership of such sign or advertisement;

“poster” means any placard displaying an advertisement attracting public attention to any event or activity for which a poster may be approved as contemplated in this by-law;

“prescribed” means prescribed by the Council;

“property” means any unit of land, including a public place, registered as a separate entity of land in the Deeds Office and includes any unit and land contemplated in the Sectional Titles Act, 1986 (Act No. 95 of 1986) and any public place depicted on the general plan of a township;

“public place” means a public street, bridge, subway, a square, open space, garden and any other enclosed space to which the public has a right of access or which is commonly used by the public and which is vested in the municipality in terms of any law;

“public street” means a road, street or thoroughfare or other right of way to which the public has a right of access or which is commonly used by the public;

“residential building” means a building, other than a dwelling house and dwelling unit, designed for use or used for human habitation and includes a guest house, boarding house, hotel, residential club and hostel;

“road island” means an area demarcated on a roadway by means of painted lines, stones, kerbs or other means, with the intention of preventing vehicles from standing or being operated in that area;

“roadway” means that portion of a public street which is improved, constructed or intended for vehicular traffic;

“road reserve” means the full width of a public street including the roadway, shoulder and sidewalk and the air space above a roadway, shoulder and sidewalk and any other area within the road reserve boundary;

“road traffic sign” means any road traffic sign and traffic signal as contemplated in the National Road Traffic Act ;

“sky sign” means any advertising sign erected or placed on or above any roof, parapet wall or the eaves of a building, but does not include an advertisement painted on a roof of a building;

“storey” means the space within a building, which is situated between one floor level and the next floor level above, or if there are no clearly defined storeys, a height of 4,5m;

“street furniture advertisement” means an advertisement displayed on any public facility or structure which is not primarily intended for advertising and includes a seating bench, plant box, sidewalk litter bin, pole-mounted litter bin, public transport shelter, sidewalk clock, suburban name sign and a street name and drinking fountain;

“street light pole advertising sign” means an advertising sign fixed to or erected on a street light pole which pole vests in the Council or its Municipal Owned Entity;

“streetscape” means the visual product of all the features within and adjacent to a public street such as street furniture, signage and landscaping;

“third-party advertising sign” means an advertising sign located on a property upon which sign one or more advertisements are displayed which are not descriptive of any business, industry, service, activity or attraction situated, taking place or provided on that property ; and

“transit advertising sign” means a vehicle or trailer designed or adapted for advertising purposes and mainly used for such purposes;

2. APPLICATIONS FOR COUNCIL'S APPROVAL FOR DISPLAY OF BILLBOARDS AND ADVERTISEMENTS

- (1) No person shall display or erect any advertising sign or hoarding or use any advertising sign or hoarding or use any structure or device as an advertising sign or hoarding without first having obtained

the written approval of the municipality, the provisions of this section shall not apply to signs deemed exempted or prohibited.

- (2) No sign erected displayed with the approval of the Council shall in any way be altered, moved, re-erected nor shall any alteration be made to the electrical wiring system of such sign except for the purposes of renovating or maintenance, without the further approval by the municipality in terms of sub-section (1).
- (3) An application in terms of sub-section 1, accompanied by the required application fee, specified in the tariff of charges, as determined by Council, shall be signed by the owner of the proposed advertising sign or hoarding and by the registered owner of the land or building on which the sign or advertising hoarding is to be erected or displayed, or on behalf of the owner of the land or building by his agent authorised in writing by such owner and shall be accompanied by:
 - (a) a locality plan indicating the anticipated position of the sign within the area of the LIM 476 Local Municipality. The municipality may require the locality for signs in excess of 10 square meters to be indicated and described by an accurate G.P.S. reading or an acceptable alternative;
 - (b) a block plan of the site on which the advertising sign or hoarding is to be erected or displayed, drawn to a scale of not less than 1:500 showing every building on the site and the position with dimensions of the sign or advertising hoarding in relation to the boundaries of the site and the location of the streets and buildings on properties abutting the site;
 - (c) a drawing sufficient to enable the municipality to consider the appearance of the advertising sign or hoarding and all relevant construction detail; and
 - (d) a drawing showing the advertising sign or hoarding in relation to other similar type signage in the area in which it will be erected.
- (4) Every such plan and drawing shall be clearly reproduced on an approved material in sheet form not less than A4 size (210mm x 297mm).
- (5) A drawing required in terms of subsection 4 shall show all details of the sign and shall be drawn to a scale of not less than 1:20 or other scale acceptable by municipality.
- (6) The Council may require additional information in relation to the land on which the sign is to be erected, its use and impact.
- (7) If a sign is to be attached to or displayed on the facade of a building, the municipality may require the submission of an additional drawing showing an elevation of the building in colour, the details and position of the proposed sign and the details and the position of every existing sign on the building drawn to a scale of not less than 1 : 100, or the municipality may require a coloured print of or an artist's photographic or computer generated impression of the building with the details of the proposed

sign superimposed on such graphic and draw as nearly as is practicable to the same scale as that of the graphic.

- (8) The municipality may require the submission of additional drawings, calculations and other information and a certificate by a person defined in section 1 of the Engineering Profession of South Africa 1990 (Act No. 114 of 1990) as a certified engineer, engineering technician, professional engineer or professional technologist (engineering), in each case giving details to the municipality's satisfaction, to enable it to establish the adequacy of the proposed means of securing, fixing or supporting any advertising sign, hoarding or screen, to resist all loads and forces to which the advertising sign, hoarding or screen may be exposed and the sufficiency of the margin of safety against failure, in compliance with the provisions of Regulation of the National Building Regulations. In considering an application submitted in terms of sub-section (1), the Council may, in addition to any other relevant factors, have due regard to the following:
- (a) No advertising sign or hoarding or copy should be so designed or displayed that:
 - (i) it will be detrimental to the environment or to the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;
 - (ii) it will constitute a danger to any person or property;
 - (iii) it will display any material which in the opinion of the municipality is indecent, suggestive of indecency, prejudicial to public morals or objectionable;
 - (iv) it will obliterate any other signs;
 - (v) it will in the opinion of the municipality be unsightly or detrimentally impact upon a sound architectural design; and
 - (vi) it will in any way impair the visibility of any road traffic sign or affect the safety of motorists or pedestrians,
 - (b) The size and location of a proposed advertising sign or hoarding and its alignment in relation to any existing advertising sign or hoarding or the same building or erf and its compatibility with the visual character of the area surrounding it.
 - (c) The number of signs displayed or to be displayed on the erf concerned and its legibility in the circumstances in which it is seen;
 - (d) The sign, if not appropriate to the type of activity on or zoning of the erf or site to which it pertains should be considered on its merits in terms of the control measures of the Council's Outdoor Advertising Signage Policy and Code of Practice and the S.A.M.O.A.C. guidelines.
- (9) The municipality subject to section 30, may refuse any application submitted in terms of sub-section (1) or grant its approval subject to any amendment or condition which it may deem expedient, including a

condition that the owner of any advertising sign or hoarding or the owner of the land or building on which such advertising sign or hoarding is to be erected and displayed, or both such owners, indemnify the municipality to its satisfaction against any consequences flowing from the erection, display or mere presence of such advertising sign or hoarding.

- (10) The municipality shall without delay and in writing notify the applicant and notify the applicants rights In terms of the Promotion of Administrative Justice Act,2000
- (11) Every application, plan, drawing and other document submitted in terms of this section shall on approval be retained by the Council for its records.
- (12) Any sign or advertising hoarding for which approval has been granted, shall be erected and displayed in accordance with any plan, drawing or other document approved by the Council and any condition imposed in terms of that sub-section the Council shall be notified once any approved advertising sign or hoarding has been erected.
- (13) Notwithstanding anything contained in this By-Law, any advertising sign or hoarding which complies to the municipal satisfaction, may be approved by the Council.

3. WITHDRAWALS OR AMENDMENT OF THE APPROVAL

- (1) The municipality may, at any time, withdraw an approval granted or amend any condition or impose a further condition in respect of such approval, if in the opinion of the municipality an advertising sign or hoarding:
 - (a) will be or become detrimental to the environment or the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;
 - (b) will constitute or become a danger to any persons or property; or
 - (c) will obliterate other signs, natural features, architectural features or visual lines of civic or historical interest.
- (2) Should an approved advertising sign or hoarding not be erected within six (6) months from approval or within a time specified in the approval granted, the approval will lapse.
- (3) Should the information requested by the municipality to process a signage application not be provided within a three-month period from the date of the request, the application shall be regarded withdrawn.

4. EXEMPT SIGNS

- (1) The following signs shall be exempt from the provisions of section 2 but shall comply with all other provisions of this by-law save for signs contemplated in (a) and (b) which need not so comply:
- (a) any sign displayed in an arcade;
 - (b) any sign displayed inside a building;
 - (c) any sign displayed on an approved advertising hoarding;
 - (d) any sign advertising a current event in a cinema, theatre or other place of public entertainment, displayed in a fixture or building especially made for such display;
 - (e) any sign not exceeding the sizes specified hereunder, which is displayed on a site where a building, swimming pool, tennis court, paving, fencing or garden landscaping or any other structure is in the course of being constructed, erected, carried out or altered and which describes the building or structure being erected or other work or activity being carried out, and which displays the names of the contractors or consultants concerned in such work or activity and identifies the branches of the industry or the professions represented by them, during the course of such construction, erection, carrying out of alterations as the case may be provided that only one such sign, or set of signs shall be permitted per street frontage of a site; and which is placed on or affixed to the building concerned or attached parallel on the boundary fence of the erf on which the building is situated. Such signs are to be removed within 21 days of the completion of the contract. Signage for ongoing maintenance contracts is not permitted which includes:
 - (i) project boards, 6m² and with a maximum erected height of 6m, giving the names of architects, consultants and contractors; or
 - (ii) individual contractors and sub-contractor's board: 2m². ;
 - (f) any sign, other than a sign provided for in paragraph (e), not exceeding 12m², and not exceeding a maximum erected height of 6m, which portrays or describes the type of development being carried out on a site and which gives details of the type of accommodation being provided, floor space available, the name, address and telephone number of the developer or his agent, erected during construction work or the carrying out of alterations or additions as the case may be and remaining for a period not exceeding 2 months after the completion of such work;
 - (g) a sign on a street frontage of a building occupied by shops, showrooms or other business uses as defined in the relevant Town Planning Scheme, other than a sign in an office park area, which is below

the level of the ground floor ceiling and which is displayed on or fixed to the face of a building or suspended from the soffit of a canopy or verandah roof;

- (h) a sign consisting of a 600mm x 450mm metal plate or board permitted in terms of section 14;
 - (i) any flag hoisted on a suitable flag pole which displays only a company name and motif. A maximum of 5 flag poles of 7m in height is permitted unless specific permission has been applied for as contemplated in terms of section 2 for more than 5 flag poles;
 - (j) any sign in a locality wholly or mainly used for residential purposes, other than a brass plate or board not exceeding 600mm x 450mm in size, affixed indicating the name, address and telephone number of a security company contracted to protect the property, provided that only one sign per stand or subdivision shall be permitted and such sign shall be firmly affixed to the boundary wall, fence or gates on the street frontage;
 - (k) one sign not exceeding 600mm x 450mm in size on each street boundary of an erf or portion of an erf which sign indicates the existence of a commercial security service, burglar alarm system.
 - (l) a sign not exceeding 2m², indicating the existence of a block or neighborhood watch system, displayed on a boundary wall or fence or in a position approved by the municipality. If erected on its own pole(s), the minimum underside clearance of the sign above the pavement must be 2.1m.
- (2) The owner of the building or property on which a sign contemplated in sub-section (1) (g) is displayed, shall indemnify the municipality against any consequences flowing from the erection, display or mere presence of the sign.
- (3) Road traffic signs or any signs erected in terms of any provincial or national act are exempted.

5. PROHIBITED SIGNS

- (1) No person shall erect or cause or permit to be erected or maintained any of the following signs:
- (a) any sign painted on the roof of a building or painted on, attached to, or fixed between the columns or posts of a verandah;
 - (b) (i) any sign which projects above or below any fascia, bearer, beam or balustrade of a street verandah or balcony;
 - (ii) any luminous or illuminated sign which is fixed to any fascia, bearer, beam or balustrade of any splayed or rounded corner of a street verandah or balcony;
 - (c) any sign suspended across a street unless otherwise approved by the municipality;
 - (d) any sign on calico, paper mache, plastic, woven or similar material or of any kind whatsoever, unless consisting of flexface within an approved advertising sign;

- (e) any swinging sign, which is a sign not rigidly and permanently fixed;
- (f) any sign which may either obscure a road traffic sign, be mistaken for with or interfere with the functioning of a road traffic sign;
- (g) any sign which may obscure traffic by restricting motorists' vision and lines of sight thus endangering motorists' safety;
- (h) any sign which is indecent or suggestive of indecency, prejudicial to public morals or is reasonably objectionable;
- (i) Any sign which will obstruct any window or opening provided for the ventilation of a building or which obstructs any stairway or doorway or other means of exit from a building or which will prevent the movement of persons from one part of a roof to another part thereof;
- (j) any animated or flashing sign the frequency of the animations or flashes or other intermittent alternations of which disturbs the residents or occupants of any building or is a source of nuisance to the public or impairs road traffic safety;
- (k) any illuminated sign, the level of illumination of which unreasonably disturbs the residents or occupants of any building or is a source of nuisance to the public;
- (l) any movable temporary or permanent sign other than those specifically provided for in this by-law.
- (m) any sign referring to a price or change in price of merchandise except in a shop window, or on the article itself;
- (n) any advertisement or sign other than an exempted sign, for which neither a permit nor approval has been obtained;
- (o) any poster otherwise than on a hoarding legally erected for the purpose of accommodating such poster;
- (p) any sign or signs, the total area of which exceeds 30m², painted or fixed on a wall of a building not being a front wall of such building;
- (q) any sign painted on any fence or boundary wall, not being an approved sign or hoarding;
- (r) any sign which does not comply with the requirements of or which is not permitted by this By-Law;
- (s) any sign which may obstruct pedestrian or vehicular traffic;
- (t) any form of flyposting on private or municipal property or assets;
- (u) any transit advertising sign that is parked irrespective of whether it is attached to a vehicle or not;
- (v) any poster or sign attached to a tree;
- (w) any poster attached or pasted to a bridge;
- (x) any temporary sign for commercial or third-party advertising erected on municipal land or land vested in the municipality unless by prior signed encroachment agreement or contract with the Council;

- (y) any sign attached to a bridge or any other municipal asset, unless by prior signed agreement or contract with the council municipality and
- (z) any third party advertising sign on any property zoned "Residential" in terms of the relevant Town Planning Scheme whether secondary rights or not have been granted by municipality and which are exercised on the erf and any sign or poster attached to a Road Traffic Sign.

6. SIGNS SUSPENDED UNDER VERANDAHS OR CANOPIES

- (1) Every sign, which is suspended from a verandah or a canopy, shall comply with the following requirements:
 - (a) unless the municipality otherwise permits, having regard to the design of the verandah or canopy and its associated building and to the position of the building in relation to the street boundary of the erf, the sign shall be fixed with its faces at right angles to such boundary;
 - (b) no part of the sign shall project beyond the outer edge of the verandah or canopy from which it is suspended;
 - (c) no part of the sign shall be less than 2.4m above the surface of the sidewalk or ground level immediately below it, nor should the top of the sign be more than 1 m below the canopy or verandah from which it is suspended nor shall any sign exceed 1m in depth; and
 - (d) unless the council in writing otherwise permits, the bottom edge of the sign when suspended shall be horizontal and the supports by means of which the sign is suspended, shall be an integral part of the design of the sign.

7. SIGNS ON VERANDAHS AND CANOPIES OVER STREET

- (1) Save as herein before provided with regard to hanging signs, every sign affixed to or onto a verandah over a street shall be set parallel to the building line.
- (2) Such signs shall not exceed 600mm in depth and shall be fixed immediately above the eaves of the verandah roof in such manner as not to project beyond the rear of the roof gutter or shall be fixed against but not above or below the verandah parapet or balustrade in such manner as not, to project more than 230mm from the outside face of such parapet or balustrade provided that:
 - (a) a sign on a public building fixed to or on a verandah over a street and which displays only the features or program of an entertainment to be given in such public building shall:

- (i) have a maximum area of 1m in the aggregate for every 1.5m or part thereof of the frontage of such building to the street over which the sign is erected;
- (ii) not exceed 1.2m in height.
- (b) nothing in this section contained shall be taken to prohibit the painting of signs not exceed 600mm in depth on beams over verandah columns, or on parapets of verandahs;
- (c) no illuminated sign or sign designed to reflect light, shall be attached to or displayed on any splayed or rounded corner of a verandah or canopy at a street intersection.

8. PROJECTING SIGNS

- (1) All projecting signs shall be set at right angles to the building line and shall be fixed at a height of not less than 2,75m above the pavement.
- (2) Save as is provided in sub-section 3, no projecting signs shall exceed 600mm in height, nor project more than 900mm from the building to which they are attached.
- (3) Notwithstanding the provisions of paragraph (b), larger projecting signs may be erected, provided :
 - (a) the owner of the building or the person for whom the sign is being erected shall make application for and assume responsibility in connection with such sign, including maintenance, an annual inspection to satisfy the owner regarding its safety and liability for all loss or damage caused to any person or property by reason of or in any way arising out of the erection, maintenance or existence of such sign;
 - (b) the design thereof shall be to the satisfaction of the municipality, and it shall comply in all respects with this by-law;
 - (c) such sign shall be fixed at right angles to the street and the front of the building upon which it is erected;
 - (d) such sign shall be constructed of metal framing and covered with metal sheeting and shall not exceed 300mm in depth from face to face;
 - (e) such sign shall not exceed a mass of 450kg or 675kg in the case of a sign consisting only of the name of a central public entertainment building;
 - (f) such sign shall not exceed 9m in height or 1.5m total projection from the building, or in the case of a sign consisting only of the name of a central public entertainment building, 14m in height and 1.8m in total projection from the building provided that this paragraph shall not apply to any sign which has been erected prior to the date of the publication hereof;

- (g) the sign shall be supported, by at least four iron brackets properly fixed to the building, any two of which shall be capable of carrying the whole mass of the sign, together with wind pressure, against which pressure the sign shall be satisfactorily braced and stayed;
- (h) upon receipt of a notification by the municipality that such sign is unsafe, it shall be removed forthwith by the applicant without any compensation by the Council whatsoever; and
- (i) the owner of such sign shall sign a form declaring himself to accept, and be bound by, the above conditions.

9. SIGNS INDICATING THE DEVELOPMENT OF A TOWNSHIP OR PROPERTY

- (1) No sign referring to the laying out or development of any land as a township or to the disposal of any erven in a township or a property development shall be erected prior to the land-use rights being promulgated.
- (2) No sign referring to the laying out or development of any land as a township or to the disposal of any erven in a township or a property development shall exceed 12m², with a maximum erected height of 6m.
- (3) Any approval granted in respect of such a sign in terms of section 2, shall lapse after the expiry of one year after the date of such approval, unless an extension has been granted by the municipality.
- (4) The sign must be located on the site of the proposed township or property development.
- (5) The municipality may approve a larger sign or hoarding for a particular development after taking into consideration the size of the development which must be 5ha or larger on condition that approval shall lapse after the expiry of one year after the date of such approval.
- (6) All signs must be removed within three months of a development being completed or occupied.

10. SIGNS FLAT ON BUILDINGS

- (1) The total area of any sign placed flat on the front wall of a building facing a street shall not exceed 20m² for every 15m of building frontage to the street which such sign faces with a maximum area of 200m².
- (2) The maximum projection of a sign referred to in sub-section (1) over the footway or ground level shall be 75mm where such sign is less than 2,4m above the sidewalk or ground level immediately below such sign and 230mm where such sign is more than 2,4m above such footway or ground level.

- (3) Signs placed flat on a wall of a building not being a wall contemplated in sub-section (1), shall not exceed 20m² in total area, unless located in a commercial or industrial zone.
- (4) Notwithstanding the provisions of sub-section (1) and (3), the Council may where it considers it desirable in the interests of the aesthetic appearance of the building or wall on which the sign is placed or of the neighbourhood of such building or wall, permit or require the dimensions of any such sign to be greater than those prescribed.

11. SIGNS ON BUILDINGS USED FOR RESIDENTIAL PURPOSES

- (1) A single sign containing the name only of any building used for residential purposes other than a dwelling house, and a sign consisting of a 600mm x 450mm brass or other metal plate displaying the name of the company owning or managing such building, its logo and telephone number, may be displayed.
- (2) A sign contemplated in sub-section (1) shall:
 - (a) be fixed to or built into one or more walls of the building or a freestanding wall or boundary wall of the property;
 - (b) not be internally illuminated;
 - (c) be limited to one each of the signs referred to in that sub-section per street frontage of the property concerned.
- (3) A sign consisting of a 600mm x 450mm metal plate or board indicating the name and profession or occupation of the occupant may be affixed to the boundary wall or fence, or the entrance door of a dwelling house or dwelling unit, or to a wall in the entrance hall of a building used for residential purposes.
- (4) Where a business or profession is conducted from a property in a predominantly residential area by consent of the Council, or in terms of an Amendment Scheme (rezoning) a sign not exceeding 2m², advising the public as to the nature of the business or profession conducted on the premises, may be erected as an element of a street-facing boundary wall. Any sign so erected shall form an aesthetically integral portion of the architecture of either the street-, facing boundary wall or a substantial architecture element designed to the satisfaction of the Council on the boundary of the property in question. The sign so erected shall not, in the opinion of the Council, detract from the residential character of the neighbourhood or have a negative impact on the market value of adjacent residential properties.

12. SIGNS ON AWNINGS

- (1) A sign containing only the name of a hotel, shop or restaurant may be displayed on an awning of approved material.

13. SIGNS NOT TO BE FIXED TO VERANDAH COLUMNS

- (1) No sign of any description shall be fixed to street verandah posts or columns.

14. ADVERTISEMENTS ON BANNERS OR SIMILAR ITEMS

- (1) No advertisement shall be displayed on any banner, streamer, flag, paper, paper mache, plastic sheet or other similar pliable material or on calico or other woven material, without the written permission of the Council, subject to such conditions as the Council may deem expedient.
- (2) Permission in terms of sub-section (1) shall only be granted for an advertisement relating to a function or event conducted for religious, educational, social welfare, animal welfare, sporting, civic or cultural purposes or to a function or event relating to a Local Government, Provincial or National election or referendum.
- (3) Every application for permission in terms of sub-section (1) shall be in terms of the tariff of charges as determined by municipality in respect of each advertisement to which the application relates.
- (4) The municipality may, without notice, remove and destroy any advertisement contemplated in sub-section (1) which is displayed in contravention of this section.
- (5) Every person to whom permission has been granted in terms of sub-section (1) shall ensure that the following requirements are complied with:
- (a) not more than five advertisements shall be displayed in respect of one function or event and with no more than one advertisement per street front;
 - (b) every advertisement shall be attached to or suspended between poles or other supports on the site on which the function or event is to be held;
 - (c) every advertisement shall be so attached so as not to interfere with, or constitute a danger to passing vehicular or pedestrian traffic;
 - (d) no advertisement shall be displayed for more than one week before the date of the function or event advertised nor shall any such advertisement be permitted to remain in position for more than three days after the conclusion of such function or event.
- (6) No banner approved in terms of this section may be larger than 6m².

15. PAINTED ADVERTISEMENTS

- (1) Subject to the provisions of sub-section (2), no sign shall be painted directly on to any building, canopy, column, boundary wall, post or structure, other than on the external or internal surface of a window.
- (2) Subject to the approval of the municipality in terms of section 3, the name of any person or company carrying on business in a building may be painted directly on any approved wall of such building.
- (3) Subject to the approval of the municipality in terms of section 3 murals with advertising painted directly onto any approved surface may be considered on merit.

16. TEMPORARY SIGNS AND ADVERTISING

- (1) Signs relating to the letting or selling of property, complying with the following requirements, may be displayed without the approval of the municipality:
 - (a) any sign not exceeding 600mm x 450mm in size containing the words "for sale" in respect of any dwelling house or residential building and which in addition may display only the name, address and telephone number of the selling agent, and which is placed on or fixed to the building concerned, is attached parallel to a boundary fence of the erf on which the building is situated or is otherwise displayed within the boundaries of such erf. Such signs shall be limited to one sign per agent with a maximum of, three signs per erf;
 - (b) any one sign per street frontage not exceeding 600mm x 450mm in size, which contains only the word "Sold" in respect of any dwelling house, or residential building, and which:
 - (i) is displayed only after all signs referred to in paragraph (a) have been removed; or
 - (ii) is placed on or fixed to the building concerned, or is attached to a boundary fence of the erf on which the building is situated or is otherwise displayed within the boundaries of such erf;
 - (c) any sign not exceeding 6m² fixed flat on the facade of a non-residential building which contains only the words "For Sale" or "To Let" and the name, address and telephone number for the selling or letting agent, or only the lettering for the word "Sold" with a maximum of one sign per building for a period not exceeding three months.
 - (d) any sign not exceeding 600mm x 450mm in size, displayed on a vacant residential erf and which displays only the words "For Sale" and the name, address and telephone number of the owner or an agent, or only the word "Sold". Such signs shall be limited to one sign per agency with a maximum of three agencies per erf for a maximum period of two months;

- (e) Any sign not exceeding 6m² in size on a vacant non-residential erf and which displays only the words "For Sale" or "To Let" and the name, address and telephone number of the owner or his agent or only the word "Sold" and no other wording whatsoever with only one sign per erf for a maximum period of three months.
- (f) any directional sign displayed by the Automobile Association of Southern Africa or any other approved body advertising a particular event.
- (2) Any sign, or banner not exceeding 4m² and not more than 3m above the ground, containing letters, figures, advertising emblems or devices, not exceeding 150mm in height, relating solely to an entertainment, meeting, auction or a sale to be held upon or in relation to a certain site, may be displayed upon such site: provided that such sign or banner shall not be displayed for more than one week before the function or event, the date of which must be displayed on the sign or banner, nor remain in position for more than three days after the conclusion of the function or event,
- (3) Any selling or letting board(s) requiring the approval of the municipality must conform to the design regulations currently in force with these by-laws.
- (4) To consider at the municipality discretion temporary advertising on municipal land or land vested in or controlled by the municipality for a period not exceeding 30 days for special event signs.

17. SIGNS ON AND OVER STREETS

- (1) Every person owning, displaying or causing to be displayed a sign which, or any part of which, overhangs, or is placed on any street shall, on being instructed by notice in writing by the municipality to do so, remove it within twenty four hours from the date of such instruction or within such longer period specified in such notice without payment of any compensation.
- (2) In the event of non-compliance with an instruction in terms of sub-section (1), the municipality may in itself remove the sign concerned and may recover the cost thereof from the person or persons, jointly and severally, to whom a notice in terms of sub-section (1) was addressed and such persons shall not be entitled to any compensation.

18. BILLBOARDS

- (1) Any billboard displayed may not:
 - (a) be in conflict with applicable National, or Provincial Legislation or any laws;

- (b) be detrimental to the nature or the environment in which it is located by reason of abnormal size, intensity of illumination or design;
 - (c) be in its content objectionable, indecent or insensitive to any section of the public or to any religious or cultural groupings or the like;
 - (d) unreasonably obscure partially or wholly any sign previously erected and legally displayed;
 - (e) constitute a danger to any person or property; and
 - (f) encroach the boundary line of the property on which it is erected.
- (2) Road intersections, a maximum of 2 single-sided advertising boards per intersection may be permitted.
- (3) Spacing of billboards shall be at the discretion of the municipality having regard to safety, aesthetics, environmental, local area frameworks and other considerations.
- (4) Billboards in rural areas shall be erected in such a way as not to obstruct one another, be of even height wherever possible and evenly spaced.
- (5) Where, in the opinion of the municipality, a sign alley has been created the spacing of billboards shall be at the discretion of the municipality.

19. SAFETY CONDITIONS

- (1) Billboards shall be erected and serviced to comply with the following conditions:
- (a) Signalized intersection:
 - (i) they shall not have as main colours, red, amber, green and the advertising sign to be well clear of the signal heads; and
 - (ii) they shall not obscure or interfere with any road traffic light or sign;
 - (b) illumination of billboards is permitted provided such illumination does not constitute a road safety hazard or cause undue disturbance;
 - (c) erection and servicing on public roads;
 - (i) the traffic flow should not be impeded during erection and servicing of a billboard on a public road unless prior permission has been obtained and the necessary precautions arranged.
 - (d) Prohibited areas on motorways –
 - (i) billboards may be permitted within specified distances of on and off-ramps of motorways and overhead traffic directional signs where a curve in the road renders the billboard not to interfere with a clear and undistracted view of the directional traffic sign.
- (2) Site identification –
- (a) Sign owner's name or logo must be clearly displayed.

(3) Maintenance –

- (i) Conduct regular site inspections to ensure the good condition of boards. Traffic flow should not be impeded during the servicing of a billboard on a public road unless prior permission has been obtained and the necessary safety precautions arranged.
- (4) Size per copy - At the Council's discretion to a maximum of:
 - (a) areas of partial control - 40m²
 - (b) areas of minimum control - 81m²
- (c) Areas of control defined in the municipality: Outdoor Advertising Policy and Code of Practice and the SAMOAC guideline document
- (5) An application fee as determined by Council is payable.
- (6) The height of a billboard shall not exceed 12m unless otherwise approved by Council.

20. TRANSIT SIGNS

- (1) Transit advertising signs shall only, be permitted to be displayed if mobile at all times and comply with all requirements of Road Traffic legislation.
- (2) The parking of a transit advertising sign on municipal or private property for the purposes of third-party advertising is prohibited.
- (3) Transit advertising signs parked on private property for the purpose of storage shall be positioned in such a manner as not to be visible from a street or public place.
- (4) Notwithstanding the provisions of sub-section (1), (2) and (3) or otherwise in contravention of this By-Law, the municipality or its authorised agent may, without prior notice, carry out the removal and impoundment of such transit advertising sign.
- (5) A transit advertising sign impounded by the municipality may be released within a period of 3 months of notification or such sign shall be disposed of by municipality to defray any fines or removal costs involved.
- (6) A transit advertising sign impounded by the municipality shall only be released after the removal cost and fine are settled in full and a copy of the current license registration papers have been submitted for verification.

POSTERS

- (1) No person shall in, or in view of, any street display or cause or allow it to be displayed any poster unless the person has first obtained the written permission of the municipality;
- (2) Every application for permission required in terms of sub-section (1) shall be accompanied by an application fee or a deposit as determined by Council, and written details of the townships and streets in which the posters are to be displayed and all the posters to which the application relates provided that for National, Provincial or Municipal elections only one poster need be submitted and an application fee paid by each candidate as determined by Council Provided that for National, Provincial or Municipal referendums only one poster need be submitted and an application fee paid by each registered political party as determined by Council:
 - (a) every poster for which permission is granted in terms of sub-section (1) shall be provided with a municipal sticker and only posters with the Municipality stickers affixed or approved Municipality's markings shall be displayed,
 - (b) the municipalities shall be entitled to retain one such poster for identification purposes.
- (3) Any person who displays or causes or allows to be displayed in or in view of a street, a poster, for which permission has been granted in terms of sub-section (1), shall ensure that the following requirements are complied with:-
 - (a) no poster shall be so displayed that any part of it is lower than 2.1m or higher than 3m above the sidewalk or ground level immediately below it;
 - (b) no poster displayed by any person shall be indecent, or suggestive of indecency, prejudicial to public morals or reasonably objectionable;
 - (c) no poster shall be displayed on motorways including on and off-ramps;
 - (d) every poster other than a parliamentary, provincial or municipal election or referendum poster shall be displayed in a permanent frame or other approved backing, of a design and in a predetermined location approved by the municipality. The maximum size for frames shall not exceed :
 - (i) Advertising posters 900mm high x 600mm wide; (A1 size); and
 - (ii) Press posters 600mm high x 450mm wide (A2 size);
 - (e) every parliamentary, provincial or municipal election or referendum poster shall be attached to a board made of wood, hardboard, cortex or other approved weatherproof material, in such a manner that it will not become wholly or partially dislodged by wind or rain, and neither the board nor poster shall exceed 900mm high x 600mm wide or be less than 600mm high x 450mm wide, and secured only to an electric light standard erected by the municipality or the State in a street or public place provided that such

board is secured to such light standard by means of stout string or plastic ties only and no securing material with a metal content is permitted;

- (f) the 'frame' referred to in paragraph (d) shall not be placed on or against or attached to or otherwise supported by any transformer box, telegraph pole, tree, road traffic sign or other sign or object with the exception of an electric light standard erected by the Council or the State in a street or public place, provided such frame is secured to such light standard in such a manner to the approval of the Council that it will not become or wholly or partially dislodged by wind or another means, and positioned in such a manner that it does not obscure or interfere with the electrical inspection chamber or pole identification number or impair the safety of motorists or pedestrians, maximum of two frames per pole. No frame shall be erected within 10m of a traffic signal unless the prior approval of the municipality has been obtained;
- (g) no poster relating to a meeting, function or event, other than a National, Provincial or Municipal election or referendum shall be displayed for longer than ten days before the date on which such meeting, function or event begins or longer than four days after the date on which it ends;
- (h) no poster relating to a parliamentary, provincial or municipal election or to a specific candidate in such election or a poster relating to a referendum shall be displayed for longer than the period extending from the beginning of either the date, of nomination or the date of proclamation in the Government Gazette declaring that a referendum is to be held, as the case may be, to the end of the tenth day after the date of such election or referendum: Provided that posters not relating to a specific candidate may also be displayed for a period no longer than that extending from a date fourteen days prior to either nomination day or the date of proclamation in the Government Gazette declaring a referendum is to be held, as the case may be, to the end of the fifth day after the date of such election;
- (i) subject to the discretion of the municipality, not more than 2000 posters shall be displayed at any one time in relation to any meeting, function or event, other than a National, Provincial or Municipal election or referendum or a meeting relating to an election or referendum;
- (j) in respect of each candidate not more than 1000 posters or other advertisements shall be exhibited at any one time in any municipal ward or as otherwise directed by municipality; in respect of a referendum not more than 5000 posters or other advertisements per registered political party shall be so exhibited in the municipal area of the Municipality or otherwise directed by municipality.;
- (k) the details of the event, the commencement and final date of the event and the venue with address where it is to be held must appear on the posters in letters not less than 50mm in height and 10mm in thickness, with all other information pertinent to the event in letters not less than 30mm in height and 5mm in thickness;

- (l) the commercial content of the poster may not exceed 20% of the area of the poster nor may such commercial lettering be larger than the main lettering in the remainder of the poster;
 - (m) the posters may not have a display period of more than 28 consecutive days for any event advertised.
 - (n) the display of posters on any bridge or in sensitive areas identified by the Council, is prohibited;
 - (o) the display of auction posters shall only be within the area of jurisdiction of the Municipality, duly authorised by the Sheriff of the Court, to a maximum of 40. The Case Number or Masters Reference Number must be displayed on the poster. A writ is to be produced on submission; and
 - (p) the display of political posters not directly for the purposes of a National, Provincial or Municipal election or referendum, shall be regarded as advertising.
- (4) The provisions of sub-section (2) shall not apply in respect of a poster relating to an election, or a referendum, which:-
- (a) is placed entirely inside private premises;
 - (b) is displayed in or on a motor vehicle;
 - (c) is displayed at the committee room clearly marked as such, of a candidate in an election; or
 - (d) fixed to an advertising hoarding for which approval has been granted in terms of section 3.
- (5) Any poster which is displayed without permission or in contravention of this Clause may without notice be removed and destroyed by the municipality and any costs incurred by the municipality in the removal will be borne by the person who displayed the poster or caused, or allowed it to be displayed.

21. FIXING OF SIGNS AND HOARDINGS

- (1) All signs and hoardings shall be properly constructed of the requisite strength and shall, be securely fixed to the satisfaction of the municipality.
- (2) The person by whom such signs and hoardings are erected and the owner of the fixture on which or to which they are attached shall assume all liability and responsibility in connection therewith, including maintenance, and shall undertake at least one annual inspection thereof with a view to satisfying themselves as to the safety thereof.
- (3) Every sign or hoarding shall be repainted and cleaned regularly in order to prevent them from becoming unsightly.
- (4) The municipality may require certification that the installation is structurally safe.

22. POWER CABLES AND CONDUITS TO SIGNS

- (1) Every power cable and conduit containing electrical conductors for the operation of a sign shall be so positioned and fixed that it is not unsightly.
- (2) No advertising sign or hoarding shall be connected to any electricity supply without the prior written permission of the relevant electricity supply authority. Such proof of permission shall be submitted if requested.

23. ERECTION AND MAINTENANCE OF ADVERTISING SIGNS AND HOARDINGS

- (1) If, in the opinion of the municipality, any advertising sign or hoarding is in a dangerous or unsafe condition or has been allowed to fall into a state of disrepair or interferes with the functioning of any road traffic sign, the municipality may serve a notice on an owner requiring own cost, to remove the sign or hoarding or do other work specified in the notice within a period so specified.
- (2) The municipality may, if in its opinion an emergency exists, instead of serving notice in terms of sub-section (1) or if such notice has not been complied with within the period specified therein, itself carry out the removal of a sign or advertising hoarding or do other work which it may deem necessary and may recover the cost thereof from the owner referred to in sub-section (1).

24. NATIONAL BUILDINGS REGULATIONS

- (1) Should any conflict exist between this By-Law and the National Building Regulations and Building Standards Act 103 of 1977, the Act shall prevail.

25. CHARGES

- (1) Every person who applies to the municipality for its approval or permission shall, on making application pay to the municipality the charge determined therefore and no application shall be considered until such charge has been paid.
- (2) Any signs or advertising boards which have been removed and impounded but not destroyed by the municipality as a result of them not complying with these by-laws may be released to the original owner at the rates determined by the Council.

- (3) Signs removed and not released within 3 months shall be disposed of by the municipality.

26. DAMAGE TO COUNCIL PROPERTY

- (1) No person shall intentionally or negligently, in the course of erecting or removing any sign, advertising hoarding, poster or banner cause damage to any tree, electric standard or service or other municipal installation or property.
- (2) The costs for any repairs necessary will be for the account of such person.

27. ENTRY AND INSPECTION

- (1) The municipality shall be entitled, through its duly authorised officers, to enter into and upon any premises, at a reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of the provisions of this by-law.

28. REMOVAL OF ADVERTISING SIGNS OR HOARDINGS

- (1) If any advertising sign or hoarding is displayed so that in the opinion of the municipality it is detrimental to the environment or to the amenities of the neighbourhood, or otherwise in contravention of these by-laws, the municipality may request or serve a notice on the owner of the advertising sign or hoarding to remove such advertising sign or hoarding or carry out such alteration thereto or do such work as may be specified in such request or notice within a time specified,
- (2) If a person fails to comply with a confirmed request or a notice referred to in sub-section (1), the municipality or its authorised agent may remove such an advertising sign or hoarding.
- (3) The municipality shall in removing a transit sign, advertising sign or hoarding contemplated in sub-section (1) not be required to compensate any person in respect of such advertising sign or hoarding, in any way of loss or damage resulting from its removal.
- (4) Any costs incurred by the municipality in removing a transit sign, advertising sign or hoarding, in terms of sub-section (2) or in doing alterations or other works in terms of this section may be recovered from the person on whom the notice contemplated in sub-section (1) was served, or if a deposit has been paid in respect of such advertising sign, the costs may be deducted from the deposit.
- (5) Notwithstanding the provisions of sub-section (1), (2), (3) and (4) if an advertising sign or hoarding:

- (a) constitutes a danger to life or property;
- (b) is obscene; and
- (c) is in contravention of this by-law and is erected on, attached to or displayed on any property of, or under the control of the municipality; the municipality may, without serving any notice, remove any such advertising sign or hoarding or cause it to be removed.

29. SERVING OF NOTICES

- (1) Where any notice or other document is required by these by laws to be served on any person, it shall be deemed to have been properly served if served personally to the person or any member of the household apparently over the age of sixteen years at place of residence or on the persons employer or at the persons place of business, or if sent by registered post to such person's residential or business address as it appears in the records of the municipality, or if such person is a company or closed corporation or a trust, if served on any person employed by that company, closed corporation or a trust, if served on any person employed by that company, closed corporation or trust at its registered office or sent by registered post to such office.

30. HEARING

- (1) Where objections have been lodged in respect of the application, the Council shall, hear the objections or representations.
- (2) Where such objections lodged are to be heard by Council, the council shall determine a day, time and place for the hearing.
- (3) Not less than 14 days prior to the day determined in terms of sub-section (2), the Council shall notify the applicant and every objector of the day, time and place so determined.
- (4) At the hearing the Council shall adopt its own procedure in compliance with the rules of natural justice.

31. APPEALS

- (1) An applicant or objector who is aggrieved by the municipal decision may appeal against that decision and shall give written notice of the appeal including the grounds of appeal to the Municipal Manager within 21 days of the date of the notification of the decision.

- (2) The municipal manager shall timeously inform the applicant of the decision of Council which shall be final and the reasons thereof.
- (3) Appeal processes shall be as outlined in section 62 of the Local Government: Municipal Systems Act, 2000.

32. OFFENCES AND PENALTIES

- (1) Any person contravening this by-law, upon conviction if found guilty of an offence, be liable to a fine or to imprisonment for a period not exceeding 12 months.

32. REPEAL

- (1) Greater Tzaneen Municipality Control of Outdoor Advertising and Signage by-law as published in the Limpopo provincial gazette and any other by-laws applicable to Greater Tzaneen Local Municipality dealing with Billboards and Advertisements are hereby repealed.

33. SHORT TITLE AND COMMENCEMENT

- (1) This by-law is called Control of Outdoor Advertising and Signage for Greater Tzaneen Local Municipality 2017 and shall come into effect on the date of the publication in the *Provincial Gazette*.

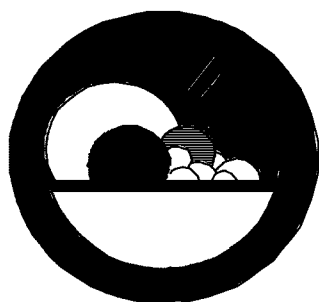
B. S. MATLALA
MUNICIPAL MANAGER

27 SEPTEMBER 2019

LOCAL AUTHORITY NOTICE 162 OF 2019



HEALTH BY LAWS FOR PRE-SCHOOL INSTITUTIONS



Greater Tzaneen
Municipality

The Municipal Manager of Greater Tzaneen Local Municipality hereby in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), publishes the health for pre-schools institutions by-law for the municipality as approved by its council, as set out hereunder.

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CHAPTER 1

DEFINITIONS

1. Definitions

In this by-law, any word or expression to which a meaning has been assigned in the National Health Act, 2003 (Act 61 of 2003) and South African Schools Act, 1996 (Act 84 of 1996) shall bear the same meaning unless the context indicates otherwise:

“approved” means approved by the Head of Health Services, regard being had to the reasonable public health requirements of the particular case, or to the physical and mental health of the children, as the case may be;

“children” means children admitted to a pre-school institution in terms of these by-laws and where applicable

“child” will have the same meaning;

“Council” means the Council of the Greater Tzaneen Local Municipality;

“domestic staff” means staff employed in a pre-school institution for cleaning, cooking and other domestic purposes;

Head of Health Services means a person in the employee of the Council and who is a health officer, medical officer of health or a health inspector as defined in the Act;

“health certificate” means a certificate issued in terms of this by-law;

“health certificate holder” means a natural or juristic person, or a partnership, or an association of persons, to whom a health certificate has been issued;

“pre-school institution” means any undertaking or institution involving the custody, care or tuition or any combination of these functions, during the whole or part of the day on all or any of the days of the week of children under the age of seven years, or the building or the premises maintained or used for the purpose of conducting such undertaking or institution thereon, as the case may be; and

“the act” means the National Health Act 2003, (Act 61 of 2003);

CHAPTER 2

APPLICATION OF BY-LAWS

2. Application of the by-law

- (1) This by-law shall apply to all pre-school institutions for children within Greater Tzaneen Municipality

3. Deviation

- (1) When in the opinion of the Head of Health Services, compliance would not be reasonably practicable, the Head of Health Services may give notice in writing to the health certificate holder to comply with such other reasonable requirements as considered necessary in the circumstances, within such reasonable period as stated in the notice, and such health certificate holder must forthwith comply with such notice.

4. Health certificate

- (1) No person may conduct, operate or manage a pre-school institution unless such person or body of persons is in possession of a health certificate to the effect that the premises, general health facilities and services to which such health certificate relates, comply with this by-laws, and such certificate must state the number and both the minimum and maximum age of the children permitted to be kept in such building or on such premises, and the hours during which such pre-school institution may operate.
- (2) The Head of Health Services will issue the health certificate contemplated in paragraph (1) above if he or she is satisfied that the provisions of this by-law are being complied with.
- (3) A health certificate issued in terms of this section, must not be transferable.
- (4) If a health certificate holder proposes to transfer a pre-school institution conducted on certain premises to other premises, he or she must obtain a health certificate in respect of the new premises before such pre-school institution may be conducted on such new premises.

CHAPTER 3

ACCOMMODATION AND FACILITIES

5. Children older than two years of age

- (1) In respect of a pre-school institution for children between the ages of three years and seven years, inclusive, the following accommodation and facilities must be provided:

(a) General

- (i) A room adequate in size, with a minimum floor area of 12m² to be used solely for medical isolation and treatment purposes.
- (ii) A wash-hand basin with a constant available supply of hot and cold running water in the room.
- (iii) An approved first-aid cupboard, first-aid supplies and a bed or stretcher in the room.

- (b) If full-day care is provided and more than four members of staff are employed on a full-day basis, a separate room of a minimum size of 9m² for use as a meeting place or restroom for staff.
- (c) Adequate storage facilities for eating utensils, food, stretchers, sleeping mats, bedding, linen and indoor and outdoor play equipment.
- (d) Separate storage facilities for the personal belongings of each child and staff member.
- (e) Sanitary and ablution facilities for children which must have -
 - (i) ready access between such facilities and the room and outdoor play area referred to in paragraphs (h) and (i) respectively;
 - (ii) one approved water closet for every 15 children or part thereof, which must be of a reduced size (juvenile type);
 - (iii) one wash-hand basin for every 15 children or part thereof; such wash-hand basin to be installed at such height as to be conveniently used by children;
 - (iv) a sink made of stainless steel for the cleaning of play equipment, provided that in respect of the facilities referred to in (ii), (iii) and (iv), only fixed facilities must be provided;
 - (v) a constant available supply of running water and thermostatically controlled hot water for the wash-hand basins referred to in (iii) and the sink referred to in (iv);
 - (vi) an adequate number of bins with self-closing lids for the disposal of paper towels, tissues and other waste;
 - (vii) at least one mirror installed at such height as to be conveniently used by the children;
 - (viii) a towel and a face cloth for each child's individual use unless the Head of Health Services permits the use of disposable paper towels;
 - (ix) individual pegs or hooks for each child's towel which must be placed 225mm apart and within the child's reach, and marked in such a manner as to be easily recognized by each child; and
 - (x) reasonable supply of toilet paper, tissues and soap available and accessible to the children.

- (f) Sanitary and ablution facilities for the staff which must have -
 - (i) one water closet and one wash-hand basis for every 15 persons or part thereof;
 - (ii) a constant available supply of hot and cold running water, soap, toilet paper and clean towels;
 - (iii) must have a bin with self-closing lid or other approved disposal unit installed in each closet intended to be used by females.

- (g) Separate approved laundry facilities on the premises, unless laundering is done on other approved premises.
- (h) A room for playing, eating and sleeping purposes where a minimum area of 2m² is available for every child, which must have a ready access to the outdoor play area and adequate heating facilities. The indoor area may be reduced to a minimum of 1,5m² per child, provided that a roof covered verandah of a minimum of 0,5m² per child is provided. Such covered verandah must adjoin the playroom and be protected against wind, rain and other inclement weather conditions. Both playroom and covered verandah must have a minimum width of 3m.
- (i) A minimum outdoor play area of 5m² per child comprising lawns or other surfaces and shady areas, which are adequately drained, properly fenced off from any parking, swimming pool, open space or other area which, in the opinion of the Head of Health Services, may constitute a danger to the children, and which must be free of any excavation, step, projection, level or surface which, in the opinion of the Head of Health Services, is dangerous or may constitute a hazard.
- (j) Where the pre-school institution is in a high density area and is entirely enclosed within a building, the outdoor play area may be substituted by an additional indoor play area of 5,5m² per child.

(2) Kitchens

- (a) If meals are provided the kitchen must -
 - (i) have a minimum floor area of 12m² for every 50 children or part thereof. The minimum floor area must be increased by 0,1m² per child in excess of 50; and
 - (ii) be provided with an approved double compartment sink, and a wash-hand basin and, if the Head of Health Services deems it necessary, a pot-washing sink and vegetable washing sink and such sinks must be made of stainless steel or other impervious material and must have a constant available supply of hot and cold running water.
- (b) If only half-day care is provided and the Head of Health Services is satisfied, having regard to the type and quantity of food supplied to the children, a kitchen of 9m² must be provided with an approved double compartment sink of stainless steel and a wash-hand basin and must have a constant available supply of hot and cold running water.
- (c) The following requirements will apply to all kitchens referred to in this paragraph:
 - (i) all cupboards, shelves and other storage space for kitchen utensils and equipment must be so fitted as to be easily cleaned;
 - (ii) all tables must have an approved surface;

- (iii) the stove or other cooking unit must be so installed as to allow easy access between the stove or cooking unit and the adjoining wall surface to facilitate cleaning;
- (iv) adequate storage facilities for vegetables must be provided;
- (v) refrigeration facilities for perishable foodstuffs must be provided;
- (vi) an adequate number of refuse bins must be provided; and
- (vii) no laundry or laundry equipment must be permitted in any kitchen.

6. Children under three years of age

- (1) In respect of pre-school institutions for children under the age of three years, the following accommodation and facilities must be provided:
 - (a)(i) a room adequate in size, with a minimum floor area of 12m², to be used solely for medical isolation and treatment purposes; and
 - (ii) an approved first-aid cupboard, first-aid supplies and a cot or stretcher in the room.
- (b) If full-day care is provided and more than four members of staff are employed on a full-day basis, a separate room of a minimum size of 9m² for use as a meeting place or restroom for staff.
- (c) The facilities referred to in paragraphs (a), (b), (h) and (i) of this section may be combined with the facilities provided in terms of section 5 (1) (a), (b), (c) and (d), if the Head of Health Services is satisfied that such facilities are adequate and suitable for combined use.
- (d)
 - (i) A nursery for playing, eating and sleeping purposes where a minimum area of 3,5m² is available for every child. Cots must be arranged so that there will be a minimum of 750mm between the cots. The indoor area may be reduced to a minimum of 2m² per child, provided that a roof covered verandah of a minimum of 0,5m² per child is provided. Such covered verandah must adjoin the playroom and be protected against wind, rain and other inclement weather conditions.
 - (ii) Both playroom and covered verandah must have a minimum width of 3m and must have ready access to the area referred to in paragraph (e) (i).
 - (iii) Adequate heating facilities to be provided in the room referred to in (i) above.
- (e)
 - (i) A minimum outdoor area of 3m² per child for the use of perambulators, play-pens and outdoor activities, as required by section 5(1) (i).
 - (ii) In high density areas where the pre-school institution is situated in a building, the outdoor play area may be substituted by an additional indoor play area of 3m² per child.

- (iii) If a nursery school is conducted on the same premises as the pre-school institution, the areas referred to in (i) and subsection 5(1) (h) above, must be separated from any outdoor area used by children attending such nursery school.
 - (iv) An after school care centre must not be permitted on the same premises as a pre-school institution, unless in completely separate facilities, or unless conducted at different times.
- (f) A kitchen as contemplated in section 4 (2).
- (g)
- (i) If bottles and teats are used for feeding of children, the kitchen as contemplated in section 5(2) must be increased with a minimum of 3m² to provide a separate area for a milk handling kitchen.
 - (ii) Where the number of children is in excess of 50, the floor area must be increased to the satisfaction of the Head of Health Services and if required by the Head of Health Services, the milk handling kitchen must be partitioned off from the rest of the kitchen.
 - (iii) Such milk handling kitchen must have the following:
 - (1) An approved double compartment sink of stainless steel with a constant available supply of hot and cold running water.
 - (2) A separate refrigerator for the sole storage of milk and milk bottles.
- (h) Adequate storage facilities for food, linen, perambulators and other equipment.
- (i) Separate storage facilities for the personal belongings of each child and staff member.
- (j) Sanitary and ablution facilities for children under two years must have the following:
- (i) ready access to the room referred to in paragraph (d) (i); and
 - (ii) separate sluice area with a minimum size of 6m² and which must have –
 - (1) An approved combined sluice sink and hopper. Such sink and hopper must be fitted with an 150mm splash screen and must be installed 100mm away from any wall surface and must have a constant available supply of hot and cold running water. Every part of the wall surface within 600mm from the sink and hopper must be tiled or have some other approved finish, approved by the Head of Health Services;
 - (2) A wash-hand basin installed at a height which can be conveniently used by an adult and having a constant available supply of hot and cold running water;
 - (3) An approved water juvenile-type closet. If deemed necessary by the Head of Health Services, the number of water closets may be increased.
 - (iii) A separate bathing area of a minimum size of 6m² must be provided with an approved bathing unit for ten children or part thereof. Such units must have constant available supply of cold and thermostatically controlled hot running water. If such bathing area is provided in the nursery, an

additional floor area of 6m² must be provided and must have ready access to the sluice sink and hopper.

- (iv) Separate facilities for the storage of clean and soiled nappies.
 - (v) Disposable and approved material for the cleaning of children wearing nappies.
 - (vi) A minimum of two towels and one face cloth for each child's use.
 - (vii) Individual pegs or hooks for each child's towels and face cloths mentioned in (vi) above and be placed 225mm apart, and individually marked.
 - (viii) Separate pegs and hooks must be provided for towels and face cloths respectively.
 - (ix) An adequate number of bins with self-closing lids for the disposal of paper, paper towels, tissues and other waste articles.
 - (x) If necessary in the opinion of the Head of Health Services, chamber pots (reduced size) must be provided. Such chamber pots must be suitably stored, kept in good repair and used only in the sluice area mentioned in paragraph (j) (ii), save where such equipment may be required for use in the isolation area referred to in paragraph (a).
- (k) If children aged two years and over are accommodated, sanitary and ablution facilities complying with the provisions of section 4 (1) (e) must be provided.
- (l) Sanitary and ablution facilities for the staff complying with the provisions of section 5(1) (f).
- (m) Storage facilities for indoor and outdoor play equipment.
- (n) Approved laundry facilities on the premises, unless laundering is done on other approved premises.

CHAPTER 4

GENERAL REQUIREMENTS RELATING TO ALL BUILDINGS USED FOR PRE-SCHOOL INSTITUTIONS

7. Building requirements

- (1) Notwithstanding the provisions of the National Building Standards and Building Regulations Act, every building or part thereof used for a pre-school institution must comply with the following requirements:
- (a) the windows of all playrooms and isolation areas must be so designed and installed as not to constitute a danger to the children when open and so that the lower level is not more than 750mm from ground level.

- (b) The internal walls throughout must have a smooth surface and must be covered with a light coloured durable and washable paint.
- (c) Floors and skirting must be finished with a smooth surface, free of sharp edges or other dangerous defects.
- (d) All rooms must have a ceiling and such ceilings must have no open joints and must be painted with a light coloured durable and washable paint.

CHAPTER 5

STAFF RESIDENCY

8. Sanitary and ablution facilities for staff resident on the premises

- (1) The following separate facilities for males and females must be provided in respect of staff living on the premises:
 - (a) one water closet and one wash-hand basin for every 15 persons or part thereof;
 - (b) one bath or shower for every eight persons or part thereof;
 - (c) a constant available supply of hot and cold running water to the wash-hand basins, baths and showers referred to in paragraphs (a) and (b); and
 - (d) an adequate supply of soap, toilet paper and clean towels.
- (2) The area occupied by staff living on the premises will have no direct communication with any area used by the children and must be inaccessible to the children and adequately screened from the rest of the premises.

CHAPTER 6

RESTING, FEEDING AND PLAY EQUIPMENT

9. Equipment

- (1) Equipment for children must comply with the following:
 - (a) an adequate number of approved children's chairs must be provided. For children under 18 months of age, an adequate number of approved feeding chairs must be provided;
 - (b) an adequate number of approved children's tables must be provided;

- (c) an adequate supply of approved individual resting or sleeping equipment must be provided for each child. Such equipment must be marked with the relevant child's name or symbol, and so arranged that there is a minimum of 450mm between each child;
 - (d) an adequate supply of bedding must be provided and correspondingly marked with the name or symbol referred to in paragraph (c); and
 - (e) an adequate supply of approved indoor and outdoor play equipment must be provided.
- (2)
- (a) If bottles and teats are required for any children, bottles and teats as approved by the Head of Health Services must be provided for the individual use of such child, and such feeding bottles and teats must be sterilized by a method as approved by the Head of Health Services before use.
 - (b) If cutlery and crockery are required for any children, an adequate supply of cutlery and crockery must be provided for the convenient use of such children.
 - (c) No paddling pool, swimming pool, sand pit or other structure shall be permitted on the premises of any pre-school institution without the approval of the Head of Health Services, subject to such conditions concerning safety and coverage as he or she may determine from time-to-time.

CHAPTER 7

MEDICAL CARE OF CHILDREN

10. Medical and safety measures

- (1) Every child must be kept under observation for any signs of illness, indisposition or other abnormal condition.
- (2) The parent or guardian of the child concerned must be notified immediately when any illness, indisposition or abnormal condition is observed.
- (3) Whenever a child becomes ill or has suffered an injury requiring medical attention, a medical practitioner must be summoned. A telephone must be available for this purpose.
- (4) Any child who is ill or has suffered an injury, must be isolated and must receive the necessary care and comfort.
- (5) All instructions issued by the medical practitioner referred to in subsection (3) must be carried out and in the event of a communicable disease; the Head of Health Services must be notified immediately.
- (6) A record of all injuries and illnesses of every child must be kept.

11. Safety Measures

- (1) The following safety measures must be taken:

- (a) children must be adequately protected against fires, hot water installations, electrical fittings and appliances, heating appliances and any other article or thing which may be dangerous or cause injury to any child;
- (b) any slats or rails forming part of an enclosure, playpen, bed, cot or any other object or structure whatsoever, must not be more than 75mm apart and must be suitably installed and maintained in a good state of repair and a non-toxic paint will be used when painted;
- (c)(i) The premises must be entirely enclosed by an approved wall or other approved means of enclosure so as to prevent a child leaving the premises on his or her own accord, and to prevent the entrance of domestic animals;
- (ii) All gates or doors to such enclosure must be closefitting and securely locked or otherwise closed so as to prevent a child opening them.
- (d) The first-aid cupboard referred to in sections 5(1)(a) (iii) and 6(a)(ii) must be fully and adequately equipped to the satisfaction of the Head of Health Services. Such equipment must be readily available for use and kept out of every child's reach.
- (e) All medicines, pesticides, detergents and other harmful substances must be stored so as not to be accessible to any child; and
- (f) No noxious or poisonous plant or shrub must be permitted on the premises and no animal must be kept without the approval of the Head of Health Services.
- (2) No person known or suspected to be suffering from an infectious or contagious disease, and no person who has been in contact with a person so suffering will be allowed on the premises while in the opinion of the Head of Health Services such person is capable of communicating such infectious or contagious disease.
- (3) The provisions of the regulations regarding the exclusion of children from school on account of infectious diseases made in terms of the act, must apply to all pre-school institutions.

12. General duties

- (1) The health certificate holder, must ensure that the children are at all times properly cared for and supervised and must –
 - (a) maintain every part of the pre-school institution, including outdoor areas and all structures and equipment, in good repair and in a clean and tidy condition;
 - (b) take adequate measures to protect all foodstuffs from contamination;
 - (c) ensure that all perishable foodstuffs, other than unfrozen fruit and vegetables, are stored in refrigeration facilities at a temperature not exceeding 10°C, provided that milk must be so stored at a temperature not exceeding 7°C;

- (d) ensure that all persons on or in the premises are clean in person and clothing and are in good state of health;
- (e) ensure that no person may smoke tobacco product in the presence of a child;
- (f) ensure that all persons engaged in the handling and preparation of food, wear clean and sound overalls and headgear;
- (g) ensure that toys, books and other indoor play materials intended for day-to-day use are available in the play-room and suitably stored so as to be within the reach of the children;
- (h) (i) ensure that the children are at all times under the direct supervision of such number of adults as is required by the Head of Health Services. Such supervision may not be direct supervision of domestic staff;
- (ii) ensure that the qualifications of staff, including the supervisor or principal, comply with the requirements of the Head of Health Services;
- (i) ensure that each child uses his own towel or face cloth, as the case may be;
- (j) (i) ensure that all meals provided for the children meet with the requirements of the Head of Health Services;
- (ii) ensure that all menus are approved by the Head of Health Services and adhered to and so displayed as to be visible to the parents;
- (iii) keep records of all daily meals provided, and ensure that such records are open for inspection at all times;

CHAPTER 8

RECORDS

13. Application for admission

- (1) The health certificate holder must ensure that an application containing the following information is completed by a parent or guardian of a child before admission to a pre-school institution:
 - (a) the child's name and date of birth;
 - (b) name, address and telephone number of the parent(s) or guardian;
 - (c) place of employment and telephone number of the parent(s) or guardian;
 - (d) name, address and telephone number of a responsible person other than the parents or guardian, who may be consulted in emergencies;
- (e) Name, address and telephone number of child's medical practitioner and permission to consult him or her.
- (2) All such application forms must be retained and the date of admission and discharge of the child referred to in such form must be entered thereon.
- (3) Ensure that a personal file containing forms and details relevant to each particular child is maintained.

- (4) Ensure that all children admitted have completed basic immunization schedules as deemed necessary by the Head of Health Services.
- (5) If the children admitted are too young, such immunization must be carried out and completed as soon as such children are old enough.

14. Registers

- (1) A register must be kept of all the children admitted and discharged.
- (2) A register of attendance must be kept in which the presence or absence of children be noted daily.
- (3) Such attendance register must in addition include the children's respective dates of birth.

15. Medical report

- (1) A report containing the following health data must be obtained from the parent or guardian in respect of each child before admission and retained:
 - (a) information concerning the child's general state of health and physical condition;
 - (b) operations, illnesses and any communicable disease from which the child has suffered and the relevant dates;
 - (c) details of previous required immunization; and
 - (d) details of allergies and any medical treatment which such child may be undergoing.

16. Journal

- (1) A journal, diary, logbook or book of similar nature must be kept in which important or outstanding events, including accidents, and programmes of daily activities are recorded.

17. Suspension or termination of operations

- (1) The health certificate holder must notify the Council of the suspension or termination of the operations of the pre-school institution to which such health certificate relates or in the event of any occurrence as specified in section 4.

CHAPTER 9

INSPECTION

18. Right of entry and inspection of premises and records

- (1) Any duly authorized officer or Head of Health Services of the Council may for any purpose connected with the application of this by-law at all reasonable times and without notice, enter any premises upon which a pre-school institution is conducted or upon which such officer has reasonable grounds for suspecting the existence of such pre-school institution and make such examination, enquiry and inspection thereon as he or she may deem necessary.

CHAPTER 10

GENERAL PROVISIONS AND OFFENCES

19. Withdrawal of health certificate

- (1) The Council may at its discretion withdraw a health certificate issued in terms of this by-law.

20. Transitional arrangements

21. Offences and penalties

- (1) Any person who fails to comply with any provision of this by-law shall upon conviction if found guilty be liable on conviction to a fine not exceeding R2000 or imprisonment for a period not exceeding 12 months.

22. Short title and commencement

This by-law is called Greater Tzaneen Municipality: Health for Pre- Schools Institution By-laws and takes effect on the date of publication in the *Provincial Gazette*.

B. S. MATLALA
MUNICIPAL MANAGER

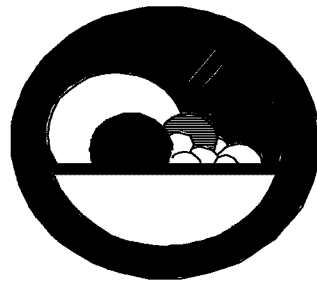
27 SEPTEMBER 2019

LOCAL AUTHORITY NOTICE 163 OF 2019



CEMETERY BY-LAW

R V 20 DECEMBER 2013



Greater Tzaneen Municipality

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PREAMBLE

In terms of section 156 (1) (a) of the Constitution 1996 (Act 108 of 1996) as amended from time to time, the Greater Tzaneen Municipality has executive authority in respect of, and has the right to administer the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5 of the Constitution, falling within its area of Jurisdiction which include provision for regulation of Municipal Cemeteries.

The aim of this by-law is to provide for the management of cemeteries; the setting out of graves and memorial walls; the interment of deceased persons therein; public and private graves; maintaining order in cemeteries; and to provide for further matters incidental thereto.

SCOPE AND APPLICATION

These by-laws apply to any area falling under the jurisdiction of the Greater Tzaneen Municipality in terms of the Local Government Demarcations Act 27 of 1998 as amended from time to time.

CHAPTER 1

1. Definitions.

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

“**adult**” means a deceased person over the age of 12 years;

“**anatomy subject**” means a body delivered to an authorized school of anatomy in terms of the Anatomy Act, 1959 (Act 20 of 1959);

“**ashes**” means the cremated remains of a body;

“berm” means a concrete base laid by the Council at the head of any grave, in a landscape section or a lawn section;

“body” means the remains of any deceased person;

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

“child” means a deceased person, under the age of 12 years, and includes a still borne baby;

“Council” means the Council of the Greater Tzaneen Local Municipality, established in terms of section 12 of the Local Government: Municipal Structures Act, no 117 of 1998;

“holder of private rights” means any person who has become entitled to the exclusive right to inter in a grave in terms of section 20;

“landscape section” means a cemetery or section of a cemetery set aside by the Council where memorial work is restricted in size as contemplated by section 50;

“lawn section” means a cemetery or section of a cemetery set aside by the Council where memorial work is restricted in size as contemplated by section 48;

“memorial section” means a cemetery or section of a cemetery set aside by the Council where memorial work is restricted in size as contemplated by section 49;

“memorial wall” means a wall provided with niches for the placement of containers of ashes, inscribed tablets or memorial plaques commemorating a deceased person who have been cremated;

“memorial work” means any tombstone, monument, plaque or other similar work erected or intended to be erected in any cemetery commemorating a deceased person and includes a kerb demarcating any grave and a slab covering any grave;

“municipality” means the municipal area for the Greater Tzaneen Local Municipality demarcated in terms of the Local Government: Municipal Demarcation Act, no 27 of 1998;

“niche” means a space in the memorial wall intended for the placing of a container for the storage of ashes;

“non-resident” means any deceased person who was not a resident;

“officer-in-charge” means a person authorized by the Council to be in control of any cemetery;

“public grave” means any grave in a cemetery which is not a private grave;

“private grave” means a grave in respect of which the exclusive right to inter therein has been acquired in terms of this by-law;

“private rights” means the exclusive right to inter which has been granted in terms of section 20 of this by-law;

“registrar of deaths” means any person appointed as registrar or assistant registrar of deaths in terms of the Births, Marriages and Deaths Registration Act, 1963 (Act 81 of 1963);

“resident” means any person, who at the date of his death, or who for at least six months immediately prior to such date ordinarily resided in the municipality;

“tariff of charges” means

CHAPTER 2 INTRODUCTORY

2. Disposal of a Body

- (1) The Council shall from time-to-time set apart any ground as a cemetery.
- (2) The council may, upon request from a group of persons or persons representative of such group, determine a separate burial area within a cemetery for deceased persons who belonged to such group, based on the religion or customs of such group, provided that such determination may not unfairly discriminate against any other group or person.

CHAPTER 3 INTERMENTS

3. Permission to Inter

- (1) No person may inter a body in any cemetery or cause it to be so interred without the permission of the officer-in-charge or without arranging a date and time for the interment with such officer.
- (2) Such permission will not be granted unless –
 - (a) a burial order in terms of Births, Marriages and Deaths Registration Act, 1963, has been issued and produced to the officer-in-charge;
 - (b) all applicable charges prescribed have been paid: and
 - (c) an application in terms of section 4 has been submitted.

- (3) In all cases of death which have been the subject of an inquest, a Magistrate's warrant must be submitted to the officer-in-charge, prior to interment.
- (4) In considering the granting or refusal of the permission referred to in subsection (1), the officer-in-charge will have regard to the customs of the people making use of the cemetery.

4. Application for Interment

- (1) Any person desiring to have a body interred must in accordance with the provisions of subsections (2) and (3), submit to the officer-in-charge an application completed in the form set out in Schedule 1 to this by-law, signed by the nearest surviving relative of the deceased person or person authorized by such relative, or if the officer-in-charge is satisfied that the signature of such relative or person authorized cannot, having regard to all the circumstances, be obtained timeously, any other person who satisfies the officer-in-charge as to his identity and interest in the interment concerned.
- (2) Every application for interment must be submitted at least twelve working hours before such interment, unless the officer-in-charge consent upon reasons forwarded, a lesser period.
- (3) Notice of any postponement or cancellation of any interment will be given to the officer-in-charge not later than one hour before the interment was to have taken place.

5. Interment Only in Allocated Grave

- (1) Subject to the provisions of this by-law, an interment may only take place in a grave allotted by the officer-in-charge.
- (2) A register of all graves must be kept by the officer-in-charge together with a plan showing the position and number of each allotment, together with the full names of the deceased interred in each grave.

6. Dimensions of graves

Subject to the provisions of section 7, the standard dimensions of the aperture for graves will be –

(a) an adult's grave will –

- (a) measure 2 600mm in length and 1 500mm in width at surface level; and
- (b) have an excavation of 2 300mm in length, 2 400mm in depth and 850mm in width;

(2) a child's grave will –

- (a) measure 1 500mm in length and 1 000mm in width, at surface level; and
- (b) have an excavation of 1 400mm in length, 1 500mm in depth and 600mm in width;

7. Enlargement of Excavation

- (1) Notwithstanding the provisions of section 6, if a coffin is too large to be accommodated within the excavation of an adult's grave or for the purpose of subsection (3), such excavation may be enlarged to a size which will accommodate such coffin, or for the purpose of subsection (3).

- (2) If the excavation of a grave is to be enlarged, or deepened as contemplated in subsection (1), the officer-in-charge must be notified accordingly, not later than noon on the day before the interment, excluding any Saturday, Sunday and public holiday, and such notice must be accompanied by payment of the appropriate charge prescribed.
- (3) An excavation may be enlarged on its vertical sides by not more than 200mm per side, for the purpose of constructing an enclosure within the excavation with clay brick walls, which walls may not be less than 200mm from the surface elevation of the excavation and may only be constructed by a building contractor approved by the Council. The responsibility for safety obligations will rest with the family or the building contractor approved by the family.

8. Covering of Coffins

- (1) There must be at least 1 200mm of soil between any adult's coffin and the surface of the ground, and at least 900mm of soil in the case of a child's coffin.
- (2) At least 300mm of soil must be placed over any coffin immediately after interment.

9. Construction of coffins

A coffin intended to be placed in a grave must be constructed of natural timber or any other decomposable material approved by the officer-in-charge.

CHAPTER 4 FUNERALS

10. Religious or Memorial Services

- (1) Subject to the directions of the officer-in-charge, a religious ceremony or memorial service may be conducted in any cemetery.
- (2) No person may within any cemetery, drive a hearse or cause any hearse to be driven elsewhere than on a roadway, or leave or detain any hearse in such roadway after removal of the coffin from such hearse.

11. Conveyance of Bodies

- (1) No person may in any street, cemetery or public place –
 - (a) convey a body in an unseemly manner;
 - (b) expose any part of such body;
 - (c) remove any lid or slide of a coffin in which a body has been placed.
- (2) Subsection (1) does not apply to a body which lies-in-state in a room set apart for this purpose and to which only persons in mourning may be allowed or to open a slide above the face of the deceased at a religious or memorial service.

12. Conveyance of Coffins

A person who in terms of this by-law applies to have a body interred will be responsible for ensuring that the coffin is conveyed to the grave.

13. Compliance with Directions at Funerals

Any person taking part in a funeral, procession or ceremony within any cemetery must comply with any reasonable direction of the officer-in-charge.

14. Duration of Services

No person may occupy for more than 60 minutes any grave site or chapel in a cemetery for the purpose of a service or ceremony without the consent of the officer-in-charge.

15. Funeral Hours

- (1) No funeral may take place before 09h00 or after 16h30, unless with the written approval of the officer-in-charge and subject to such conditions as such officer may determine.
- (2) The Council will determine a charge for the conduct of a funeral outside the hours referred to in subsection (1).

CHAPTER 5 MEMORIAL WALL

16. Use of Niches and Affixing of Memorial Work

No niche or space in a memorial wall may be used for the storage of ashes or for affixing a memorial work without the prior consent of the officer-in-charge and without payment of the applicable charges.

17. Memorial Work on Memorial Wall

- (1) A memorial plaque may be affixed to the allotted niche in the memorial wall, in remembrance of the deceased.
- (2) Such memorial work must conform to the following requirements:

- (a) Memorial work intended to be placed in a niche on a memorial wall shall be made of polished marble, granite or other durable natural material and measure not more than 145mm x 220mm x 200mm, and
 - (b) The niche must be sealed with a memorial plaque made of such material as to conform with adjacent memorial work.
- (3) No memorial work may be removed from or re-affixed to a memorial wall without the prior consent of the officer-in-charge and without the payment of the applicable prescribed charges.

CHAPTER 6

PUBLIC AND PRIVATE GRAVES

18. Conversion of Public Grave to Private Grave

- (1) Subject to the provision of this section, the Council may on submission to the officer-in-charge of an application completed in the form set out in Schedule 2 to this by-law and on payment of the appropriate charge prescribed, grant to an applicant the exclusive future right to inter in any public grave and such grave shall thereupon become a private grave.
- (2) The officer-in-charge must enter in a register kept for this purpose, the name of the person having the right to inter in such private grave, together with the grave number to which the right relates.
- (3) The holder of private rights may indicate a person on the application form, Schedule 2 (**check this schedule**), which person shall upon the death or incapacity of the holder of private rights, substitute such holder.

19. Transfer or Disposal of Rights

- (1) Any holder of private rights may in writing transfer his or her rights in respect of a private grave to any person, provided that no such transfer shall be valid unless –
 - (a) a copy of the document effecting the transfer has been furnished to the officer-in-charge; and
 - (b) the appropriate charge prescribed, has been paid.
- (2) If the Council is satisfied on good reason, that the holder of private rights or the person meant in section 19 (3), will not exercise the right to inter in a private unused grave, the Council may convert such private grave into a public grave.

20. Subsequent Interment

- (1) Not more than two interments may be made in any private grave: Provided that a third interment may be made in such grave with the consent of the officer-in-charge if the grave has been deepened as contemplated in section 7.
- (2) Any holder of private rights desiring to have a body interred in a private grave as a second or third interment in such grave shall apply to officer-in-charge on the Application Form Schedule 1 and -
 - (a) remove all memorial work on such grave at his own expense and comply with any requirement of the officer-in-charge in respect of such removal;
 - (b) after compliance with paragraph (a), give at least 24 hours' written notice to the officer-in-charge of such interment, which period will

be calculated exclusive of any Saturday, Sunday and public holiday.

- (3) The notice referred to in subsection (2) shall be accompanied by written proof of the title of the holder of private rights to the grave concerned and by the appropriate charges prescribed.

CHAPTER 7

CEMETERY MATTERS

21. Closing

The officer-in-charge may at any time close a cemetery in the interest of the health and safety of any person or persons, for such time as may be necessary.

24. Entrances and Exits

No person may enter or leave any cemetery except by the gates provided for that purpose, nor enter any office or enclosed place in any cemetery except on business.

25. Cemetery Hours

- (1) Every cemetery will be open during the following hours:

- Weekdays and Saturdays: From 05h00 to 19h00
- Sundays: From 05h00 to 19h00

- (2) Subject to the provisions of section 23, no person may remain in any cemetery after the closing time

- (3) The Council has the power to close to the public any cemetery or portion thereof for such periods as the Council may deem fit.

26. Children

No person under 12 years of age may enter any cemetery unless such person is under the care of a person older than 18 years of age.

26. Disturbance of Soil or Plants

No person may plant any trees, shrubs, plants or grass within any cemetery without the permission of the Council, and no person may disturb the soil or destroy, damage or disturb any tree, shrub, plant or grass within a cemetery except where it is expressly permitted by this by-law.

27. Negligence on Property and Prohibited Actions

- (1) No person may –
- (a) wantonly or negligently destroy or cause to be done any damage to any monument, vault, tombstone, building, path, railing or fence or other fixture or facility within or of a cemetery;
 - (b) daub or disfigure any wall or fence of a cemetery;
 - (c) put up any bill or placard therein or on any wall or fence thereof;
 - (d) play any game or sport therein;
 - (e) discharge any firearms (unless at a military funeral), air gun or catapult therein;
 - (f) wantonly disturb, or annoy any person or persons assembled therein for the purpose of a burial.

29. Unseemly Acts Forbidden

No person may create any disturbance or commit any unseemly or indecent act in a cemetery.

30. Animals in Cemetery

No person may bring or allow any dog or other animal to inside a cemetery.

31. Exercise of Control by the Officer-in-Charge

Undertakers and all persons working in a cemetery, taking part in any funeral or visiting a cemetery, will be subject to the control of the officer-in-charge. No person may disobey, resist or obstruct the officer-in-charge during the performance of his or her duties.

32. Vehicles in the Cemetery

- (1) No vehicles may deviate from the existing roads in the cemetery.
- (2) The driver of a motor vehicle shall at any time, when requested to do so by the officer-in-charge, give an acceptable explanation for his presence in the cemetery.
- (3) No person may use a road or walk within a cemetery for the conveyance of any goods, parcels or other materials, except such as are intended for use in such cemetery.
- (4) The officer-in-charge may refuse entry or further entry of vehicles if the number of vehicles in a cemetery will cause a disturbance or traffic congestion.

33. Demonstrations

No persons may hold or take part in any demonstration in a cemetery without the consent of the Council.

34. Obstruction of Workmen

No person may interrupt or obstruct the work of any workman, contractor or employee of the Council in a cemetery.

35. Distribution of Tracts or Advertisements

No person may solicit any business or exhibit, distribute or leave any tract, business card or advertisement within a cemetery.

36. Sitting or Climbing upon memorials

No person may sit, stand, walk or climb upon or over any memorial work, grave, gate, wall, fence, building or structure in a cemetery.

37. Complaints

Any person wishing to lodge a complaint must submit such complaint in writing to the Council.

38. Charges

The prescribed charges as determined by the Council from time to time.

39. Signature of notices

Any written permission, notice or other document issued by the Council under this by-law will be signed by the Secretary or by an employee of the Council duly authorized thereto.

CHAPTER 8

REOPENING OF GRAVES AND EXHUMATIONS

40. Conditions of Exhumation

- (1) No person may – (REVISE IN TERMS LEGISLATION)
 - (a) exhume or cause to be exhumed any body without the prior written consent of the Council and the approval of the Premier of the Limpopo Province in terms of the Removal of Graves and Dead Bodies Ordinance, 1925 (Ordinance 7 of 1925);
 - (b) exhume or cause to be exhumed any body during any period when the cemetery is open to the public.
- (2) If remains are to be exhumed from any grave, the officer-in-charge may cause the grave to be excavated for such exhumation but may not, except as provided by section 44, remove any body from the grave.
- (3) If a grave is required to be excavated for exhumation, the officer-in-charge must be given at least 48 hours written notice of the proposed exhumation and such notice shall be accompanied by the appropriate charge prescribed.
- (4) The grave from which any body is to be exhumed must be effectively screened from view during the exhumation, and a suitable receptacle for the body shall be provided by the person carrying out such exhumation.
- (5) The person carrying out such exhumation must ensure that the body and grave are properly disinfected and deodorized.

41. Re-interment by the Council

If, in the opinion of the Council, the exhumation of any body is advisable or necessary, or if a body has been interred in a grave in contravention of this by-law, the Council may, subject to the provisions of the Removal of Graves and Dead Bodies Ordinance, 1925, cause such body to be exhumed and re-interred in another grave: Provided that whenever possible the nearest known relative of the deceased person shall be notified in writing of the intended re-interment and such relative shall be entitled to attend such re-interment.

CHAPTER 9 CARE OF GRAVES

42. Gardening of Graves and Objects on Graves

- (1) No person other than the council may garden any grave.
- (2) No person may erect, place or leave upon a grave any object or decoration, except during the first twenty-eight days following the interment therein.
- (3) Notwithstanding the provisions of paragraph (a), natural or artificial flowers and the receptacles in which they are contained may be placed on a grave: Provided that on a grave with a berm, natural or artificial flowers may only be placed in a receptacle placed in the socket provided in the berm or headstone.
- (4) The officer-in-charge or any member of his staff may remove natural or artificial flowers and any receptacle placed on a grave, when they become withered, faded or damaged.

CHAPTER 10 MEMORIAL WORK

43. Erection or Re-erection of Memorial Work

- (1) No person may erect any memorial work unless a plan of and dimensions of such memorial work has been approved by and the written consent of the officer-in-charge obtained.
- (2) Application for consent in terms of subsection (1) must be made at least five working days before the proposed date of the erection to the officer-in-charge in the form set out in Schedule 3 to this by-law and shall be accompanied by the appropriate charge.
- (3) If memorial work is removed for additional inscriptions or other alterations thereto, the provisions of subsection (1) shall mutatis mutandis apply.
- (4) Save with the permission of the officer-in-charge, no work on any memorial work may be performed on a Saturday, Sunday or public holiday, or at any time between the hours 17h00 and 09h00.
- (5) No person may erect or re-erect any memorial work at any time when the ground upon which such memorial work is to be erected or re-erected is, in the opinion of the officer-in-charge, in an unsuitable condition.
- (6) The person in charge of the erection or re-erection of any memorial work must produce the written consent referred to in subsection (1), at the request of the officer-in-charge.
- (7) No memorial work or material for use in connection therewith may be conveyed in any cemetery in such manner as may damage the paths or grounds.

- (8) Any surplus material, rubbish or rubble resulting from the erection or re-erection of any memorial work, shall be removed forthwith by the person responsible for such erection.

44. Inferior Memorial Work

- (1) The Council may prohibit the erection or re-erection of any proposed memorial work which in its opinion is of inferior workmanship or quality or which is in any way likely to disfigure any cemetery.
- (2) The Council may remove or prohibit any memorial work which in its discretion, is or may become unsightly, broken, dangerous, vandalized or disseminate.

45. Inscriptions on Memorial Work

- (1) Any memorial work shall, when erected, display the number assigned to the grave concerned by the officer-in-charge, in permanent and visible markings on the side of the base of the memorial work, or in the case of a tablet erected on any grave in a landscape section, on the upper surface in the lower left hand corner of such table.
- (2) The only particulars of the maker of memorial work which may appear thereon will be his name, which shall be placed at the base of the memorial work.

46. Dismantling of Memorial Work

- (1) Subject to the provisions of this section, no person other than the holder of private rights or a person authorized in writing by such holder shall dismantle, alter or disturb any memorial work on a grave and such holder or person shall only do so with the prior permission of the officer-in charge.

-
- (2) Dismantled memorial work may not be left in any part of the cemetery except on the grave on which such memorial work had been erected: Provided that the officer-in-charge may in the case of a second or subsequent interment in such grave permit such memorial work to be left elsewhere in the cemetery for a period not exceeding thirty (30) days after such interment.
- (3) If a holder or person referred to in subsection (1), fails to re-erect dismantled memorial work within six months after it has been dismantled or if such memorial work is left within the cemetery in contravention of subsection (2), the Council may give 30 days' written notice to such holder or person requiring him or her at his own expense to re-erect such memorial work or to remove such memorial work from the cemetery together with all rubble connected therewith.
- (4) If in the opinion of the Council, any memorial work has become a danger to the public or has been erected in contravention of this by-law, or has become damaged, the Council may give written notice to the holder or person referred to in subsection (1), requiring him at his own expense, to render such memorial work safe or to alter such memorial work so that it complies with the provisions of this by-law or to dismantle and remove such material work from the cemetery together with all rubble connected therewith within a period specified in such notice.
- (5) If such holder or person fails to comply with a notice in terms of subsection (3) or (4), the Council may, without incurring any liability to pay compensation –
- (a) re-erect the memorial work concerned; or
 - (b) dismantle and dispose of the memorial work concerned and remove any rubble connected therewith; or
 - (c) render the memorial work concerned safe;
-

and such holder or person will be liable for any costs incurred by the Council in doing any act in terms of this sub-section.

- (6) If, in the opinion of the Council, any memorial work has become so dangerous to the public that immediate steps to safeguard the public are essential, the Council may without giving any notice to the holder or person referred to in subsection (1), and without incurring any liability to pay compensation –
 - (a) dismantle the memorial work concerned and remove it and any rubble connected therewith; or
 - (b) render the memorial work concerned safe.
- (7) If the Council has acted in terms of subsection (6), it may immediately, in writing, notify the holder or person referred to in subsection (1), of the work that it has done and if memorial work was dismantled in terms of subsection (6) (a), that unless such person reclaims and removes the memorial work from the cemetery within a reasonable period stipulated in the notice, the Council will dispose thereof.
- (8) Such holder or person will be liable for any costs incurred by the Council in doing any act in terms of subsection (6).
- (9) If the holder or person referred to in subsection (1) fails to pay the costs referred to in subsection (8) or to reclaim and remove memorial work dismantled by the Council in terms of subsection (6) (a), the Council may dispose of such memorial work in any manner it deems fit and if any proceeds are derived from such disposal, they shall be offset against the cost of the dismantling, removing, storing and disposing of such memorial work and rubble connected therewith.

47. General Requirements for Memorial Work

- (1) Any person who erects or re-erects memorial work must ensure that –
 - (a) whenever any part of such memorial work is to be joined to any other part, it shall be so joined by the use of copper or galvanized iron clamps, pins or dowels of approved thickness and of a length sufficient to fit holes which shall not, without the prior written permission of the officer-in-charge, be less than 50mm deep;
 - (b) a foundation which is adequate to support the proposed memorial work is provided for such memorial work;
 - (c) all kerb stones are squared and laid in accordance with the instructions of the officer-in-charge so as to ensure that when the ground surrounding such kerb stones has been leveled, such kerb stones do not exceed a height of 230mm above ground level; and
 - (d) if loose stone chips are placed on a grave, the level of such stone chips shall not be higher than 10mm below the level of the surrounding kerb stone.

48. Requirements for Memorial Work in Lawn Section

- (1) The following provisions apply to memorial work and graves in a lawn section:
 - (a) the dimensions of the base of any headstone on an adult's grave shall not exceed 915mm length and 255mm in width, but if the base of the headstone is erected over two adjoining graves, such base shall not exceed 1800mm in length and 255mm in width.
 - (b) head stones may not exceed the length and breadth of the cement verges.

- (c) the dimensions of the base of any headstone on a child's grave shall not exceed 610mm in length and 255mm in width, but if the base of the headstone is erected over two adjoining graves, such base shall not exceed 1 200mm in length and 255mm in width.
- (d) no portion of any headstone shall extend beyond the horizontal dimensions of its base;
- (e) the maximum height of a headstone will not exceed 1500 mm above the surface level of the berm;
- (f) A headstone will only be placed at such place as indicated by the officer-in-charge;
- (g) Headstones shall only be erected on the berms provided by the Council and in the case of headstones in a back-to-back position on the same berm the width dimension in subsections (1) and (2) will be so spaced to allow the positioning of both headstones on the berm;
- (h) no part of any memorial work other than the headstone shall exceed 1070mm in height above the berm;
- (i) any headstone shall be so positioned that the front edge of the base of the headstone is at least 130mm from the front edge of the berm;
- (j) no object other than a headstone which may incorporate not more than two sockets for receptacles for flowers shall be placed on any grave: Provided that a vase in which natural or artificial flowers and foliage may be kept may be placed in a socket provided in a berm for such vase and such vase shall not exceed 300mm in height and its horizontal dimensions shall not be more than 60mm greater than its base;

(k) no kerb demarcating any grave and no slab covering any grave shall be permitted.

(l) head stones may only be placed in areas as indicated by the caretaker and on verges as supplied by the Council.

49. Requirements for Memorial Work in Memorial Section

(1) In the Memorial Section of a cemetery, the maximum measurements of any memorial work erected on a grave in a memorial section must be –

(a) in the case of an adult's grave, 2 500mm in length, 1 050mm in width, and 1200mm in height measured from the ground surface;

(b) in the case of a child's grave, 1 500mm in length, 600mm in width and 800mm in height measured from the ground surface.

(2) Head stones may only be placed in areas as indicated by the caretaker and on verges as supplied by the Council. The head stone must be the same size as stipulated for the cement verges.

(3) Head stones in the memorial section do not require a foot piece.

(4) The number of the grave must be placed on a prominent place on the memorial work above soil level.

50. Requirements for Memorial Work in Landscape Section

Any memorial work erected on a grave in a landscape section may not exceed 230mm in length, 305mm in width and 30mm in height and shall be mounted on a berm.

51. Supervision of Work

Any person engaged upon memorial work in a cemetery must effect such work under the supervision, and to the satisfaction, of the officer-in-charge.

CHAPTER 11

TRIBAL AND VILLAGE CEMETRIES

52. 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;
 - (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 seem necessary to be supplied together with the application in subsection (1).

53. 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.

54. **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.

55. **Ownership**

- (1) The tribal authority or village community must submit, together with the application meant in section 51 (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.

56. **Graves**

- (1) A grave in a cemetery meant in this Chapter may only be dug by a person or persons authorized thereto by the Council and subject to such safety measures as the Council may require.
- (2) The cost of digging a grave referred to in subsection (1) will be determined by Council in terms of its tariff of charges.
- (3) Sections 3, 4 and 5 of this by-law, will with the necessary changes, be applicable to an interment in terms of this Chapter, subject thereto that the Council may appoint a member of the tribe or village community to perform the functions of the officer-in-charge in relation to such interments.

- (4) Sections 6 and 7 of this by-law will apply to graves dug in terms of this Chapter, subject thereto that the person appointed in terms of subsection (3) may approve in writing a change in the dimensions of a grave where required by religions or customary practice, further subject thereto that there shall at least be 1 200mm of soil between the coffin or deceased person and the surface ground.

57. **Tariff of Charges**

The Council may determine tariff of charges for the interment of a deceased person in a grave meant in this Chapter.

58. **Withdrawal of Approval**

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 meant in section 2 (1).

CHAPTER 12 GENERAL

59. **Prohibited acts**

- (1) No person may enter or leave any cemetery except by the gateways provided.
- (2) No person may within any cemetery –
- (a) enter any office or any enclosed place where entry is prohibited by means of a notice displayed in a conspicuous position, except on business connected with such cemetery;

- (b) solicit any business, or exhibit, distribute or leave any tract, business card or advertisement;
- (c) sit, stand, climb upon, or deface or damage any memorial work or Council property;
- (d) commit any offensive, indecent or objectionable act or any act which constitutes a nuisance or causes a disturbance;
- (e) introduce any animal without the consent of the officer-in-charge;
- (f) hold or take part in any demonstration;
- (g) remove any plant or part thereof without the consent of the officer-in-charge;
- (h) drive or park any vehicle without the prior consent of the officer-in-charge on any road where driving or parking is prohibited by means of a notice displayed in a conspicuous position or drive or park any vehicle contrary to any direction of the officer-in-charge;
- (i) drive any vehicle or ride any cycle at a speed exceeding 20km per hour;
- (j) obstruct, resist or oppose the officer-in-charge or any member of his staff in the exercise of his powers or performance of his duties under this by-law, or refuse to comply with any lawful order or request of the officer-in-charge or any member of his staff;
- (k) play or cause to be played any musical instrument or apparatus without the prior consent of the officer-in-charge;
- (l) play any sport or conduct himself in a manner not in keeping with the atmosphere of a cemetery.

60. Liability of Council in respect of Injury or Damage

The Council will not be liable for any injury to person or damage to any property if such injury or damage has been sustained in a cemetery, except where such injury or damage was caused by the willful misconduct of or a negligent act of commission by an employee of the Council.

61. Pauper Burial

If deceased person's estate is without means to defray the cost, or any part thereof, of a burial and no relative or other person can be found liable to bear the burial costs, or any part thereof, of such deceased person, the Council may bear the cost of interment or part thereof and the Council will in such instance decide on the grave and manner of interment.

62. Charges

The Council may determine different charges for the burial of deceased persons, and for conversion of public graves to private graves in respect to residents and non-residents.

63. Offences and Penalties

Any person shall be guilty of an offence and liable on conviction to a penalty not exceeding R2 000, or to imprisonment, or to both such fine and imprisonment, who –

- (a) willfully conceals any fact or document in connection with an application for interment;
- (b) makes any false statement in a written application for interment;
- (c) contravenes any provision of this by-law;

64. Short title and commencement

These by-laws shall be known as the Greater Tzaneen: Cemetery By-Law and takes effect on the date of publication in the *Provincial Gazette*.

B. S. MATLALA
MUNICIPAL MANAGER

27 SEPTEMBER 2019

SCHEDULE 1
GREATER TZANEEN MUNICIPALITY
APPLICATION FOR BURIAL OF DECEASED PERSON

1. PARTICULARS OF DECEASED:

Full Name :

Identity Number :

Date of Birth :

Residential Address :

on date of death

Residential Address
during period six months prior
to death

Age of Deceased :

Sex of Deceased :

Course of Death :

Date of Burial Order or Court
Order :

(Original attached)

2. PARTICULARS OF APPLICANT:

Full Name :

Identity Number :

Residential Address :

Postal Address :

Work Address :

Telephone Numbers:

Cell phone

:

Home

:

Work

:

Relationship to Deceased

:

3. FUNERAL PARTICULARS:

Undertaker

:

Undertaker - Address

:

Undertaker – Telephone
Number

:

Approximate number of
Persons to Attend Funeral

:

Has Arrangement been made
with Traffic Department for
Funeral Procession?

:

Date of Burial

:

Time of Burial

:

Length and width of coffin

:

Material of which coffin is
made

:

Cemetery Section

Landscape Section	
Lawn Section	
Memorial Section	
Memorial Wall	
<i>(tick which is applicable)</i>	

4. PAYMENT OF CHARGES:

Charge for Burial :
Date of Payment :
Receipt Number (Copy :
Attached)

5. APPROVAL FOR INTERMENT:

Date of Burial :
Time of Burial :
Section of Cemetery :
Special Arrangements :
Approved

Grave Number :
Person Authorizing :
Application Approved :
(Signature)
Date

SCHEDULE 2
GREATER TZANEEN MUNICIPALITY
APPLICATION FOR PUBLIC GRAVE TO PRIVATE GRAVE

1. APPLICANTS PARTICULARS:

Full Name :

Identity Number :

Residential Address :

Work Address :

Telephone Numbers:

Cell phone :

Home :

Work :

(Should any of the above particulars change, the applicant must inform the Council immediately.)

2. SUBSTITUTION:

Should the Applicant die or become incapacitated, the Applicant nominate the following person to become the holder of private rights in his/her stead:

Full Name :

Identity Number :

Residential Address :

Work Address :

Telephone Numbers:

Cell phone :

Home :

Work :

4. RIGHT OF INTERMENT:

The Applicant himself/herself wish to be interred in the private grave: Yes /
No

(Delete which not applicable.)

5. PAYMENT OF CHARGE:

Amount paid for private grave : R

Receipt Number :

6. ALLOCATION OF PRIVATE GRAVE:

Grave Number :

Section of Cemetery :

Person Authorizing :

Application Approved :

(Signature)

.....
Date

SCHEDULE 3 (Ambles)
APPLICATION TO ERECT MEMORIAL WORK

PARTICULARS OF DECEASED:

(If more than one deceased in grave, particulars of all required.)

Full Name	:	1.
		2.
		3.
Identity Number	:	1.
		2.
		3.
Grave Number	:	
Cemetery Section	:	
Date of Burial	:	1.
		2.
		3.

PARTICULARS OF APPLICANT:

Full Name	:
Identity Number	:
Residential Address	:
	
Work Address	:
	
Telephone Numbers:		
Cell phone	:
Home	:
Work	:	

Relation to Deceased

:

PARTICULARS OF MEMORIAL WORK:

1. Please attach sketch plan of Memorial Work to this application, included dimensions.

2. Describe any words and / or figures to be inscribed on Memorial Work:

.....
.....
.....

3. Person to be responsible for erection of Memorial Work:

.....
.....
.....

4. Material of which Memorial Work will be made of:

.....
.....

5. Date to be erected on grave:

.....

APPROVAL OF APPLICATION:

The Application is approved / disapproved; with the following comments / conditions:

.....
.....

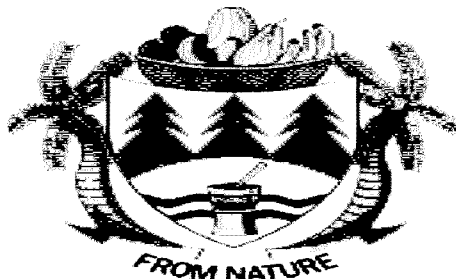
Person Approving:

Signature:

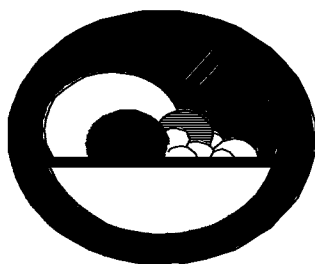
Date:

LOCAL AUTHORITY NOTICE 164 OF 2019

Greater Tzaneen Municipality



PROPERTY RATES BY-LAW



Greater Tzaneen Municipality

Greater Tzaneen Municipality**PROPERTY RATES BY-LAWS**

In terms of Section 229(1) of the Constitution authorises a municipality to impose rates on property and surcharges on fees for services provided by or on behalf of the municipality.

In terms of section 3 of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), a municipal council must adopt a policy consistent with the Property Rates Act on the levying of rates on rateable property in the municipality.

In terms of section 6(1) of the Property Rates Act, a municipality must adopt by-laws to give effect to the implementation of its rates policy.

In terms of section 6(2) of the Property Rates Act, by-laws adopted in terms of section 6(2) may differentiate between different categories of properties; and different categories of owners of properties liable for the payment of rates.

PREAMBLE

WHEREAS the Constitution of the Republic of South Africa, 1996, entitles municipalities to impose rates on property in their areas, subject to regulation in terms of national legislation;

AND WHEREAS the Constitution enjoins local government to be developmental in nature, in addressing the service delivery priorities of our country and promoting the economic and financial viability of our municipalities;

AND WHEREAS there is a need to provide local government with access to a sufficient and buoyant source of revenue necessary to fulfil its developmental responsibilities;

AND WHEREAS income derived from property rates is a critical source of revenue for municipalities to achieve their constitutional objectives, especially in areas that have been neglected in the past due to racially discriminatory laws;

AND WHEREAS it is essential that municipalities exercise their power to impose rates within a statutory framework that not only enhances certainty, uniformity and simplicity across the nation, but also takes into account historical imbalances and the rates burden on the poor;

AND WHEREAS the Constitution and other legislation confers on the Municipality the power to regulate the exercise by municipalities of their fiscal powers; and

AND WHEREAS the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004) came into effect on 2 July 2005.

BE IT THEREFORE ENACTED by the Greater Tzaneen Municipality, as follows:

Greater Tzaneen Municipality

CHAPTER 1

1. Definitions

In these by-laws, any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004, bears that meaning, and unless the context indicates otherwise –

“business” in relation to property, means the use of property for the activity of buying, selling or trading in commodities or services on a property and includes any office or other accommodation on the same property, the use of which is incidental to such activity, but does not include the business of agriculture, farming, or any other business consisting of the cultivation of soils, the gathering in of crops, the rearing of livestock or the propagation and harvesting of fish or other aquatic organisms;

“category” means the category in relation to properties for the purpose of levying different rates, and category in relation to owners of properties for the purpose of granting exemptions, rebates and reductions;

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), as amended;

“Credit Control and Debt Collection By-laws” means the Municipality's promulgated Credit Control and Debt Collection By-laws, as amended from time to time;

“government property” means property owned and exclusively used by an organ of state, excluding farm properties used for residential or agricultural purposes or not in use;

“non-permitted use” in relation to property, means any use of a property that is inconsistent with or in contravention with the permitted use of that property in which event and without condoning the non-permitted use thereof, the property shall be valued as if it were used for such non-permitted purposes only;

“improvement” means any building or structure on or under a property, but excludes – (a) a structure constructed solely for the purpose of rendering the property suitable for the erection of any immovable structure thereon; and (b) any building, structure or equipment or machinery referred to in section 46(3) of the Local Government: Municipal Property Rates Act;

“independent school” means a private school registered or deemed to have been registered in terms of the South African Schools Act, No. 84 of 1996 and any applicable provincial law;

Greater Tzaneen Municipality

“indigent” means any household that is legally resident in the country and reside in the Greater Tzaneen Municipality’s jurisdictional area, who due to a number of economic and social factors are unable to pay municipal basic services, and is registered by the Municipality as such;

“industrial” in relation to property, means the use of a property for a branch of trade or manufacturing, production, assembling or processing of finished or partially finished products from raw materials or fabricated parts on such a large scale that capital and labour are significantly involved, including any office or other accommodation on the property, the use of which is incidental to the use of the factory;

“municipal property” means any property rateable or non-rateable, owned by the Municipality;

“Municipality” means the Greater Tzaneen Municipality established by the provisions of section 12 of the Local Government: Municipal Structures Act (Act 117 of 1998) as amended;

“Municipal Finance Management Act” means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), as amended;

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

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

“municipal valuer” means the person designated as municipal valuer by the Municipality in terms of section 33 of the Municipal Property Rates Act;

“multiple purposes” in relation to property, means property that cannot be assigned to a single category due to the multiple use of such property in which event the property will be valued based on the apportionment of uses in accordance with the applicable category of the property in terms of this policy;

“owner” in relation to property means the owner as defined in section 1 of the Municipal Property Rates Act;

“pensioner” for purposes of the rates policy and eligibility for old age rebate, pensioner means any owner of rateable property who has reached the age of 60 years or more during the Municipality’s financial year;

Greater Tzaneen Municipality

“permitted use” means the limited purposes for which the property may be used in terms of - (i) a condition of title; (ii) a provision of the Municipality’s applicable Town Planning or Land Use Scheme as amended from time to time; (iii) any legislation applicable to any specific property or properties; or (iv) any alleviation of any such restriction;

“physically or mentally disabled” means a person who, owing to physical or mental disability, is unfit to obtain by virtue of any service, employment or profession, the means needed to enable him or her to provide for his or her maintenance, in terms of the provisions of the Social Assistance Act, 2004 (Act No. 6 of 2004);

“property” means – (i) immovable property registered in the name of a person, including, in the case of sectional title scheme, a sectional title unit registered in the name of a person; (ii) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property; (iii) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or (iv) public service infrastructure;

“residential property” means a suite of rooms which form a living unit that is exclusively used for human habitation purposes only, or a multiple number of such units on a property, including old-age homes, retirement villages and life right schemes. But for purposes of this rates policy, this definition excludes hostels, communes, boarding and lodging undertakings, places of instruction, hotels, guesthouses, and any vacant land irrespective of its zoning or intended usage;

“supplementary valuation roll” means a valuation roll referred to in section 78 of the Municipal Property Rates Act;

“vacant land” in relation to property, means – (a) land on which no immovable improvements have been erected; or (b) land, where the value added by immovable improvements is less than 10% of the value of the land with no immovable improvements on it, applicable to urban and non-urban land;

“valuation roll” means the valuation roll as referred to in section 30 of the Municipal Property Rates Act.

CHAPTER 2**2. Categories****(1) Contents of Rates Policy**

The municipality must in terms of section 3(3) of the Act, determine or provide criteria for the determination of categories of properties for the purpose of levying

Greater Tzaneen Municipality

different rates and categories of owners of properties, or categories of properties, for the purpose of granting exemptions, rebates and reductions.

Categories of rateable property may be determined according to the actual use of the property, and if the property is not in use, the permitted use or zoning of the property, or the geographical area in which the property is situated.

A municipal council must annually review, and if necessary, amend its rates policy, and any amendments to a rates policy must accompany the municipality's annual budget when it is tabled in the council in terms of section 16(2) of the Municipal Finance Management Act.

(2) Categories of properties

Categories of rateable property for purposes of levying differential rates are in terms of section 8(2) of the Municipal Property Rates Act, determined as follows:

- (a) Residential properties
- (b) Business and Commercial properties
- (c) Industrial properties
- (d) Municipal property (rateable)
- (e) Municipal property (not rateable)
- (f) State-owned properties
- (g) Public Service Infrastructure
- (h) Agricultural
- (i) Agricultural vacant land
- (j) Non-permitted use
- (k) Multiple use properties
- (l) Vacant land
- (m) State Trust land

(3) Exemption of owners of properties

A municipality may in terms of the criteria as set out in its rates policy-

- (a) exempt a specific category of owners of properties, or the owners of a specific category of properties, from payment of a rate levied on their property; or
- (b) grant to a specific category of owners of properties, or the owners of a specific category of properties, a rebate on or a reduction in the rates payable in respect of their properties.

(4) Categories of owners of properties

Greater Tzaneen Municipality

The Greater Tzaneen Municipality has determined in its rates policy, the following categories of owners of property:

- (a) Indigents;
- (b) Pensioners, physically and mentally disabled;
- (c) Owners temporarily without income;
- (d) Owners of residential properties;
- (e) Land Reform beneficiaries;
- (f) Sporting Bodies;
- (g) Public Benefit Organisations.

CHAPTER 3**3. Liability for Rates**

- (1) The levying of rates on property will be effected in terms of the Municipality's Rates Policy as amended from time to time.
- (2) The Municipality will, as part of each annual operating budget process, determine a rate in the rand to be levied on the market value of the property in every category of properties.
- (3) Rates will be recovered monthly.
- (4) If an amount due for rates on a property is unpaid by the owner of the property, the municipality may recover the amount from the tenant, occupier of the property or, the agent of the owner.
- (5) Where the rates levied on a property are based on a supplementary valuation made in terms of section 78(1) of the Municipal Property Rates Act, 2004 such rate will be payable from the date contemplated in section 78(4) of the Municipal Property Rates Act, 2004.
- (6) Recovery of rates due will be in accordance with the Municipality's Credit Control and Debt Collection policy read together with the Credit Control and Debt Collection by-laws.

CHAPTER 4**4. General Valuation**

- (1) The municipality will undertake a general valuation of all rateable properties in its area of jurisdiction and a valuation roll be compiled triennially.
- (2) The municipality will undertake supplementary valuations on an ongoing basis and prepare a supplementary valuation roll once during each financial year.
- (3) The municipality will in accordance with section 79 of the Municipal Property Rates Act, make amendments regularly to the particulars on the valuation roll, only the electronic copy of the valuation roll is updated to incorporate such amendments, except those changes to the roll in circumstances where section 78 applies, which

Greater Tzaneen Municipality

may only be effected through a supplementary valuation in accordance with the section.

CHAPTER 5**5. Name and commencement date**

(1) These by-laws will be known as the Greater Tzaneen Municipality: Property Rates By-laws.

(2) These by-laws will come into effect on a date fixed by the Provincial Gazette.

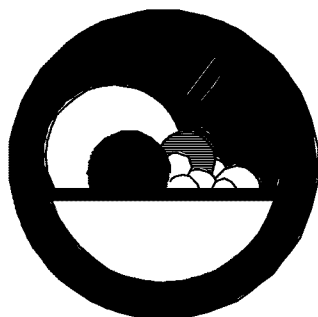
B. S. MATLALA
MUNCIPAL MANAGER

27 SEPTEMBER 2019

LOCAL AUTHORITY NOTICE 165 OF 2019



NUISANCE BY-LAW



Greater Tzaneen Municipality

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

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1. Definitions

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

"Authorized official" means any person authorized as such by the Council for the purpose of this by-law to perform and exercise any or all of the functions specified therein, and any person in the service of the Council who has been appointed in the capacity of peace officer in terms of Criminal Procedure Act 51 of 1977;

"Executive Manager: Technical & Facilities" means the person appointed as Executive Manager: Technical and Facilities by the Council or any other person lawfully acting in that capacity;

"Municipal Manager" means the person appointed as Municipal Manager in terms of section 54A of the Local Government: Municipal Systems Act, 2000;

"Council" means the Greater Tzaneen Municipality council or its successors in law, and includes the Council of the Municipality and its Mayoral Committee and any committee or person or other body acting by virtue of any power delegated to it in terms of legislation;

"Environment" means the surrounding within which humans exist and that are made up of -

a) the land, water and atmosphere of the earth;

- b) micro-organisms, plant and animal life;
- c) any part or combination of (a) and (b) and the interrelationships among and between them; and
- d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing and influence human health and well being;

"municipal property" means any structure or thing owned or managed by or on behalf of the Council and includes buildings, lapas, benches, picnic tables, playground equipments, fountains, statues, monuments, fences, poles, notices and signs;

"nuisance" means any condition or conduct which is injurious or offensive to any person or which is dangerous to or compromises the health or safety of any person, or which causes an annoyance or disturbance to any person or to the residence of any area or which constitutes a threat or a potential threat to the environment or which causes harm or damage to the environment, or which may potentially harm or damage the environment, including any form of excessive noise;

"person" means a natural or juristic person and includes an organ of state;

"public health" means the mental and physical well-being of people in the area of jurisdiction of the Council;

"public space" means space to be used by the public and includes any square, park, any area or centre, whether incorporating a community hall or not, at which group facilities of a sporting, cultural or recreational nature can be pursued,

garden, enclosed or open space within the area of jurisdiction vested in the Council and includes any open or enclosed space vested in the Council to which the public has the right to access, public road and lane, foot pavement, overhead bridge, footpath, sidewalk, and any other municipal property; and

"waste" means any matter, material by-product or residue of any process or activity, that has been discarded, accumulated or stored for the purpose of discarding, re-use, reclamation, or machinery or parts thereof, scrap metal, building rubble, garden refuse, refuse debris and any garbage.

1. Purpose

- (1) To control nuisance within the jurisdiction of Greater Tzaneen Local Municipality.

2. Use of public place

- (1) A person may not:
- (a) advertise goods or services by shouting, hitting a gong, hooting or ringing bells or any other blaring sound, music or any other thing or method so as to constitute a nuisance, and may not, without obtaining the prior permission of the Council, advertise goods or services in a public place by means of a megaphone, public address system or similar means;
 - (b) conduct himself or herself in an unseemly or obnoxious manner or cause a nuisance or annoyance to other persons in or on or using any public place, or to any other person;
 - (c) without lawful cause, discharge any firearm, air gun, sling, catapult, bow and arrow, crossbow or any other similar weapon within the area of jurisdiction of the Council, provided that this section does not apply to any persons engaged in authorized target practice or drill in places set aside for this purpose or to any person to whom written permission to do so has been given by the Municipal Manager;
 - (d) expose or exhibit any article or thing offensive to decency, unless prior permission of the Council is obtained with regard to potentially offensive items displayed in a shop window;
 - (e) hang any item of clothing, household linen or laundry over any boundary wall or fence or out of any window or from any balcony or part of a building so as to be visible from a street or public place;
 - (f) bath or wash himself or herself or any animal or laundry in any stream, pool or water to which the general public has access or at any public fountain or public water feature or any other place not designated for such purpose;
 - (g) drink any liquor in any public place or appear to be in a state of intoxication;
 - (h) write, print or draw any obscene words or figures in a public place or use indecent or foul language in any public place or within the hearing of any person therein;
 - (i) loiter in any public place for the purpose of prostitution, or solicit or importune any other person for such illicit purpose;
 - (j) keep or manage or assist in the keeping or management of a brothel or knowingly permit any premises within the area of jurisdiction of the Council or any portion thereof, or any room therein, to be used as a brothel or for the purposes of prostitution, or be party to continued use thereof for such purposes;

- (k) hold any auction or sale in any public place or in or from any doorway, window or other opening of any premises abutting on any public place without the written consent of the Municipal Manager and then only subject to such conditions as may be imposed in such consent;
- (l) sit or lie in or upon any public place or stand, walk, loiter or congregate or otherwise act in such manner as to obstruct free movement along any public place or to jostle or otherwise annoy the public;
- (m) leave any animal belonging to him or her unattended in any public place or permit such animal to obstruct the traffic in any street or create a nuisance or danger in any form or whatsoever;
- (n) urinate in a public place or in public view;
- (o) erect or place any structure, be it temporary or permanent, in or on any street, public footpath, verge or public place for the purpose of sale or storage; or
- (p) do any type of hair work in public areas or on pavements.

3. Use of streets and public footpaths

- (1) A person may not:
 - (a) litter or throw any object upon any street or public footpath which might in any way endanger the safety of any person or cause environmental damage;
 - (b) allow any goods, whether it be his or her own property or under his or her control, to be or to remain in or on any public place, street or public footpath so as to cause obstruction or inconvenience to the passage of any person for a longer time than may be reasonably be necessary for loading and unloading, and in no case after being instructed by the police or an authorized official requiring him or her to remove same;
 - (c) for trading or for any other purposes, place any goods, wares or articles on any stand, veranda post, stairs or ceiling projecting over any public footpath or street unless a permit has been issued by the Council for trading purposes. For the purpose of this subsection the words "public footpath or street" shall include that area adjacent to a commercial or industrial lot which is outside the commercial or industrial building and to which the public has free access regardless whether or not the area is the property of the Council or private property. A person may not drill or hit any tent-peg or any other object into any road or sidewalk surface;
 - (d) place any flower pot or box or other heavy object in any window or upon any window sill in any building abutting on any street, footpath or public place unless proper precautions have been taken to prevent such flower pot, box or object from being blown or falling into or unto such street, footpath or public place;
 - (e) roll any hoop or wheel or fly any kite or throw stones or ride bicycle or use any roller skates or similar device or play any game whatsoever in or upon any street or public footpath or public

place in such a manner as to create a danger or nuisance to any person or animal or danger to any property;

- (f) empty any vessel or throw any matter, liquid or solid, or any lighted cigar, cigarette or match, or empty any pipe from any window of any premises abutting on any street or from any veranda or balcony erected over any public place;
 - (g) make or dig, or cause to be made or dug, any hole, pit, trench or excavation of any kind or for any purpose in or close to any public place without the written consent of the Executive Manager: Technical & Facilities and any excavation so made or dug shall be fenced off and shall have its position indicated during hours of darkness by red lights or any other similar device which is acceptable to the Executive Manager: Technical and Facilities and which device shall be kept burning from sunset to sunrise;
 - (h) place or deposit any waste in any public place not intended for such purpose, unless such waste is placed in approved receptacles or facilities intended for such purpose; or
 - (i) wash his or her vehicle on a public road which includes sidewalks and parking areas.
- (2) No queue formed up outside any place of business or entertainment shall be in such a manner so as to inconvenience the general public or extend across any public footpath or street, persons standing in such queue shall yield and give free passage to persons desiring access to or egress from any premises. No queue shall in any circumstances extend on to or across any street, and no persons joining such queue shall take any position other than at the end thereof.

4. Nuisance relating to public health

- (1) A person may not:
 - (a) keep or deposit or allow on any premises owned or occupied by him or her, or which he or she is in charge, any matter or thing, solid or liquid, which is, or likely to, become offensive or dangerous or injurious to public health;
 - (b) carry or convey, or cause or permit to be carried or conveyed, across or in any public place, any matter or thing, solid or liquid, which is or likely to become offensive or dangerous or injurious to public health, unless such matter or thing is carried or conveyed in a closed vehicle or receptacle closed and covered with a lid or other material approved by an authorized official;
 - (c) keep any dead body or corpse in any premises other than a mortuary or other similar place designated for that purpose;
 - (d) permit the carcass of any animal to remain on his or her premises for a longer period than is necessary to arrange for the removal of such carcass;

- (e) place or permit to be placed, any carcass or any decomposable or offensive material or object which is his or her property or under his or her control, on his or her premises or elsewhere and to remain thereon so as to cause any nuisance;
 - (f) cause or permit any stream, drain, gutter, watercourse, sink, bar, tank, water closet, urinal, compost heap or swimming bath on any land or premises owned or occupied by him or her or of which he or she is in control to be or to become so foul or in such a state or to be situated or constructed so as to be offensive or dangerous or injurious to public health;
 - (g) cause or permit any foul or polluted water or any foul liquid or matter to run or flow from any premises occupied by him or her, into any street or onto any land so as to be offensive or dangerous or injurious to public health;
 - (h) commit or cause or permit to be committed, any act causing or contributing to the pollution of any water, including but not limited to air or noise pollution;
 - (i) deposit human excrement or urine in any place not designated for such purpose;
 - (j) foul or misuse any public convenience or any convenience provided in any public building or place of public entertainment; or
 - (k) burn any rubbish or refuse on any premises or do anything to cause any offensive smells or excessive smoke, or by burning or any other action cause ash, excessive smoke or any other dirty or offensive dust or matter;
- (2) Every person who is the owner or occupier or in charge of any premises or vacant land shall take all possible precautions to prevent conditions favouring the multiplication and prevalence of, and shall take steps for the eradication of rodents, mosquitoes, flies, fleas, bugs, cockroaches or other vermin or pests on such premises or vacant land and shall, when so required by an authorized official, comply with any requirements relating to the preventing or eradication of any such vermin or pests within a time specified in such notice;
- (3) A person, being the owner or occupier or in control of any premises or vacant land, whether such premises or land are fenced or not, may not deposit or store thereon and within the public view, any disused vehicles, machinery or parts thereof, building materials, refuse or similar objects unless he or she has obtained written consent of the Council.
- (4) Any consent given in terms of subsection 3 may be amended or cancelled by the Council at any time by giving written notice to that effect;
- (5) Any person, being the owner or occupier of any premises or vacant land upon whom a notice in terms of subsection 4 has been served, shall within the time specified in such notice, remove or cause to be removed, any object contemplated in subsection 3 from the public view.

5. Use of premises for entertainment, recreation or social activities and functions

- (1) A person using any premises or permitting any premises to be used for entertainment, recreation or social activities or functions, whether public or private, and any person who participates in or who attends any such activities, may not conduct himself or herself in an unseemly or obnoxious manner or cause a nuisance or annoyance to any person;
- (2) An authorized official who is of the opinion that a person is committing a breach of subsection 1 may direct that person to cease any such act or may take such other steps as he or she deems necessary to reduce, remove or minimize the unseemly or obnoxious conduct, nuisance or annoyance.

6. General

- (1) A person may not:
 - (a) produce or permit to be produced, any excessively bright or intermittent light, thereby creating a nuisance or annoyance to any person;
 - (b) cause or permit to be caused a nuisance or annoyance to any person by doing repair work or panel beating to any vehicle or part thereof on a premises designated for residential purposes or a public place or any other work thereby creating noise pollution which causes discomfort or annoyance to persons or animals, provided that this subsection does not apply to emergency repairs necessary to remove any vehicle after a breakdown;
 - (c) permit any rank weeds or grass or undergrowth or bush to grow upon any premises or vacant land owned or occupied by him or her. The Council may serve a notice on such a person requiring him or her within the time specified in such notice to destroy, cut down or remove such rank weeds, grass, undergrowth or bush;
 - (d) park any vehicle, including trucks, on an open space, park or pavement, trucks over nine (9) ton may not be parked anywhere in residential areas, except for delivery purposes;
 - (e) spin his or her vehicle;
 - (f) trade at an intersection or within 5 metres from an intersection.
- (2) Should any person breach any provision of this by-law and continue in default after receiving a written notice issued by any authorized official requiring him or her to abate such nuisance within a time to be specified in such notice, an authorized official may enter upon the premises on which such nuisance exists and take such steps as may be necessary to abate such nuisance at the cost of the person so offending, who shall also be liable to a prosecution for contravention of this by-law;
- (3) An authorized official may enter upon any premises at any time to investigate whether any breach of these by-laws has been committed;

7. Offences and penalties

- (1) Any person who:
- a) contravenes or fails to comply with any provision of this by-law or a direction issued by the Council in terms of this by-law, or a condition imposed under this by-law;
 - b) obstructs or hinders any person in the execution of any power or the performance of any duty or function in terms of any provision of this by-law; or
 - c) furnishes false, incorrect or misleading information when applying for permission from Council in terms of the provision of this by-law; if found guilty of an offence, shall upon conviction be liable to a fine of R6 000,00 or in default of payment to imprisonment for a period not exceeding six (6) months.

8. Short title and commencement

- (1) This by-law is called the Greater Tzaneen Local Municipality Nuisance by-Laws and shall come into effect on the date of publication in the *Provincial Gazette*

B. S. MATLALA

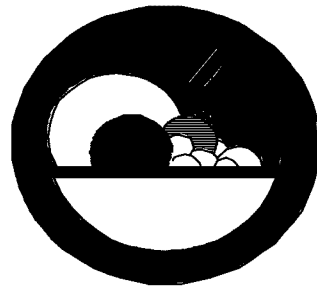
27 SEPTEMBER 2019

MUNICIPAL MANAGER

LOCAL AUTHORITY NOTICE 166 OF 2019



**REFUSE REMOVAL,
REFUSE DUMPS AND
SOLID WASTE DISPOSAL
BY-LAW**



Greater Tzaneen Municipality

The Municipal Manager of Greater Tzaneen Local Municipality acting in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) hereby publishes the Refuse Removal, Refuse Dumps And Solid Waste Disposal By-Law for the Municipality as approved by Council as set out hereunder.

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1. Definitions

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

“bin” means a standard type of refuse bin with a capacity of 0,1m³ or 85 litre as approved by the Council and which may be supplied by the Council which may be constructed of galvanized iron, rubber or polythene;

“bin liner” means a plastic bag approved by the Council which is placed inside a bin with a maximum capacity of 0,1m³ which must be of a dark colour 950mm x 750mm in size of low density minimum thickness 40 micrometre or 20 micrometre high density;

“builders refuse” means refuse generated by demolition, excavation or building activities on premises;

“bulky garden refuse” means such refuse as tree-stumps, branches of trees, shrubs, hedge-stumps and branches of hedges and any other garden refuse of quantities more than 2m³;

“bulky refuse” means refuse which emanates from any premises, excluding industrial refuse, and which cannot by virtue of its mass, shape, size or quantity be conveniently accumulated or removed in a refuse bin with a bin liner;

“business refuse” means refuse generated by the use of premises other than a private dwelling-house used solely as a residence, but shall not include builders refuse, bulky refuse, domestic refuse or industrial refuse;

“container” means a receptacle of larger volume than a bin and of a structure and material determined by Council;

“council” means the Council of the Musina Local Municipality;

“garden refuse” means refuse such as grass cuttings, leaves, plants and flowers which is generated as a result of normal gardening activities;

“infectious waste” means waste capable of producing or transferring an infectious disease;

“isolation waste” means waste generated by hospitalized patients isolated to protect others from communicable diseases;

“IWMP” means Integrated Waste Management Plan;

“licensee” means any person who has obtained a licence in term of the Act;

“municipality” mean Graeter Tzaneen Local Municipality established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“National Road Traffic Regulation” means the regulations made in terms of section 75 of the National Road Traffic Act, 1996 (Act 93 of 1996);

“occupier” means a person who occupies any premises or part thereof, without regard to the title under which the person occupies;

“public place” means such place to which the public has access, with or without the payment of money;

“SANS Codes” means the South African National Standards Codes of Practice or the South African Bureau of Standards Codes of Practice;

“tariff” means the tariff of charges as determined from time-to-time by the Council; and

“the act” means National Environmental Management Waste Act, 2008 (Act 59 of 2008).

2. Purpose

- (1) To regulate the removal and disposal of waste by establishing a system to ensure that the removal and disposal is done in a manner that would not cause harm to human health or damage to the environment and in particular without-
 - (a) risk to water, air, soil, plants or animals;
 - (b) causing nuisance through noise or odours; or
 - (c) adversely affecting rural or urban areas of special interest.
- (2) To provide for procedures, methods and practices to regulate the dumping and removal of refuse.

3. Domestic waste

- (1) The municipality shall provide a service for the removal and disposal of domestic refuse subject to such conditions as it may determine.
- (2) Every occupier of a property shall make use of the service for the removal and disposal of domestic refuse provided by the municipality in respect of all domestic refuse which emanates from such property.
- (3) No person other than the municipality or person authorized thereto by the municipality shall remove domestic refuse from any property dispose of it.
- (4) Subject to the provisions of subsection 5 hereunder the municipality may require from every occupier of a property to provide on such property a container with a capacity of not less than 85 litres, constructed of a material approved by the municipality and with a closefitting lid and two handles for the accumulation of domestic refuse.
- (5) If the municipality is of the opinion that more than one container for the accumulation of domestic refuse is essential on a particular property, it may according to the quantity of domestic refuse normally accumulated on such property, require the occupier or occupiers thereof to provide as many containers as it may determine on such property.
- (6) If a container used by an occupier does not comply with the requirements of the municipality, the municipality shall instruct such occupier to obtain and use a suitable container.

- (7) All containers shall be equipped with bin liners, unless the municipality determines otherwise.
- (8) The municipality may, generally or in particular issue instructions to occupiers on the manner in which or the arrangements according to which refuse or refuse bags shall be placed in containers, be removed therefrom, be tied and thereafter be placed for removal.
- (9) No material by reason of its mass or other property is likely to render such bin liners or containers too difficult for the municipal employees to handle or carry, shall be placed in such bin liners or containers.
- (10) The containers or bin liners or both shall be removed by the municipality at such intervals as the municipality may deem necessary, only if such containers or bin liners or both, have been placed or put at the prescribe places and as provided by the municipality.
- (11) If the municipality supplies the container, such container must be supplied free of charge, or at a price or at a hiring tariff, as the municipality may determine.
- (12) Where a container is supplied at a hiring tariff by the Municipality, such container must remain the property of the municipality and the owner of the premises is liable to the municipality for the loss or damage to such container.
- (13) The municipality is not liable for the loss of or for any damage to the bin or bin-liner.

4. Garden refuse

- (1) Garden refuse may be removed from property where it accumulates according to any arrangements which the owner or occupier of such property desires to make, provided that, should any accumulation of garden refuse not be removed and should such accumulation in the opinion of the municipality constitute a nuisance or danger to public health or an unnecessary fire hazard to nearby property, the municipality may order such owner or occupier by written notice to cause such accumulation to be removed within a specified period.
- (2) If the owner or occupier fails to remove the garden refuse as notified in the written notice in subsection 1 and it causes nuisance or health risk, the municipality shall remove them at the owner or occupier's expense.
- (3) If the municipality has sufficient facilities available, the municipality may in its discretion and on application form from the owner or occupier of property remove garden refuse therefrom at the cost of the owner or occupier in which case the municipality may impose certain rules.
- (4) The owner or occupier of premises on which garden waste is generated may compost garden waste on the property, provided such composting does not cause a nuisance or health risk.
- (5) No garden refuse may be dumped, kept or stored on any sidewalk or vacant ground.

5. Builder's waste

- (1) Builder's refuse which may have accumulated in the course of the construction building, alteration, renovation or demolition of any structure or works shall be removed from the property concerned according to suitable arrangements to be made by the owner of such property.
- (2) The owner or occupier of the premises on which building waste is generated, must ensure that:-

- (a) until disposal, all building waste, together with the containers used for the storage, collection or disposal thereof, is kept on the premises on which the waste was generated;
 - (b) the premises on which the building waste is generated, does not become unsightly or cause a nuisance as a result of accumulated building waste;
 - (c) any building waste which is blow off the premises, is promptly retrieved; and
 - (d) pursuant to any instruction from the Council, any structure necessary to contain the building waste is constructed.
- (3) The Council may determine conditions to place a receptacle for the storage and removal of building waste on a verge.
- (4) Every receptacle used for the storage and removal of building waste must:-
 - (a) be clearly marked on it the name, address and telephone number of the person in control of that receptacle;
 - (b) be fitted with reflecting chevrons or reflectors which must completely outline the front and the back thereof; and
 - (c) be covered at all times other than when actually receiving, or being emptied of, waste so that no displacement of its contents can occur.
- (5) All building refuse must be deposited at the municipality's disposal sites or at a written consent of the municipality be deposited at a place other than the municipality's disposal site but the municipality will have regard to:
 - (a) the safety of the public;
 - (b) the environment of the proposed disposal site;
 - (c) the suitability of the area including the drainage thereof;
 - (d) the expected manner and times of depositing of refuse at the site;
 - (e) the levelling of the site;
 - (f) the control of dust; and
 - (g) other relevant factors.

6. Business waste

- (1) The council may by a notice published in the *provincial gazette and local newspaper*, direct that a category of waste be disposed of a particular waste disposal facility or waste handling facility.
- (2) No person may dispose of a category of waste at a waste disposal facility or waste handling facility, which is not designated for receipt of that category of waste in a notice in terms of subsection (1) or designated by their Council under other empowering legislation prior to the commencement of this by-law.
- (3) The owner or occupier of premises on which business, industrial or recyclable waste is generated must ensure that until such time as such waste is collected from the premises on which it was generated:-
 - (a) the waste is stored in a bulk container or other approved receptacle; and
 - (b) no nuisance or health risks, including but not limited to dust is caused by the waste in the course of generation, storage or collection.

- (4) The owner or occupier of premises generating business waste must ensure that-
 - (a) the container in which the waste is stored, is not kept in a public place except when so required for collection;
 - (b) the waste is collected within a reasonable time after the generation thereof; and
 - (c) that the service rendered is only in respect of that portion of the business.
- (5) The municipality must dispose of business and recyclable waste at an appropriately permitted waste handling facility or waste disposal facility.

7. Special industrial, hazardous or health care risk waste

- (1) No person may carry on an activity which will generate special industrial, hazardous or health care risk waste, without notifying the Council in writing, prior to the generation of such waste, of the composition of such waste, the estimated quantity to be generated, the method of storage, the proposed duration of storage, the manner in which it will be collected and disposed of and the identity of the licensee who will remove such waste.
- (2) Any person carrying on an activity which generates special industrial, hazardous or health care risk waste, must ensure that such waste generated on the premises is kept and stored thereon until it is collected from the premises.
- (3) Special industrial, hazardous or health care risk waste stored on premises must be stored in such a manner that it does not become a nuisance or cause harm to human health or damage to the environment and in accordance with the requirements of any applicable legislation relating to buildings.
- (4) Special industrial, hazardous or health care risk waste must be stored in an approved receptacle and for a period not exceeding 90 days or any other maximum period stipulated by the Department of Environmental Affairs, Provincial Government or Council, before collection.
- (5) Only a licensee may transport special industrial, hazardous and health care risk waste and must do so in accordance with the requirements of the conditions of the licence issued to the licensee as well as in the relevant SANS codes, in respect of the type of vehicle, the markings and manner of construction of such vehicle, procedures for safety and cleanliness and documentation relating to the source, transportation and disposal of such waste and subject to the requirements of the national legislation.
- (6) A licensee licensed to collect and dispose of special industrial, hazardous or health care risk waste, must inform the Council of each removal of special industrial, hazardous or health care risk waste, the date of such removal, the quantity, the composition of the waste removed and the waste disposal facility at which the waste has been disposed of.
- (7) A licensee must dispose of special industrial, hazardous or health care risk waste at a waste disposal facility designated by the Council as a waste disposal facility for special industrial hazardous and health risk.
- (8) If special industrial refuse is not stored on the premises where it is generated, the municipality may order the owner of the premises to remove such refuse within a reasonable time and if thereafter such refuse is not removed within such time, the municipality may remove it at the owner's expense.

8. General requirements for storage of waste

- (1) Any person who stores waste must ensure that:
 - (a) the containers in which any waste is stored, are intact and not corroded or in any other way rendered unfit for the safe storage of waste;
 - (b) adequate measures are taken to prevent accidental spillage or leaking;
 - (c) the waste cannot be blown away;
 - (d) nuisances such as odour, visual impacts and breeding of vectors do not arise; and
 - (e) pollution of the environment and harm to health are prevented.

9. Storage of general waste

- (1) Any person who generates general waste that is collected by a municipality must place the waste in a container approved, designated or provided by the municipality for that purpose and in a location approved or authorized by the municipality.
- (2) Waste that is re-usable, recyclable or recoverable and that is intended to be reduced, re-used, recycled or recovered in accordance with the act or any applicable by-laws need not be placed in a container contemplated in subsection 1.

10. Storage, separation and collection of recyclable domestic waste

- (1) Any person who is undertaking any activity involving reduction, re-use, recycling or recovery of waste including scrap dealers, buy back centres and formalised recycling groups must before undertaking that activity, make sure that the activity is less harmful to the environment than the disposal of such waste and must notify the municipality of an intention to undertake such an activity in writing.
- (2) Any person undertaking the activities contemplated in subsection (1) must adhere to the requirements set out in the national or provincial legislation.
- (3) The municipality may require any person or owner of premises to separate their waste and use different receptacles.
- (4) In cases where there are separate receptacles for recyclable material, no person may use the other receptacles for recyclable material.

11. Integrated Waste Management Plan

- (1) The Municipality must prepare an Integrated Waste Management Plan (IWMP) which should be adopted by the Council, in which the plan must be incorporated in the IWPM in accordance with the provisions of the act.
- (2) The plan contemplated in subsection (1) may include but not limited to the following:
 - (a) establishing a means of ensuring that waste is collected, reused, recycled or disposed of without causing harm to human health or damage to the environment and, in particular, without risk to water, air, soil, plants or animals; causing nuisance through noise or odours; or adversely affecting rural or urban areas or areas of special interest.
- (3) The plan contemplated in subsection (1) must be establishing an integrated network of waste handling and waste disposal facilities to ensure that-

- (a) comprehensive and adequate waste services are rendered within the municipality;
- (b) the disposal of waste occurs at accessible waste disposal facilities;
- (c) the most appropriate methods and technologies are used in order to ensure a high level of protection for and prevention of damage to the environment and harm to human health;
- (d) it is encouraging the minimisation or reduction of waste;
- (e) is promoting the recovery of waste by means of recycling or reuse through proven alternative technology; and
- (f) there are any other object which would enhance sustainable development.

12. Waste collection services

- (1) Waste collection services are subject to:
 - (a) the need for an equitable allocation of such services to all people in a municipal area;
 - (b) the obligation of persons utilizing the service to pay any applicable charges;
 - (c) the right of a municipality to limit the provision of general waste collection services if there is a failure to comply with reasonable conditions set for the provision of such services, but where the municipality takes action to limit the provision of services, the limitation must not pose a risk of health or the environment; and
 - (d) the right of a municipality to differentiate between categories of users and geographical areas when setting service standards and levels of service for the provision of municipal services.
- (2) The municipality must subject to the Act and as far as is reasonably possible provide containers or receptacles for the collection of recyclable waste that are accessible to the public.

13. Collection of waste

- (1) No person may collect waste for removal from premises unless such person is:
 - (a) a municipality or municipal service provider;
 - (b) authorized by law to collect waste, where authorization is required; or
 - (c) not prohibited from collecting waste.

14. Duties of persons transporting waste

- (1) A municipality may, by notice in the *provincial gazette and local newspapers*, require any person or category of persons who transports waste for gain to –
 - (a) register with the relevant waste management officer in the Department of Environmental Affairs, province or municipality as the case may be; and
 - (b) furnish such information as is specified in that notice or as the waste management officer may require.
- (2) Any person engaged in the transportation of waste must take all reasonable steps to prevent any spillage of waste or littering from a vehicle used to transport waste.

- (3) Where waste is transported for the purpose of disposal, a person transporting waste must before offloading the waste from the vehicle ensure that the facility or place to which waste is transported is authorized to accept such waste.
- (4) Where hazardous waste is transported for purposes other than disposal, a person transporting the waste must before offloading the waste from the vehicle, ensure that the facility or place to which the waste is transported, is authorized to accept such waste and must obtain written confirmation that the waste has been accepted and has complied with the act.
- (5) In the absence of evidence to the contrary which raises a reasonable doubt, a person who is in control of a vehicle or in a position to control the use of a vehicle, that is used to transport waste for the purpose of offloading that waste, is considered to knowingly cause that waste to be offloaded at the location where the waste is deposited.

15. Prohibition of unauthorized disposal

- (1) No person may-
 - (a) dispose of waste, or knowingly or negligently cause or permit waste to be disposed of in or on any land or at any facility unless the disposal of that waste is authorized by this by-law; or
 - (b) dispose of waste in a manner that is likely to cause pollution of the environment or harm to health and well-being.

16. Littering

- (1) No person may-
 - (a) throw, drop, deposit, spill or in any other way discard any litter into or onto any public place, land, vacant erf, stream, watercourse, street or road, or on any place to which the general public has access, except in a container or a place specifically provided for that purpose; or
 - (b) allow any person under that person's control to do anything contemplated in paragraph (a).
- (2) An owner of privately owned land to which the general public has access, must ensure—
 - (a) that sufficient containers or places are provided to contain litter that is discarded by the public; and
 - (b) that the litter is disposed of before it becomes a nuisance, a ground for a complaint or causes a negative impact on the environment.

17. Transportation and disposal of waste

- (1) No person may-
 - (a) operate a vehicle for the conveyance of waste upon a public road unless the vehicle has a body of adequate size and construction for the type of waste being transported;
 - (b) fail to maintain a vehicle used for the conveyance of waste in a clean, sanitary and roadworthy condition at all times;

- (c) fail to cover loose waste on the open vehicle with a tarpaulin or suitable net; and
 - (d) cause or permit any waste being transported in or through the municipal area to become detached, leak or fall from a vehicle transporting it, except at a waste disposal facility.
- (2) Subject to the provisions of subsection (1) (a), all transportation of waste must comply with the National Road Traffic Act, 1996 (Act 93 of 1996).
 - (3) Waste generated in the municipal area is disposed of at a waste disposal facility where the council permits such disposal.
 - (4) No person may incinerate waste either in a public or private place for the purpose of disposing of that waste.
 - (5) No person may incinerate waste either in a public or private place, except in an incinerator at a place where the relevant national or provincial authorities permit such incineration or at a place designated by the Council for that purpose.
 - (6) Every person who enters a waste disposal facility must-
 - (a) enter a waste disposal facility at an access point determined by the person in charge of the waste disposal facility; or
 - (b) at the request of the person in charge of a waste disposal facility; comply with any instruction by the person in charge of a waste disposal facility in regard to access to the actual place where and the manner in which waste must be deposited.

18. Duty of the municipality

- (1) The municipality has the responsibility to ensure that all refuse within the municipal area is collected, disposed of or recycled.

19. Charges

- (1) The municipality shall charge for the collection of refuse an amount determined by the Council from time to time according to its tariff by-law and policy.

20. Appeals

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

21. Offences and penalties

Any person who contravenes or fails to comply with any provision of this by-law shall upon conviction if found guilty of an offence be liable on conviction to a fine or to imprisonment.

22. Repeal

The provisions of any by-law relating to Refuse Removal, Refuse Dump and Solid Waste Disposal By-law are hereby repealed insofar as they relate to matters provided for in these by-laws; provided that such provisions shall be deemed not to have been repealed in respect of any such by-law which has not been repealed and which is not repugnant to these by-laws on the basis as determined by the relevant by-laws.

23. Short title and commencement

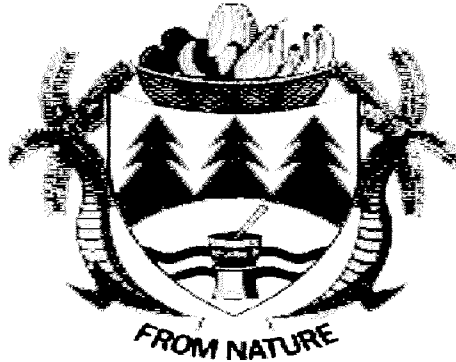
This by-law is called Graeter Tzaneen Local Municipality Refuse Removal, Refuse Dump and Solid Waste Disposal By-law and shall come into operation on the date of publication in the *Provincial Gazette*.

B. S. MATLALA
MUNICIPAL MANAGER

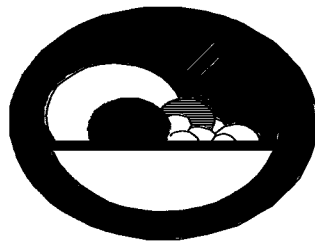
27 SEPTEMBER 2019

LOCAL AUTHORITY NOTICE 167 OF 2019

Greater Tzaneen Municipality



**LIQUOR TRADING
DAYS AND HOURS
BY-LAW**



**Greater Tzaneen
Municipality**

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LIQUOR TRADING DAYS AND HOURS BY- LAW.

To provide for the control of undertakings selling liquor to the public in order to ensure a safe and healthy environment in the Municipality; to provide for days and hours of trade in liquor by licensed undertakings that sell liquor to the public; and to provide for matters related thereto.

A. Preamble

Whereas a municipality may, in terms of section 156 of the Constitution, make and administer by-laws for the effective administration of matters which it has the right to administer;

Whereas it is the intention of the Municipality to set trading days and hours for all licensed premises, businesses or outlet situated within the Municipality that sell liquor to the public;

and now therefore, be it enacted by the Council of the Greater Tzaneen Municipality as follows:-

B. Definitions

1. (1) In this By – Law, unless the context indicates otherwise –

“agricultural area” means an area predominantly zoned agriculture or any other equivalent zoning, with the purpose to promote and protect agricultural activity on a farm as an important economic, environmental and cultural resource, where limited provision is made for non-agricultural uses to provide owners with an opportunity to increase the economic potential of their properties, without causing a significant negative impact on the primary agricultural resource;

“bar” a counter in a pub, restaurant, or cafe across which alcoholic drinks or refreshments are served.

“business premises” means a property from which business is conducted and may include a restaurant, pub, bar or tavern or other building for similar uses, but excludes a place of entertainment, guest accommodation establishment, hotel, sports and community club;

“municipality” means the Greater Tzaneen Municipality as established in terms of section 12 of the Local Government: Municipal Structures Act 117 of 1998;

“casino” means a casino as defined in the National Gambling Act, 2004 (Act No. 7 of 2004) and includes a hotel, business premises, venue for hosting of events, place of entertainment or other recreation facility or tourist attraction as part of the complex;

“general business area” means an area predominantly zoned general business or any other equivalent zoning, with the purpose to promote economic activity in a business district and development corridor, and includes a wide range of land uses such as business, residential and community uses;

“guest accommodation establishment” means premises used as temporary residential accommodation, and includes the provision of meals for, transient guests for compensation and includes a backpacker’s lodge, a bed-and-breakfast establishment, guest house and guest farm or lodge, as well as facilities for business meetings, conferences, events or training sessions of resident guests, but excludes a hotel;

“hotel” means premises used as temporary residential accommodation for transient guests where lodging or meals are provided for compensation, and includes -
(a) a restaurant or restaurants forming part of the hotel;
(b) conference and entertainment facilities that are subservient and ancillary to the dominant use of the premises as a hotel; and
(c) premises which are licensed to sell liquor for consumption on the property, but excludes an off-consumption facility, guest accommodation establishment, dwelling house or dwelling unit;

“industrial area” means an area predominantly zoned general industry or any other equivalent zoning, with the purpose to accommodate all forms of industry including manufacturing and related processing, but excludes noxious or hazardous risk activity;

“licensee” means any person who is licensed to sell liquor in terms of the Act and includes any licensed premises, business, outlet or land use activity from which liquor is sold;

“liquor” means liquor as defined in section 1(1) of the Act as amended;

“local business or neighbourhood business area” means an area predominantly zoned local business or mixed use or any other equivalent zoning with the purpose to accommodate low intensity commercial and mixed use development serving local needs of a convenience goods, personal service or small scale business nature or serve as an interface between general business, industrial and adjacent residential areas;

“on-consumption liquor stores” means liquor business outlets where liquor is sold and consumed on the licensed premises.

“on-consumption Liquor licence” means license which apply in business premises where liquor is sold and consumed on the licensed premises.

“place of entertainment” means a place used predominantly for commercial entertainment which may attract relatively large numbers of people, operate outside normal business hours or generate noise from music or revelry on a regular basis, and includes a cinema, theatre, amusement park, dance hall, gymnasium, totalisator or facility for betting, gambling hall, karaoke bar and nightclub, but excludes a casino;

“residential area” means an area predominantly zoned informal, single or general residential or any other equivalent zoning, with the purpose to accommodate predominantly single-family dwelling houses in low to medium density neighbourhoods, as well as higher density living accommodation and which includes controlled opportunities for home employment, additional dwellings and low intensity mixed use development;

“room service facility” means a mini bar or self-help facility for the consumption of liquor in guest rooms and a call-up service for resident guests;

“small holding or rural area” means an area predominantly zoned rural or any other equivalent zoning, with the purpose to accommodate smaller rural properties that may be used for agricultural purposes, but may also be used primarily as places of residence in a more country or rural setting;

“sparkling wine” means an effervescent wine resulting from the fermentation of grapes, whether by natural or artificial process, and includes Champagne;

“sports and community club” means premises or a facility used for the gathering of community or civic organisations or associations, sports clubs or other social or recreation clubs run mostly not for profit and may include community service clubs and community centres or similar amenity facilities, but excludes a night club;

“tavern” means a place where liquors are sold to be consumed on the premises.

“the Act” means the National Liquor Act, 2003 (Act No. 59 of 2003) as amended;

“traditional African beer powder” – (a) has the meaning determined in terms of the Customs and Excise Act, 1964 (Act No. 91 of 1964), if any; or (b) in the absence of a meaning contemplated in paragraph (a), has the meaning set out in Schedule 1 of the Act;

“totalisator” means a device showing the number and amount of bets staked on a race, to facilitate the division of the total among those backing the winner.

“winery” includes premises or facilities which are used in the production of wine and such premises or facilities include facilities for crushing grapes and fermentation and aging of wine, tasting rooms, barrel and storage rooms, bottling rooms, tank rooms, laboratories or offices and other accessory or ancillary facilities incidental to the production of wine, which may include—

- (a) a restaurant and other food services; or
- (b) a subsidiary retail facilities to tours or visitors.

“zoned” means zoned as the case may be in terms of the applicable zoning scheme or any applicable law and **“zoning”** has a corresponding meaning; and

“zoning scheme” means the zoning scheme or schemes applicable to the area and in force within the area of jurisdiction of the Greater Tzaneen Municipality.

(2) In this By-law, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act has that meaning.

Application of the By-law

1. This By-law applies to all-

- (a) licensees, licensed to sell liquor in terms of the Act or any other applicable legislation;
- (b) licences renewed in terms of the National Liquor Act, 2003 (Act No.59 of 2003) within the jurisdiction of the Greater Tzaneen Municipality.

Trading days and hours for sale and consumption of liquor on licensed premises

2. (1) A licensee may sell liquor for consumption on the licensed premises on the following days and hours:

- (a) on any day of the week; and
 - (b) during the hours of trade as set out in Schedule A of this By-Law;
- (2) Despite subsection (1) a hotel or guest accommodation establishment licensed to sell liquor may offer a room service facility at any time of the day.
- (3) Despite the provisions of this By-law, a licensee as contemplated in subsection (1) may serve sparkling wine –
- (a) from 08:00 to 11:00 for seven days a week;
 - (b) as part of a meal; and
 - (c) to guests who are part of an organised function where admittance is controlled.
- (d) on-consumption liquor stores shall sell liquor “on-consumption” within the licensed premises any day of the week between 11h00 in the morning to 02h00 in the morning of the following day.

Trading days and hours for sale of liquor off licensed premises

3. A licensee may sell liquor for consumption off the licensed premises on the following days and hours:

- (a) on any day of the week with the exception of Sundays, provided such exception does not apply to a winery; and
- (b) from 0900 to 1800.

Transitional provision

4.(1) Subject to the provisions of the Act, trading hours applicable to a liquor license issued before the commencement of this By-law shall continue to apply until such license is renewed in terms of the Act.

(2) The trading hours referred to in subsection (1) shall be valid until the license has lapsed as contemplated in section 20(2) of the Act.

Application for the extension of trading hours

5 (1) Notwithstanding the trading hours determined in section 2, a licensee of a premises contained in categories 3 and 4 of the Schedule, where liquor is sold for consumption on the premises may, upon payment of the required fee, submit an application to the Council for an extension of the hours during which they may trade.

(2) Council, in considering the application referred to in subsection (1) shall take into account the following factors:

- (a) outcome of community consultation;
- (b) impact on the environment;
- (c) any other relevant factor.

Offences and penalties

6. (1) A licensee who contravenes sections 2 and 3 of this By-law commits an offence.

(2) A licensee who commits an offence referred to in subsection (1) is, on conviction, liable for a fine as the court may deem fit to impose or to a term of imprisonment not exceeding three years, or to both such fine and such imprisonment.

(3) Any person who commits a continuing offence shall be guilty of an offence for each day during which that person fails to comply with this By-law.

(4) A court convicting a person of an offence under this By-law may impose alternative sentencing in place of a fine or imprisonment.

Short title and commencement

7. This by-law is called the Greater Tzaneen Municipality: Liquor Trading Days and Hours By-Law and shall come into operation on the date of publication in the *Provincial Gazette*.

SCHEDULE A

Trading hours for selling of liquor on licensed premises and location category as well as licensed premises type Maximum permitted trading hours

1. Residential area

Guest accommodation establishment

11:00 – 23:00

Business premises

Place of entertainment

Sports and community club excluding special events
requiring temporary licences

Hotel Casino 11:00 – 02:00 following day

"On consumption liquor stores" / bars / taverns 11:00 – 02:00 following day

2. Local or neighbourhood business area including mixed use areas

Guest accommodation establishment

Business premises 11:00 – 23:00

Place of entertainment

Sports and community club excluding special events requiring temporary licences
11:00 – 24:00

Hotel 11:00 – 02:00 following day Casino

"On consumption liquor stores" / bars / taverns 11:00 – 02:00 following day

3. General business area

Guest accommodation establishment

11:00 – 02:00 following day

Business premises

Place of entertainment

Sports and community club excluding special events requiring temporary licences

Hotel

Casino

4. Industrial area

Business premises

Place of entertainment 11:00 – 02:00 following day

Sports and community club excluding special events requiring temporary licences

"On consumption liquor stores" / bars / taverns 11:00 – 02:00 following day

5. Agricultural area

Guest accommodation establishment

11:00 – 02:00 following day

Business premises

Place of entertainment

Sports and community club excluding special events requiring temporary licences
Winery
Hotel

6. Small holding or rural area

Guest accommodation establishment 11:00 24:00

"On consumption liquor stores" / bars / taverns 11:00 – 02:00 following day

Business premises

11:00 – 24:00

Place of entertainment

Sports and community club excluding special events requiring temporary licences

Winery

7. Other ad-hoc locations

Vehicles or mobile undertakings used for tourist or entertainment or recreational purposes as per definition of '**premises**' in section 1(1) of the Act, except where the Greater Tzaneen Municipal Council determines otherwise, their trading time shall be 1100 – 2400 during special events or temporary licensed premises as determined by event permit.

Note: Determination of applicable location category

Where the location category as set out above is unclear or in dispute or difficult to determine or areas are not zoned homogeneously (e.g. a business zoned premises in the middle of a residential area), the actual zoning, consent or departure use rights of the subject licensed premises will take precedence in order to determine the category.

B. S. MATLALA
MUNICIPAL MANAGER

27 SEPTEMBER 2019