



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

Provincial Gazette Provinsiale Koerant

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

Vol. 24

NELSPRUIT
10 NOVEMBER 2017
10 NOVEMBER 2017

No. 2871

PART 1 OF 2

We all have the power to prevent AIDS



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DEPARTMENT OF HEALTH

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Closing times for **ORDINARY WEEKLY** 2017

MPUMALANGA PROVINCIAL GAZETTE

*The closing time is **15:00** sharp on the following days:*

- **29 December**, Thursday, for the issue of Friday **06 January 2017**
- **06 January**, Friday, for the issue of Friday **13 January 2017**
- **13 January**, Friday, for the issue of Friday **20 January 2017**
- **20 January**, Friday, for the issue of Friday **27 January 2017**
- **27 January**, Friday, for the issue of Friday **03 February 2017**
- **03 February**, Friday, for the issue of Friday **10 February 2017**
- **10 February**, Friday, for the issue of Friday **17 February 2017**
- **17 February**, Friday, for the issue of Friday **24 February 2017**
- **24 February**, Friday, for the issue of Friday **03 March 2017**
- **03 March**, Friday, for the issue of Friday **10 March 2017**
- **10 March**, Friday, for the issue of Friday **17 March 2017**
- **16 March**, Thursday, for the issue of Friday **24 March 2017**
- **24 March**, Friday, for the issue of Friday **31 March 2017**
- **31 March**, Friday, for the issue of Friday **07 April 2017**
- **07 April**, Friday, for the issue of Friday **14 April 2017**
- **12 April**, Wednesday, for the issue of Friday **21 April 2017**
- **20 April**, Thursday, for the issue of Friday **28 April 2017**
- **26 April**, Wednesday, for the issue of Friday **05 May 2017**
- **05 May**, Friday, for the issue of Friday **12 May 2017**
- **12 May**, Friday, for the issue of Friday **19 May 2017**
- **19 May**, Friday, for the issue of Friday **26 May 2017**
- **26 May**, Friday, for the issue of Friday **02 June 2017**
- **02 June**, Friday, for the issue of Friday **09 June 2017**
- **09 June**, Friday, for the issue of Friday **16 June 2017**
- **15 June**, Thursday, for the issue of Friday **23 June 2017**
- **23 June**, Friday, for the issue of Friday **30 June 2017**
- **30 June**, Friday, for the issue of Friday **07 July 2017**
- **07 July**, Friday, for the issue of Friday **14 July 2017**
- **14 July**, Friday, for the issue of Friday **21 July 2017**
- **21 July**, Friday, for the issue of Friday **28 July 2017**
- **28 July**, Friday, for the issue of Friday **04 August 2017**
- **03 August**, Thursday, for the issue of Friday **11 August 2017**
- **11 August**, Friday, for the issue of Friday **18 August 2017**
- **18 August**, Friday, for the issue of Friday **25 August 2017**
- **25 August**, Friday, for the issue of Friday **01 September 2017**
- **01 September**, Friday, for the issue of Friday **08 September 2017**
- **08 September**, Friday, for the issue of Friday **15 September 2017**
- **15 September**, Friday, for the issue of Friday **22 September 2017**
- **21 September**, Thursday, for the issue of Friday **29 September 2017**
- **29 September**, Friday, for the issue of Friday **06 October 2017**
- **06 October**, Friday, for the issue of Friday **13 October 2017**
- **13 October**, Friday, for the issue of Friday **20 October 2017**
- **20 October**, Friday, for the issue of Friday **27 October 2017**
- **27 October**, Friday, for the issue of Friday **03 November 2017**
- **03 November**, Friday, for the issue of Friday **10 November 2017**
- **10 November**, Friday, for the issue of Friday **17 November 2017**
- **17 November**, Friday, for the issue of Friday **24 November 2017**
- **24 November**, Friday, for the issue of Friday **01 December 2017**
- **01 December**, Friday, for the issue of Friday **08 December 2017**
- **08 December**, Friday, for the issue of Friday **15 December 2017**
- **15 December**, Friday, for the issue of Friday **22 December 2017**
- **20 December**, Wednesday, for the issue of Friday **29 December 2017**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2016

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1000 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	250.00
Ordinary National, Provincial	2/4 - Half Page	500.00
Ordinary National, Provincial	3/4 - Three Quarter Page	750.00
Ordinary National, Provincial	4/4 - Full Page	1000.00

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3000** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00, to be published the following Friday	Tuesday, 15h00 - 3 days prior to publication
Petrol Price Gazette	As required	First Wednesday of the month	One week before publication	3 days prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00, to be published the following Friday	3 days prior to publication
Unclaimed Monies (justice, labour or lawyers)	January / As required 2 per year	Any	15 January / As required	3 days prior to publication
Parliament (acts, white paper, green paper)	As required	Any		3 days prior to publication
Manuals	As required	Any	None	None
State of Budget (National Treasury)	Monthly	Any	7 days prior to publication	3 days prior to publication
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 days prior to publication
North West	Weekly	Tuesday	One week before publication	3 days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 days prior to publication
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
Mpumalanga Liquor License Gazette	2 per month	Second & Fourth Friday	One week before	3 days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For *National Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice .
(Please see *Quotation* section below for further details)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (Please see the *Copy Section* below, for the specifications).
 - 8.1.5. Any additional notice information if applicable.
9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**QUOTATIONS**

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** GPW's annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the eGazette Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03

- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).

- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette(s)*.

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works
149 Bosman Street
Pretoria

Postal Address:

Private Bag X85
Pretoria
0001

GPW Banking Details:

Bank: ABSA Bosman Street
Account No.: 405 7114 016
Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za

E-mail: info.egazette@gpw.gov.za

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 121 OF 2017

NOTICE OF APPLICATION FOR AMENDMENT OF THE EMALAHLENI LAND USE MANAGEMENT SCHEME 2010 IN TERMS OF CHAPTER 5 AND 6 OF THE EMALAHLENI SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016, READ TOGETHER WITH SPLUMA, ACT 16 OF 2013

EMALAHLENI AMENDMENT SCHEME 2109 WITH ANNEXURE 793

I, Laurette Swarts Pr. Pln. (ID no. 831214 0079 089), of the firm Korsman & Associates, being the authorised agent of the owner of, Erf 1290 Reyno Ridge Extension 4 Township Registration Division J.S., Province of Mpumalanga, hereby give notice in terms of Chapter 5 and 6 of the Emalahleni Spatial Planning and Land Use Management By-law, 2016, read together with SPLUMA, 2013, that I have applied to the Emalahleni Local Municipality for the amendment of the town planning scheme known as the Emalahleni Land Use Management Scheme 2010 by the rezoning of the erf described above, situated at 3 Universe Avenue, from "Residential 1" to "Institutional" with annexure 793 for Residential Buildings. Particulars of the application will lay for inspection during normal office hours at the office of the Chief Town Planner, third Floor, Civic Centre, Mandela Avenue, Emalahleni, for a period of 30 days from **3 November 2017**. 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 P.O Box 3, Emalahleni, 1035 within a period of 30 days from **3 November 2017**.

Address of applicant: Korsman & Associates, Private Bag X7294, Suite 295, Witbank, 1035, Phone:

013-650 0408, Fax: 086 663 6326, Email admin@korsman.co.za

Our ref: R17205-advGazette

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KENNISGEWING 121 VAN 2017

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DIE EMALAHLENI GRONDGEBRUIKBESTUURSKEMA, 2010 INGEVOLGE HOOFSTUK 5 EN 6 VAN DIE EMALAHLENI RUIMETLIKEBEPLANNING EN GRONDGEBRUIKSBESTUUR BY-WET, 2016, SAAMGELEES MET SPLUMA, WET 16 VAN 2013

EMALAHLENI WYSIGINGSKEMA 2109 MET BYLAAG 793

Ek, Laurette Swarts Pr. Pln. (ID nr. 831214 0079 089), van die firma Korsman & Vennote, synde die gemagtigde agent van die eienaar van Erf 1290 Reyno Ridge Uitbreiding 4 Dorpsgebied, Registrasie Afdeling J.S., Provinsie van Mpumalanga gee hiermee ingevolge Hoofstuk 5 en 6 van die Emalahleni Ruimtelikebeplanning en Grondgebruiksbestuur By-wet, 2016, saamgelees met SPLUMA, 2013, kennis dat ek by die Emalahleni Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema, bekend as die Emalahleni Grondgebruikbestuurskema 2010 deur die hersonering van die eiendom hierbo beskryf, geleë te Universelaan 3, van "Residensieel 1" na "Institutioneel" met bylaag 793 vir Residensiëlegeboue. Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Hoofstadsbeplanner, Derdevloer, Burgersentrum, Mandelarylaan, Emalahleni, vir 'n tydperk van 30 dae vanaf **3 November 2017**. Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf **3 November 2017** skriftelik tot die munisipale Bestuurder by bovermelde adres of by Posbus 3, Emalahleni, 1035 ingedien of gerig word.

Adres van applikant: Korsman & Vennote, Privaatsak X7294, Suite 295, Witbank, 1035, Tel: 013-650 0408 Faks: 086 663 6326, E-pos admin@korsman.co.za

Ons verwysing: R17205-advGazette

3-10

NOTICE 122 OF 2017

NOTICE OF APPLICATION FOR AMENDMENT OF THE EMALAHLENI LAND USE MANAGEMENT SCHEME 2010 IN TERMS OF CHAPTER 5 & 6 AND SIMULTANEOUS REMOVAL OF RESTRICTIVE CONDITIONS IN TERMS OF SECTION 67 OF THE EMALAHLENI SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016, READ TOGETHER WITH SPLUMA, ACT 16 OF 2013: **EMALAHLENI AMENDMENT SCHEME 2202 WITH ANNEXURE 783**

I, Laurette Swarts Pr. Pln of Korsman & Associates being the authorised agent of the owner of Holding 55 Jackaroo Agricultural Holdings Extension 2, Registration Division J.S., Province of Mpumalanga, hereby give notice in terms of chapter 5 and 6 of the Emalahleni Spatial Planning and Land Use Management By-law, 2016, read together with SPLUMA, 2013, that I have applied to the Emalahleni Local Municipality for the amendment of the town planning scheme known as the Emalahleni Land Use Management Scheme 2010 by the rezoning of the erf described above, situated adjacent to the R555 (old Middelburg Road) from "Agricultural" to "Business 3" to accommodate Residential Buildings, a Social Hall and Offices with annexure 783 for Dwelling House. Notice is also given in terms of the above that I have applied to the Emalahleni Local Authority for the removal of restrictive title conditions as described hereunder: **Deed of transfer: T5947/2017, Conditions no: Page 2-4 (a), (c)(i), (ii), (d)(i) & (e), Full name of owner: Ubuhle Enterprises CC. Registration No.: 2008/240527/23, Description of land in respect of which the deed of transfer is applicable to: Residential Buildings, a Social Hall and Offices.** Particulars of the application will lay for inspection during normal office hours at the office of the Chief Town Planner, third Floor, Civic Centre, Mandela Avenue, Emalahleni, for a period of 30 days from **3 November 2017**. 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 P.O Box 3, Emalahleni, 1035 within a period of 30 days from **3 November 2017**.

Address of applicant: Korsman & Associates, Private Bag X7294, Suite 295, Witbank, 1035, Phone: 013-650 0408, Fax: 086 663 6326, Email admin@korsman.co.za Our ref: R17192-advGazette

3-10

KENNISGEWING 122 VAN 2017

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DIE EMALAHLENI GRONDGEBRUIKBESTUURSKEMA, 2010 INGEVOLGE HOOFSTUK 5 EN 6 EN DIE GELYKTYDIGE VERWYDERING VAN BEPERKENDE VOORWAARDES IN TERME VAN GEDEELTE 67 VAN DIE EMALAHLENI RUIMTELIKEBEPLANNING EN GRONDGEBRUIKSBESTUUR BY-WET, 2016, SAAMGELEES MET DIE BEPALINGS VAN DIE WET OP RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR, 2013, (WET 16 VAN 2013): **EMALAHLENI WYSIGINGSKEMA 2202 MET BY LAAG 783**

Ek, Laurette Swarts Pr. Pln van Korsman & Vennote synde die gemagtigde agent van die eienaar van Hoewe 55 Jackaroo Landbou Hoewe Uitbreiding 2, Registrasie Afdeling J.S., Provinsie van Mpumalanga gee hiermee ingevolge hoofstuk 5 en 6 van die Emalahleni Ruimtelikebeplanning en Grondgebruiksbestuur By-wet, 2016, saamgelees met SPLUMA, 2013, kennis dat ek by die Emalahleni Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema, bekend as die Emalahleni Grondgebruikbestuurskema 2010 deur die hersonering van die eiendom hierbo beskryf, geleë aangresend tot die R555 van "Landbou" na "Besigheid 3" vir die doel van Residensiëlegeboue, Ontspanningslokaal en Kantore met bylaag 783 vir Residensiële Huis. Kennis word ook gegee in terme van bovermelde dat 'n aansoek ingedien is by die Emalahleni Plaaslike Owerheid vir die verwydering van beperkende titel voorwaarde soos beskryf hier onder. **Titelakte: T5947/2017, Voorwaarde no: Bladsy 2-4 (a), (c)(i), (ii), (d)(i) & (e), Volle naam van eienaar: Ubuhle Enterprises CC, Registrasie nr.: 2008/240527/23, Beskrywing van grond waarop titelakte van toepassing is: Die eiendom word tans gebruik word vir Residensiëlegeboue, Ontspanningslokaal en Kantore.** Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Hoofstadsbeplanner, Derdevloer, Burgersentrum, Mandelarylaan, Emalahleni, vir 'n tydperk van 30 dae vanaf **3 November 2017**. Besware teen of vertoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf **3 November 2017** skriftelik tot die munisipale Bestuurder by bovermelde adres of by Posbus 3, Emalahleni, 1035 ingedien of gerig word.

Adres van applikant: Korsman & Vennote, Privaatsak X7294, Suite 295, Witbank, 1035, Tel: 013-650 0408 Faks: 086 663 6326, E-pos admin@korsman.co.za, Ons verwysing: R17192-advGazette

3-10

NOTICE 123 OF 2017**CHIEF ALBERT LUTHULI LOCAL MUNICIPALITY****NOTICE OF A REZONING APPLICATION IN TERMS OF PART I: SECTION 81(READ WITH CHAPTER 6) OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAWS, 2016 FOR CHIEF ALBERT LUTHULI LOCAL MUNICIPALITY**

We, DLC Town Plan (Pty) Ltd, being the authorised agent, of the owner of a Portion of Erf 37, Honingklip A, hereby give notice in terms of Part I: Section 81(Read with Chapter 6) of the Chief Albert Luthuli Spatial Planning and Land Use Management By-Laws, 2016, that we have applied to the Chief Albert Luthuli Local Municipality for the rezoning of the property as described above.

The property is situated at: Between Badplaas and Ekulindeni (R541) in the Honingklip A settlement. Opposite Jackpot Grocery Store

The rezoning is: for the purpose of a filling station and ancillary and subservient uses

The intension of the applicant in this matter is to: operate a filling station and ancillary and subservient uses on the subject property.

Any objection(s) and/or comment(s), including the grounds for such objection(s) and/or comment(s) with full contact details, without which the municipality cannot correspond with the person or body submitting the objection(s) and/or comment(s), shall be lodged with, or made in writing to: the Strategic Executive Director: City Planning and Development, PO Box 24, Carolina, 1185 or to mm@albertluthuli.gov.za **from 3 November 2017 until 1 December 2017.**

Full particulars and plans (if any) 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 / Beeld / Daily Sun newspaper.

Address of municipal offices: The Strategic Executive Director: City Planning, Development and Regional Services: C/O Voortrekker & Versveld Street, Carolina.

Closing date for any objections and/or comments: 01 December 2017

Address of applicant: DLC Town Plan (Pty) Ltd, P.O. Box 35921, Menlo Park, 0102 or 46 26th Street, Menlo Park, 0081

Telephone No: 012 346 7890

Dates on which notice will be published: 3 November 2017 and 10 November 2017

Reference: Erf 37 Honingklip A

03-10

KENNISGEWING 123 VAN 2017**CHIEF ALBERT LUTHULI PLAASLIKE MUNISIPALITEIT****KENNISGEWING VIR AANSOEK OM HERSONERING INGEVOLGE DEEL I: ARTIKEL 81 (GELEES MET HOOFSTUK 6) VAN DIE GRONDGEBRUIK BESTUUR BYWETTE, 2016 VAN ALBERT LUTHULI PLAASLIKE MUNISIPALITEIT**

Ons, DLC Town Plan (Pty) Ltd, die gemagtigde agent, van die eienaar van 'n Gedeelte van Erf 37, Honingklip A, gee hiermee kennis in terme van Deel: I artikel 81(Gelees met Hoofstuk 6) van die Chief Albert Luthuli Grondgebruiksbestuurs Bywette, 2016 dat ons aansoek gedoen het by die Chief Albert Luthuli Plaaslike Munisipaliteit, vir die hersonering van die eiendom soos hierbo beskryf.

Die eiendom is geleë: Tussen Badplaas en Ekulindeni (R541) in die Honingklip A Dorp. Gelee oorkant Jackpot Kruidenierswinkel

Die hersonering sal wees: vir die doel van 'n vulstasie en aanverwante en ondergeskikte gebruike

Die intensie van die eienaar/applikant in die geval is: die bedryf van 'n vulstasie en aanverwante en ondergeskikte gebruike op die onderwerp eiendom

Enige besware en/of kommentare wat duidelik die gronde van die beswaar en die persoon(ne) se regte uiteensit en aandui hoe hulle belange deur die aansoek geaffekteer gaan word, asook die persoon(ne) se volle kontakbesonderhede, waar sonder die munisipaliteit nie met die persoon(ne) kan korrespondeer nie, moet skriftelik by of tot die Strategiese Uitvoerende Direkteur: Stadsbeplanning en Ontwikkeling, ingedien of gerig word by Posbus 24, Carolina, 1185, of na mm@albertluthuli.gov.za **vanaf 03 November 2017 tot en met 01 Desember 2017.**

Volledige besonderhede en planne (as daar is) kan gedurende gewone kantoor ure geïnspekteer word by die munisipale kantore soos hieronder uiteengesit, vir 'n tydperk van 28 dae vanaf die datum van eerste keer van tentoonstelling van hierdie kennisgewing.

Adres van munisipale kantore: Die Strategiese Uitvoerende Direkteur: Stadsbeplanning, Ontwikkeling en Streeksdienste: Hoek van Voortrekker & Versveld Straat, Carolina

Sluitingsdatum vir enige beswaar(e) en/of kommentaar(e): 01 Desember 2017.

Adres van agent: DLC Town Plan (Pty) Ltd, PO. Boks 35921, Menlo Park, 0102 of 46 26th Straat, Menlo Park, 0081

Datums wat die kennisgewing geplaas sal word: 03 November 2017 en 10 November 2017

Telefoon no: 012 346 7890

Verwysing: Erf 37 Honingklip A

03-10

NOTICE 124 OF 2017**EMALAHLENI LOCAL MUNICIPALITY****PERMANENTLY CLOSURE OF A PORTION OF PROVINCIAL ROAD P 52-3 (R547) FALLING UNDER THE JURISDICTION OF THE EMALAHLENI LOCAL MUNICIPALITY IN KRIEL TOWNSHIP**

Notice is hereby given in terms of the provisions of Section 67 of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939), as amended, that the Emalahleni Local Municipality intends to permanently close a portion of Provincial Road P 52-3 (R547) falling under the jurisdiction of the Emalahleni Local Municipality in Kriel Township.

The sketch plan indicating a portion of Provincial Road P 52-3 (R547) in Kriel Township to be permanently closed is available and may be inspected during normal office hours at the office of the Assistant Manager: Spatial Planning, Third Floor, Civic Centre, Mandela Avenue, eMalahleni, 1034 for a period of 30 days from **10 November 2017.**

Objections to or representations in respect of the proposed street closure must be lodged with or made in writing to the Municipal Manager at the above address or at Emalahleni Local Municipality, PO Box 3, Emalahleni, 1035 within a period of 30 days from **10 November 2017.**

Address of agent: Nkanivo Development Planners, P.O. Box 11948, Silver Lakes, 0054, Tel: (083) 277 7347, Fax: (086) 403 7043, email: info@nkanivo.co.za

10-17

KENNISGEWING 124 VAN 2017**EMALAHLENI PLAASLIKE MUNISIPALITEIT****PERMANENTE SLUITING VAN 'N GEDEELTE VAN PROVINSIALE PAD P 52-3 (R547) INGEVOLGE DIE REGERING VAN DIE EMALAHLENI PLAASLIKE MUNISIPALITEIT IN KRIEL DORPSGEBIED**

Kennis geskied hiermee ingevolge die bepalings van Artikel 67 van die Ordonnansie op Plaaslike Bestuur, 1939 (Ordonnansie No. 17 van 1939), soos gewysig, dat die Emalahleni Plaaslike Munisipaliteit van voorneme is om 'n gedeelte van Provinsiale Pad P 52-3 permanent te sluit (R547) onder die jurisdiksie van die Emalahleni Plaaslike Munisipaliteit in Kriel Dorp.

Die sketsplan wat 'n gedeelte van Provinsiale Pad P 52-3 (R547) in Kriel Dorp aandui om permanent gesluit te wees, is beskikbaar en kan gedurende gewone kantoorure by die kantoor van die Assistent Bestuurder: Ruimtelike Beplanning, Derde Vloer, Burgersentrum, Mandela Laan, eMalahleni, 1034 vir 'n tydperk van 30 dae vanaf **10 November 2017**.

Besware teen of vertoe ten opsigte van die voorgestelde straat sluiting moet binne 'n tydperk van 30 dae vanaf **10 November 2017** skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Emalahleni Plaaslike Munisipaliteit, Posbus 3, Emalahleni, 1035, ingedien of gerig word.

Adres van agent: Nkanivo Development Planners, Posbus 11948, Silver Lakes, 0054, Tel: (083) 277 7347, Faks: (086) 403 7043, epos: info@nkanivo.co.za

10-17

PROCLAMATION • PROKLAMASIE**PROCLAMATION 29 OF 2017****EMALAHLENI LOCAL MUNICIPALITY**
NOTICE OF APPROVAL OF AMENDMENT SCHEME 2129

The Local Municipality of Emalahleni declares hereby in terms of the provisions of Section 66(5) of the Emalahleni Spatial Planning and Land Use Management By-law, 2016, that it has approved an amendment scheme, being an amendment of the Emalahleni Land Use Management Scheme, 2010, by the rezoning of Portion 1 of Erf 953, Witbank Extension 6, from "Industrial 2" to "Institutional."

Map 3 and the scheme clauses of the amendment scheme are filed with the Municipal Manager, Emalahleni Local Municipality and are open for inspection at all reasonable times. This amendment is known as Emalahleni Amendment Scheme 2129 and shall come into operation on date of publication of this notice.

HS MAYISELA
ACTING MUNICIPAL MANAGER

Civic Centre
Mandela Street
eMALAHLENI
1035

P.O. Box 3
eMalahleni
1035

Publication date : Provincial Gazette of Mpumalanga: 20 October 2017

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 145 OF 2017

OPEN SEASON : ORDINARY GAME

I, V.R. SHONGWE, Provincial MEC for Agriculture, Rural Development, Land and Environmental Affairs, Mpumalanga, under section 7(1)(a) of the Mpumalanga Nature Conservation Act, 1998 (Act No. 10 of 1998), hereby declare –

- (a) the periods mentioned in the first column of Schedule I to be open seasons during which time the category of persons referred to in that Schedule may, subject to the provisions of the said Act, hunt the species and sex of ordinary game referred to opposite each period in the second column of that Schedule, in the area defined opposite it in the third column of that Schedule;
- (b) the periods mentioned in the second column of Schedule II to be open seasons during which time the category of persons referred to in that Schedule may, subject to the provisions of the said Act, hunt the species of ordinary game referred to opposite each period in the first column of that Schedule, in the area defined opposite it in the second column of that Schedule; and
- (c) all magisterial districts in the Mpumalanga Province not mentioned in this notice as a closed season for hunting.

OOPSEISOEN: GEWONE WILD

Ek, V.R. SHONGWE, Provinsiale LUR vir Landbou, Landelike Ontwikkeling, Grond en Omgewingsake, Mpumalanga, verklaar hierby, kragtens artikel 7(1)(a) van die Mpumalanga Wet op Natuurbewaring, 1998 (Wet No. 10 van 1998) –

- (a) die tydperke vermeld in die eerste kolom van Bylae I tot oopseisoene waartydens die kategorie persone in daardie Bylae genoem, onderhewig aan die bepalings van genoemde Wet, die spesie en geslag van gewone wild teenoor elke tydperk in die tweede kolom van daardie Bylae genoem, binne die gebied daarteenoor in die derde kolom van daardie Bylae omskryf, kan jag;
- (b) die tydperke gemeld in die tweede kolom van bylae II tot oop seisoene waartydens die kategorie persone in daardie Bylae genoem, onderhewig aan die bepalings van genoemde Wet, die spesie van gewone wild teenoor elke tydperk in die eerste kolom van daardie Bylae genoem, binne die gebied daarteenoor in die tweede kolom van daardie Bylae omskryf, kan jag; en
- (c) Alle landdrostdistrikte in Mpumalanga Provinsie nie in hierdie kennisgewing genoem nie tot 'n toeseisoen vir jag.

SCHEDULE 1

BYLAE 1

PERSONS WHO HUNT ON LAND OF WHICH THEY ARE THE OWNERS			PERSONE WAT OP GROND JAG WAARVAN HULLE DIE EIENAARS IS		
Period	Species and sex of ordinary game	Area (Magisterial District)	Tydperk	Soort en geslag gewone wild	Gebied (Landdrosdistrik)
1. 1 May 2018 to 30 April 2019	Rock pigeon	In all magisterial districts	1. 1 Mei 2018 tot 30 April 2019	Kransduif	In alle landdrosdistrikte
2. 1 May 2018 to 31 July 2018	Red-knobbed coot, yellow-billed duck, Egyptian goose, red-billed teal and spur-winged goose	In all magisterial districts: excluding all magisterial districts in the Mpumalanga Province not mentioned in this notice as a closed season for hunting.	2. 1 Mei 2018 tot 31 Julie 2018	Bleshoender, geelbekeend, kolgans, rooi-bekeend en wilde makou	In alle landdrosdistrikte: uitgesonderd alle landdrosdistrikte in Mpumalanga Provinsie nie in hierdie kennisgewing genoem nie tot 'n toeseisoen vir jag.
3. (a) 1 May 2018 to 30 April 2019 (b) 1 May 2018 to 31 July 2018 (c) 1 May 2018 to 31 September 2018 (d) 1 April 2018 to 31 July 2018	Blesbok and springbok Guineafowl and Spurfowl Crested, Coqui, Redwing and Shelley's Francolin Greywing Francolin, Orange River Partridge	Amersfoort	3. (a) 1 Mei 2018 tot 30 April 2019 (b) 1 Mei 2018 tot 31 Julie 2018 (c) 1 Mei 2018 tot 31 September 2018 (d) 1 April 2018 tot 31 Julie 2018	Blesbok en springbok Tarentaal en Fisante Swempie, Bos-, Rooivlerk- en Laeveldpatryse Bergpatrys, Kalaharipatrys	Amersfoort
4. (a) 1 May 2018 to 30 April 2019 (b) 1 May 2018 to 31 July 2018 (c) 1 May 2018 to 31 September 2018 (d) 1 April 2018 to 31 July 2018	Blesbok and springbok Guineafowl and Spurfowl Crested, Coqui, Redwing and Shelley's Francolin Greywing Francolin, Orange River Partridge	Balfour	4. (a) 1 Mei 2018 tot 30 April 2019 (b) 1 Mei 2018 tot 31 Julie 2018 (c) 1 Mei 2018 tot 31 September 2018 (d) 1 April 2018 tot 31 Julie 2018	Blesbok en springbok Tarentaal en Fisante Swempie, Bos-, Rooivlerk- en Laeveldpatryse Bergpatrys, Kalaharipatrys	Balfour
5. (a) 1 May 2018 to 31 July 2018 (b) 1 May 2018 to 31 July 2018 (c) 1 May 2018 to 31 July 2018 (d) 1 May 2018 to 31 July 2018 (e) 1 May 2018 to 31 September 2018 (f) 1 April 2018 to 31 July 2018	Bushbuck and impala Grey Duiker Kudu Guineafowl and Spurfowl Crested, Coqui, Redwing and Shelley's Francolin Greywing Francolin,	Barberton Excluding the Township Marloth Park being Portion 49 of Portion 2 of the farm Tenbosch 162 JU and the area to the west and the south of the western boundaries of the farms Esperado Annex 222 JU, Louisville 325 JU, Louw's Creek 271 JU and Waiheuwel JU Only on the following farms: Ammanxala 436 JU, Avonstond 427 JU, Biltong 434 JU, Castillhopolis 425 JU, Cooper's Dal 423 JU; Good Luck 418 JU; The Harp 422 JU, The Hippo's 192 JU, Inyoni 420 JU, Johan Theron 430 JU, Lang Piet 435 JU, Lebombo 186 JU, Leeubos 429 JU, Merribeeck 424 JU, Nico's Kamp 421 JU, Nil Desperandum 419 JU, Quagga 432 JU, Seeikoeigat 417 JU and Squamans 416 JU Excluding the area mentioned in Schedule II, paragraph (a)	5. (a) 1 Mei 2018 tot 31 Julie 2018 (b) 1 Mei 2018 tot 31 Julie 2018 (c) 1 Mei 2018 tot 31 Julie 2018 (d) 1 Mei 2018 tot 31 Julie 2018 (e) 1 Mei 2018 tot 31 September 2018 (f) 1 April 2018 tot 31 Julie 2018	Bosbok en rooibok Gewone duiker Koedoe Tarentaal en Fisante Swempie, Bos-, Rooivlerk- en Laeveldpatryse Bergpatrys, Kalaharipatrys	Barberton Uitgesonderd die dorpsgebiede Marloth Park synde gedeelte 49 van gedeelte 2 van die plaas Tenbosch 162 JU en die gebied ten weste en suide van die westelike grense van die plaas Esperado Annex 222 JU, Louisville 325 JU, Louw's Creek 271 JU en Waiheuwel JU Alleenlik op die volgende plaas: Ammanxala 436 JU, Avonstond 427 JU, Biltong 434 JU, Castillhopolis 425 JU, Cooper's Dal 423 JU; Good Luck 418 JU; The Harp 422 JU, The Hippo's 192 JU, Inyoni 420 JU, Johan Theron 430 JU, Lang Piet 435 JU, Lebombo 186 JU, Leeubos 429 JU, Merribeeck 424 JU, Nico's Kamp 421 JU, Nil Desperandum 419 JU, Quagga 432 JU, Seeikoeigat 417 JU en Squamans 416 JU Uitgesonderd die gebied in Bylae II, paragraaf (a) genoem

31 July 2018	Orange River Partridge		31 Julie 2018		
6. (a) 1 May 2018 to 30 April 2019 (b) 1 May 2018 to 31 July 2018 (c) 1 May 2018 to 31 July 2018 (d) 1 May 2018 to 31 September 2018 (e) 1 April 2018 to 31 July 2018	Blesbok Grey duiker Guineafowl and Spurrowl Crested, Coqui, Redwing and Shelley's Francolin Greywing Francolin, Orange River Partridge	Belfast	6. (a) 1 Mei 2018 tot 30 April 2019 (b) 1 Mei 2018 tot 31 Julie 2018 (c) 1 Mei 2018 tot 31 Julie 2018 (d) 1 Mei 2018 tot 31 September 2018 (e) 1 April 2018 tot 31 Julie 2018	Blesbok Gewone duiker Tarentaal en Fisante Swempie, Bos-, Rooivlerk- en Laeveldpatryse Bergpatrys, Kalaharipatrys	Belfast
7.(a) 1 May 2018 to 30 April 2019 (b) 1 May 2018 to 31 July 2018 (c) 1 May 2018 to 31 September 2018 (d) 1 April 2018 to 31 July 2018	Blesbok Guineafowl and Spurrowl Crested, Coqui, Redwing and Shelley's Francolin Greywing Francolin, Orange River Partridge	Bethal	7.(a) 1 Mei 2018 tot 30 April 2019 (b) 1 Mei 2018 tot 31 Julie 2018 (c) 1 Mei 2018 tot 31 September 2018 (d) 1 April 2018 tot 31 Julie 2018	Blesbok Tarentaal en Fisante Swempie, Bos-, Rooivlerk- en Laeveldpatryse Bergpatrys, Kalaharipatrys	Bethal
8.(a) 1 May 2018 to 30 April 2019 (b) 1 May 2018 to 31 July 2018 (c) 1 May 2018 to 31 September 2018 (d) 1 April 2018 to 31 July 2018	Blesbok Guineafowl and Spurrowl Crested, Coqui, Redwing and Shelley's Francolin Greywing Francolin, Orange River Partridge	Carolina	8.(a) 1 Mei 2018 tot 30 April 2019 (b) 1 Mei 2018 tot 31 Julie 2018 (c) 1 Mei 2018 tot 31 September 2018 (d) 1 April 2018 tot 31 Julie 2018	Blesbok Tarentaal en Fisante Swempie, Bos-, Rooivlerk- en Laeveldpatryse Bergpatrys, Kalaharipatrys	Carolina
9.(a) 1 May 2018 to 30 April 2019 (b) 1 May 2018 to 31 July 2018 (c) 1 May 2018 to 31 September 2018 (d) 1 April 2018 to 31 July 2018	Blesbok Guineafowl and Spurrowl Crested, Coqui, Redwing and Shelley's Francolin Greywing Francolin, Orange River Partridge	Delmas	9.(a) 1 Mei 2018 tot 30 April 2019 (b) 1 Mei 2018 tot 31 Julie 2018 (c) 1 Mei 2018 tot 31 September 2018 (d) 1 April 2018 tot 31 Julie 2018	Blesbok Tarentaal en Fisante Swempie, Bos-, Rooivlerk- en Laeveldpatryse Bergpatrys, Kalaharipatrys	Delmas
10.(a) 1 May 2018 to 30 April 2019 (b) 1 May 2018 to 31 July 2018 (c) 1 May 2018 to 31 July 2018 (d) 1 May 2018 to 31 September 2018 (e) 1 April 2018 to 31 July 2018	Blesbok, and springbok Grey duiker Guineafowl and Spurrowl Crested, Coqui, Redwing and Shelley's Francolin Greywing Francolin, Orange River Partridge	Ermelo	10.(a) 1 Mei 2018 tot 30 April 2019 (b) 1 Mei 2018 tot 31 Julie 2018 (c) 1 Mei 2018 tot 31 Julie 2018 (d) 1 Mei 2018 tot 31 September 2018 (e) 1 April 2018 tot 31 Julie 2018	Blesbok en springbok Gewone duiker Tarentaal en Fisante Swempie, Bos-, Rooivlerk- en Laeveldpatryse Bergpatrys, Kalaharipatrys	Ermelo
11.(a) 1 May 2018 to 30 April 2019 (b) 1 May 2018 to 31 July 2018 (c) 1 May 2018 to 31 September 2018 (d) 1 April 2018 to 31 July 2018	Blesbok and Springbok Guineafowl and Spurrowl Crested, Coqui, Redwing and Shelley's Francolin Greywing Francolin, Orange River Partridge	Greylingstad	11.(a) 1 Mei 2018 tot 30 April 2019 (b) 1 Mei 2018 tot 31 Julie 2018 (c) 1 Mei 2018 tot 31 September 2018 (d) 1 April 2018 tot 31 Julie 2018	Blesbok and Springbok Tarentaal en Fisante Swempie, Bos-, Rooivlerk- en Laeveldpatryse Bergpatrys, Kalaharipatrys	Greylingstad
12.(a) 1 May 2018 to 30 April 2019 (b) 1 May 2018 to 31 July 2018 (c) 1 May 2018 to 31 September 2018 (d) 1 April 2018 to 31 July 2018	Blesbok Guineafowl and Spurrowl Crested, Coqui, Redwing and Shelley's Francolin Greywing Francolin, Orange River Partridge	Highveld Ridge	12.(a) 1 Mei 2018 tot 30 April 2019 (b) 1 Mei 2018 tot 31 Julie 2018 (c) 1 Mei 2018 tot 31 September 2018 (d) 1 April 2018 tot 31 Julie 2018	Blesbok Tarentaal en Fisante Swempie, Bos-, Rooivlerk- en Laeveldpatryse Bergpatrys, Kalaharipatrys	Hoëveldrif
13. (a) 1 May 2018 to 31 July 2018	Grey duiker	Lydenburg Excluding the following	13. (a) 1 Mei 2018 tot 31 Julie 2018	Gewone duiker	Lydenburg Uitgesonderd die volgende

<p>(b) 1 May 2018 to 30 April 2019</p> <p>(c) 1 May 2018 to 31 July 2018</p> <p>(d) 1 May 2018 to 31 September 2018</p> <p>(e) 1 April 2018 to 31 July 2018</p>	<p>Blesbok</p> <p>Guineafowl and Spurfwol</p> <p>Crested, Coqui, Redwing and Shelley's Francolin</p> <p>Greywing Francolin, Orange River Partridge</p>	<p>farms: Kalmoesfontein 267 JT, the portion owned by Uitkyk Plantasies (Pty) Ltd, Krugerspost 550KT, the portion owned by S.J. de Clerq, Lydenburg 28 JT, the portion owned by H.J. Neethling and Uitkyk 264 JT.</p> <p>Excluding the farms mentioned in Schedule II, paragraph (a)</p> <p>Excluding the farms mentioned in Schedule II, paragraph (a)</p>	<p>(b) 1 Mei 2018 tot 30 April 2019</p> <p>(c) 1 Mei 2018 tot 31 Julie 2018</p> <p>(d) 1 Mei 2018 tot 31 September 2018</p> <p>(e) 1 April 2018 tot 31 Julie 2018</p>	<p>Blesbok</p> <p>Tarentaal en Fisante</p> <p>Swempie, Bos-, Rooivlerk- en Laeveldpatryse</p> <p>Bergpatrys, Kalaharipatrys</p>	<p>plase: Kalmoesfontein 267 JT, die gedeelte waarvan Uitkyk Plantasies (Edms) Bpk die eienaar is; Krugerspost 550KT, die gedeelte waarvan S.J. de Clerq die eienaar is; Lydenburg 28 JT, die gedeelte waarvan H.J. Neethling die eienaar is en Uitkyk 264 JT.</p> <p>Uitgesonderd die plase in Bylae II, paragraaf (a) genoem</p> <p>Uitgesonderd die plase in Bylae II, paragraaf (a) genoem</p>
<p>14. (a) 1 May 2018 to 30 April 2019</p> <p>(b) 1 May 2018 to 31 July 2018</p> <p>(c) 1 May 2018 to 31 July 2018</p> <p>(d) 1 May 2018 to 31 September 2018</p> <p>(e) 1 April 2018 to 31 July 2018</p>	<p>Blesbok</p> <p>Grey duiker</p> <p>Guineafowl and Spurfwol</p> <p>Crested, Coqui, Redwing and Shelley's Francolin</p> <p>Greywing Francolin, Orange River Partridge</p>	<p>Middelburg</p>	<p>14. (a) 1 Mei 2018 tot 30 April 2019</p> <p>(b) 1 Mei 2018 tot 31 Julie 2018</p> <p>(c) 1 Mei 2018 tot 31 Julie 2018</p> <p>(d) 1 Mei 2018 tot 31 September 2018</p> <p>(e) 1 April 2018 tot 31 Julie 2018</p>	<p>Blesbok</p> <p>Gewone duiker</p> <p>Tarentaal en Fisante</p> <p>Swempie, Bos-, Rooivlerk- en Laeveldpatryse</p> <p>Bergpatrys, Kalaharipatrys</p>	<p>Middelburg</p>
<p>15. (a) 1 May 2018 to 30 April 2019</p> <p>(b) 1 May 2018 to 31 July 2018</p> <p>(c) 1 May 2018 to 31 July 2018</p> <p>(d) 1 May 2018 to 31 September 2018</p> <p>(e) 1 April 2018 to 31 July 2018</p>	<p>Blesbok and impala</p> <p>Grey duiker</p> <p>Guineafowl and Spurfwol</p> <p>Crested, Coqui, Redwing and Shelley's Francolin</p> <p>Greywing Francolin, Orange River Partridge</p>	<p>Piet Retief</p>	<p>15. (a) 1 Mei 2018 tot 30 April 2019</p> <p>(b) 1 Mei 2018 tot 31 Julie 2018</p> <p>(c) 1 Mei 2018 tot 31 Julie 2018</p> <p>(d) 1 Mei 2018 tot 31 September 2018</p> <p>(e) 1 April 2018 tot 31 Julie 2018</p>	<p>Blesbok en rooibok</p> <p>Gewone duiker</p> <p>Tarentaal en Fisante</p> <p>Swempie, Bos-, Rooivlerk- en Laeveldpatryse</p> <p>Bergpatrys, Kalaharipatrys</p>	<p>Piet Retief</p>
<p>16. (a) 1 May 2018 to 30 April 2019</p> <p>(b) 1 May 2018 to 31 July 2018</p> <p>(c) 1 May 2018 to 31 September 2018</p> <p>(d) 1 April 2018 to 31 July 2018</p>	<p>Blesbok and springbok</p> <p>Guineafowl and Spurfwol</p> <p>Crested, Coqui, Redwing and Shelley's Francolin</p> <p>Greywing Francolin, Orange River Partridge</p>	<p>Standerton</p>	<p>16. (a) 1 Mei 2018 tot 30 April 2019</p> <p>(b) 1 Mei 2018 tot 31 Julie 2018</p> <p>(c) 1 Mei 2018 tot 31 September 2018</p> <p>(d) 1 April 2018 tot 31 Julie 2018</p>	<p>Blesbok en springbok</p> <p>Tarentaal en Fisante</p> <p>Swempie, Bos-, Rooivlerk- en Laeveldpatryse</p> <p>Bergpatrys, Kalaharipatrys</p>	<p>Standerton</p>
<p>17. (a) 1 May 2018 to 30 April 2019</p> <p>(b) 1 May 2018 to 31 July 2018</p> <p>(c) 1 May 2018 to 31 September 2018</p> <p>(d) 1 April 2018 to 31 July 2018</p>	<p>Blesbok and springbok</p> <p>Guineafowl and Spurfwol</p> <p>Crested, Coqui, Redwing and Shelley's Francolin</p> <p>Greywing Francolin, Orange River Partridge</p>	<p>Volksrust</p>	<p>17. (a) 1 Mei 2018 tot 30 April 2019</p> <p>(b) 1 Mei 2018 tot 31 Julie 2018</p> <p>(c) 1 Mei 2018 tot 31 September 2018</p> <p>(d) 1 April 2018 tot 31 Julie 2018</p>	<p>Blesbok en springbok</p> <p>Tarentaal en Fisante</p> <p>Swempie, Bos-, Rooivlerk- en Laeveldpatryse</p> <p>Bergpatrys, Kalaharipatrys</p>	<p>Volksrust</p>
<p>18. (a) 1 May 2018 to 31 July 2018</p> <p>(b) 1 May 2018 to 30 April 2019</p> <p>(c) 1 May 2018 to 31 July 2018</p> <p>(d) 1 May 2018 to 31 September 2018</p> <p>(e) 1 April 2018 to 31 July 2018</p>	<p>Grey duiker</p> <p>Blesbok and springbok</p> <p>Guineafowl and Spurfwol</p> <p>Crested, Coqui, Redwing and Shelley's Francolin</p> <p>Greywing Francolin</p>	<p>Wakkerstroom</p>	<p>18. (a) 1 Mei 2018 tot 31 Julie 2018</p> <p>(b) 1 Mei 2018 tot 30 April 2019</p> <p>(c) 1 Mei 2018 tot 31 Julie 2018</p> <p>(d) 1 Mei 2018 tot 31 September 2018</p> <p>(e) 1 April 2018 tot 31 Julie 2018</p>	<p>Gewone duiker</p> <p>Blesbok en springbok</p> <p>Tarentaal en Fisante</p> <p>Swempie, Bos-, Rooivlerk- en Laeveldpatryse</p> <p>Bergpatrys, Kalaharipatrys</p>	<p>Wakkerstroom</p>

31 July 2018			31 Julie 2018		
19. (a) 1 May 2018 to 30 April 2019 (b) 1 May 2018 to 31 July 2018 (c) 1 May 2018 to 31 July 2018 (d) 1 May 2018 to 31 September 2018 (e) 1 April 2018 to 31 July 2018	Blesbok Grey duiker Guineafowl and Spurrow Crested, Coqui, Redwing and Shelley's Francolin Greywing Francolin, Orange River Partridge	Waterval-Boven	19. (a) 1 Mei 2018 tot 30 April 2019 (b) 1 Mei 2018 tot 31 Julie 2018 (c) 1 Mei 2018 tot 31 Julie 2018 (d) 1 Mei 2018 tot 31 September 2018 (e) 1 April 2018 tot 31 Julie 2018	Blesbok Gewone duiker Tarentaal en Fisante Swempie, Bos-, Rooivlerk- en Laeveldpatryse Bergpatrys, Kalaharipatrys	Waterval-Boven
20. (a) 1 May 2018 to 30 April 2019 (b) 1 May 2018 to 31 July 2018 (c) 1 May 2018 to 31 September 2018 (d) 1 April 2018 to 31 July 2018	Blesbok Guineafowl and Spurrow Crested, Coqui, Redwing and Shelley's Francolin Greywing Francolin, Orange River Partridge	Witbank	20. (a) 1 Mei 2018 tot 30 April 2019 (b) 1 Mei 2018 tot 31 Julie 2018 (c) 1 Mei 2018 tot 31 September 2018 (d) 1 April 2018 tot 31 Julie 2018	Blesbok Tarentaal en Fisante Swempie, Bos-, Rooivlerk- en Laeveldpatryse Bergpatrys, Kalaharipatrys	Witbank

SCHEDULE II**PERSONS WHO ARE NOT OWNERS OF LAND ON WHICH THEY HUNT**

Species of ordinary game	Period and area
1. Rock pigeon	1 May 2018 to 30 April 2019 in all magisterial districts
2. Red-knobbed coot, yellow billed duck, Egyptian goose, red-billed teal and spur-winged goose.	1 May 2018 to 31 July 2018 in all magisterial districts: excluding all magisterial districts in the Mpumalanga Province not mentioned in this notice as a closed season for hunting.
3. i) Guineafowl ii) Crested, Coqui, Redwing and Shelley's Francolin iii) Greywing Francolin, Orange River Partridge	(a) During the period referred to in Schedule 1 declared to be an open season during which the owner of the land may hunt these species of ordinary game: Provided that i) shall not be hunted prior to 1 May 2018 and later than 31 July 2018, ii) shall not be hunted prior to 1 May 2018 and later than 31 September 2018, iii) shall not be hunted prior to 1 April 2018 and later than 31 July 2018; (b) in the area where the owner of land may hunt these species of ordinary game as defined in Schedule 1.

BYLAE II**PERSONE WAT NIE EIENAARS IS NIE VAN GROND WAAROP HULLE JAG**

Soort gewone wild	Tydperk en gebied
1. Kransduif	1 Mei 2018 tot 30 April 2019 in alle landdrosdistrikte
2. Bleshoender, geelbekeend, kolgans, rooibekeend en wilde makou	1 Mei 2018 tot 31 Julie 2018 in alle landdrosdistrikte: uitgesonderd alle landdrosdistrikte in Mpumalanga Provinsie nie in hierdie kennisgewing genoem nie tot 'n toeseisoen vir jag.
3. i) Tarentaal en Fisante ii) Swempie-, Bos-, Rooivlerk- en Laeveldpatryse iii) Bergpatrys	(a) Gedurende die tydperk in Bylae I genoem wat tot 'n oopseisoen verklaar is waartydens die eienaar van die grond hierdie spesie gewone wild kan jag: Met dien verstande dat i) nie voor 1 Mei 2018 en later as 31 Julie 2018 gejag word nie, ii) nie voor 1 Mei 2018 en later as 31 September 2018 gejag word nie, iii) nie voor 1 April 2018 en later as 31 Julie 2018 gejag word nie; en (b) binne die gebied waar die eienaar van die grond hierdie spesie gewone wild kan jag

4. Blesbok, blue wildebeest, Burchell's zebra, bushbuck, grey duiker, kudu, impala, springbok, gemsbuck, red hartebeest and hares.	(a) During the period referred to in Schedule 1 declared to be an open season during which the owner of the land may hunt these species of ordinary game: Provided that these species shall not be hunted prior to 1 May 2018 and later than 31 July 2018 and (b) in the area where the owner of land may hunt these species of ordinary game as defined in Schedule 1.
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4. Blesbok, blouwildebees, bontsebra, bosbok, gewone duiker, koedoe, rooibok: springbok, gemsbok, rooihartbees en hase.	soos in Bylae 1 omskryf. (a) Gedurende die tydperk in Bylae 1 genoem wat tot 'n oopseisoen verklaar is waartydens die eienaar van die grond hierdie spesie gewone wild kan jag: Met dien verstande dat hierdie spesies nie voor 1 Mei 2018 en later as 31 Julie 2018 gejag word nie; en (b) binne die gebied waar die eienaar van die grond hierdie soorte gewone wild kan jag soos in Bylae 1 omskryf.
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Given under my Hand at Mbombela, this _____ day of _____ Two Thousand and Seventeen.

Gegee onder my Hand te Mbombela, op hierdie _____ dag van _____ Twee Duisend en Sewentien.



V.R. SHONGWE
Member of the Executive Council :
Agriculture, Rural Development, Land and Environmental
Affairs
Mpumalanga



V.R. SHONGWE
Lid van die Uitvoerende Raad:
Landbou, Landelike Ontwikkeling, Grond en
Omgewingsake
Mpumalanga

PROVINCIAL NOTICE 146 OF 2017**NOTIFICATION REGARDING AN ENVIRONMENTAL IMPACT ASSESSMENT FOR THE
PROPOSED MASHISHING TOWNSHIP ESTABLISHMENT IN MASHISHING (LYDENBURG),
MPUMALANGA PROVINCE**

Notice is hereby given in terms of Chapter 6 of Government Notice No. R. 982 under the EIA Regulations (2014) as amended promulgated under Section 24(5) of the National Environmental Management Act, 1998 (Act 107 of 1998 – NEMA, as amended), of an application for Environmental Authorisation (EA), for a proposed Township Establishment on a portion of portion 81 of the Farm Lydenburg Town and Townlands 31-JT (Mashishing), near Mashishing Town, Mpumalanga Province (please refer to the site map). A full Environmental Impact Assessment (EIA) process will be followed.

Name of Applicant: Thaba Chweu Municipality

EIMS Reference Number: 1208

Nature of Activity:

The proposed project will be comprised of the following:

- Mashishing township establishment on a portion of portion 81 of the Farm Lydenburg Town and Townlands 31-JT; and
- It is anticipated that several NEMA listed activities and National Water Act water uses will be triggered by this application, and these will be confirmed during the Scoping Phase of this project.

However, the following NEMA listed activities are anticipated to be triggered by this application:

- GN R. 983: 9; 10; 11; 12; 19; 27; 31; and 34.
- GN R. 984: 15; and 24.
- GN R. 985: 4 (f)(ii)(bb); and 12 (f).

The following NWA Water Uses are anticipated to be applicable:

- Section 21(c): impeding or diverting the flow of water in a watercourse; and
- Section 21(i): altering the bed, banks, course or characteristics of a water course.

Location:

The project falls within the Ehlanzeni District Municipality and Thaba Chweu Local Municipality, in Mpumalanga Province. The project area covers a portion of portion 81 of the Farm Lydenburg Town and Townlands 31-JT.

Registration and Comment

As a potential I&AP, you are invited to register and comment on the project. Should you have any comments or concerns regarding the project, or should you require any additional information, please contact EIMS telephonically, or in writing by no later than **15th December 2017** using the contact details below. Please include the project reference number (1208) in all correspondence. Furthermore, please note that only registered I&APs will be informed of any project information post this registration period.

Name and contact details of Consultant:

Environmental Impact Management Services (Pty) Ltd (EIMS)

P.O. Box 2083 Pinegowrie 2123

Phone: 011 789 7170 / Fax: 011 787 3059

Contact: Cheyenne Muthukarapan

Email: mashishing@eims.co.za

EIMS Reference number: 1208

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 126 OF 2017**NOTICE IN TERMS OF SECTION 67 OF THE LOCAL GOVERNMENT ORDINANCE, 17 OF 1939**

Notice is hereby made in terms of Section 67 of the Local Government Ordinance, 17 of 1939 as amended, that having been properly effected in accordance with the provisions of the Ordinance and as approved by Bushbuckridge Local Municipality, the following streets in Thulamahashe-B Township, as indicated on the diagrams, have been permanently closed and now known as Erf 1135, as indicated on SG. No. 5741/1998 and Erf 1136, as indicated on S.G No. 5742/1998 Thulamahashe-B Township.

These Erven are consolidated with Erven 64-100 Thulamahashe B Township to create the consolidated Erf now known as Erf 1137 Thulamahashe-B as indicated on S.G No. P.B. 16/1987. The General Plan has been amended accordingly in terms of Section 39 of the Land Survey Act 9 of 1927 (as amended).

Enq : Chief Town Planner (Mr Louis Hlabane or Lucas Seshabela)

Contact : (013) 773 0204 Cell: 082 529 2550 or 078 258 7550

3-10

LOCAL AUTHORITY NOTICE 127 OF 2017

EMAKHAZENI LOCAL MUNICIPALITY**WATER SUPPLY AND SANITATION SERVICES
BY-LAWS**

Under the provisions of sections 3(1) of the Water Services Act, 1997 (Act 108 of 1997), and sections 27 (1) (b) and 152 (1)(b) and 156 of the Constitution of the republic of South Africa, 1996 (Act 108 of 1996), the Emakhaseni Local Municipality, enacts as follows:-

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1. Definitions

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

"Accommodation unit" in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for any purpose;

"Account" means an account rendered for municipal services provided;

"Act" means the Water Services Act, 1997 (Act 108 of 1997), as amended from time to time;

"Agreement" means the contractual relationship between the Council's Customer Care and Revenue management By-laws, 2005;

"Approved" means approved by the Council in writing;

"Area of supply" means any area within or party within the area of jurisdiction of the Council to which water services are provided;

"Authorized agent" means –

- (a) any person authorized by the Council to perform any act, function or duty in terms of, or exercise any power under these bylaws;
- (b) any person whom the Council has delegated the performance of certain rights, duties and obligations in respect of providing water supply service; or
- (c) any person appointed by the Council in terms of written contract as a service provide water services to customs on its behalf, to the extent authorized in such contract;

"Average consumption" means the average consumption of a customer of a municipal service during a specific period, which consumption is calculated by the dividing the total measured consumption of that municipal service by that of the customer over the preceding three months by three;

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

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

"Building Regulations" means the National Building Regulations made in terms of the National Building Regulations and Building Standard Act, 1997 (Act 103 of 1977) as amended;

"Charges" means the rate, charge, tariff, flat rate or subsidy determined by the municipal council;

"Cleaning eye" means any access opening to the interior of a discharge pipe or trap provided for the purposes of internal cleaning;

"Combined installation" means a water installation used for fire-fighting and domestic, commercial or industrial purposes;

"Commercial customer" means any customer other than domestic consumer and indigent customers, including, without limitation, business, industrial, government and institutional customers;

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

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

"Connection" means the point at which a customer gains access to water services;

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

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

"Conservancy tank" means a cored tank used for the reception and temporary reception of sewage and which requires emptying at intervals;

"Council" means the Highlands Municipal Council, and includes –

- (a) the municipal manager of the Council in respect of the performance of these bylaws; and
- (b) an authorized agent of the Council;

"Customer" means a person whom the Council has concluded has an agreement for the provision a municipal service as provided for in the Council's Customer Care and Revenue Management By-laws, 2005;

"Delivery system" means a water delivery mechanism, which delivers a predetermined quantity of water to a customer on agreed terms;

"Determined" means determined by the Council from time to time;

"Domestic consumer" means a customer using water for domestic purposes;

"Domestic purposes" in relation to the supply of water supplied for drinking, ablution and culinary purposes to premises used predominantly purposes;

"Drain" means that portion of the drainage installation that conveys sewage within any premises;

"Drainage installation" means a system situated on any premises and vested in the owner thereof and which is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting point and includes drain, fittings, appliance, septic tanks, conservancy tank, pit latrines and private pumping installations forming part of or ancillary to such systems;

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

"Duly qualified sampler" means a person who is authorized to take samples for analysis from the sewage disposal system, and storm water disposal system, from public waters, bulk water supply, water treatment works, water reticulation systems and natural water sources and who has been certified to do so by an authorized agent;

"Dwelling unit" means an interconnection suite of rooms, including a kitchen or scullery, designed for occupation by a single family, irrespective of whether the dwelling units is a single building or forms part of a building containing two or more dwelling units;

"Effluent" means any liquid whether or not containing matter in solution or suspension;

"Emergency" means any situation that poses a risk or potential risk or life, health, the environment or property;

"Environment costs" means the cost of all measures necessary to restore the environment to its condition prior to the damaging incident;

"Estimated consumption" means the deemed consumption by customer whose consumption is not measured during a specific period, which estimated consumption is rationally determined taking into account at least the consumption of water supply services for a level of service during a specific in the area of supply of the Council;

"Fire hydrant" means a potable water installation that conveys water for firefighting purposes only;

"Fixed charge" means the fixed cost associated with providing water services in a continuous, effective and efficient manner;

"Fixed quantity water delivery system" means a water installation, which delivers a fixed quantity of water to a client in any single day;

"Flood level (1 in 50)" means that level reached by flood waters of a frequency of 1 of 50 years

"Flood level area (1 in 50)" means the area subject to inundation by flood waters, of a frequency of 1 in 50 years;

"Fire installation" means a potable water installation that conveys water for fire-fighting purposes only;

"French drain" means a solid soak pit for the disposal of sewage and effluent from septic tank;

"High strength sewage" means industrial sewage with a strength or quality greater than standard domestic effluent in respect of which a specific charge as calculated in accordance with Schedule C may be charged;

"Household" means a traditional family unit, as determined by the Council from time to time taking into account the number of persons comprising a household, the relationship between the members of a household , the age of the persons w2ho are members of the household and any other relevant factor;

"Illegal connection" means connection to any systems through which water services are provided that is not authorized or approved by the Council;;

"Illegal connection" means connection to any system through which water services are provided that is not authorized or approved by the Council;

"Industrial effluent" means effluent emanating from the use of water for industrial purposes of these bylaws any effluent other than standard domestic effluent or storm water;

"Industrial purposes" in relation to the supply of supply of water means water supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993);

"Installation work" means any work done in respect of water installation, including the construction, rehabilitation, improvement, maintenance thereof;

"JASWIC" means the Joint Acceptance Scheme for Water Installation Components;

"Local Municipality" means a local municipality within the area of the Council;

"Manhole" means any access chamber to the interior of the sewer provided for the purpose of maintenance and internal cleaning;

"Main" and **"mains"** means a pipe, other than a connection pipe, of which the ownership vests in the Council and which is used by it for the purpose of conveying water to customers;

"Measuring device" means any method, procedure, process, device, apparatus or installation that enables the quantity of water services provided to be quantified and includes any method, procedure or process whereby the quantity is estimated or assured or assumed;

"Meter" means a water meter as defined by the Regulations published in terms of the Trade Metrology Act, 1973 (Act 77 of 1973) or, in the case of water meters of size greater than 100 mm, a device which measures the quantity of water passing through it, including a pre-paid water meter;

"Municipal manager" means the person appointed as the municipal manager of the Council by in terms of section 82 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998) and includes any person –

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

"Municipal services" means for purposes of these By-laws, the supply of water and sanitation services provided by the Council including and rates or any one of the above;

"Occupier" includes any person occupying land or premises without regard to title under which he or she occupies and, in the case of premises sub-divided and let to lodgers or various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether for his, her or its own account or as an agent for any person entitled thereto or interested therein;

"On-site sanitation services" means any sanitation services other than water borne sewerage disposal through a sewerage disposal system;

"Owner" means:

- (a) the person in whose name the ownership of the premises is registered from time to time;
- (b) in case where the person in whom the ownership of the premises is vested is insolvent or deceased, or who 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, judicial manager, liquidator or other legal representative;

- (c) in any case where the Council is unable to determine the identity of such a person, a person who has a legal right in to the benefit of the use of such premises or building or building 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 95 of 1986), the developer or the body corporate in respect of the common property; or
 - (ii) a section as defined in such Act, the person in whose name such section is regarded under a sectional title deed and includes the lawfully appointed agent of such person;
- (f) a person occupying land under a register held by a trail authority or in accordance with a sworn affidavit made by tribal authority;
- (g) A person who has lawfully acquired ownership through common or statutory law.

"Person" means any person, whether natural or juristic and includes, but is not limited to any local government body, a company or close corporation incorporated or not, a stator body, voluntary association or trust;

"Plumber" means a person who has passed a qualifying Trade Test in Plumbing or has been issued with a certificate of proficiency in terms of the Manpower Training Act, 1981 (Act 56 of 1981) or such other qualification as may be required under national legislation;

"Pollution" means the introduction of any substance into the water supply system, a water installation or a water resource that may make the water harmful to health or environment or impair its qualify for the use for which it is normally intended;

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

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act 9 of 1927), or in terms of the Deeds Registries 1937 (Act 47 of 1973);
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986); or

- (c) a register held by the tribal authority or in accordance with a sworn affidavit made by a tribal authority;

"Prescribed tariff" means a charge prescribed by the Council;

"Professional Engineer" means a person registered in terms of the **Engineering Profession Act, 2000** (Act 46 of 2000) as a professional engineer,

"Public notice" means publication in appropriate media that may include

one or more of the following:

- (a) publication of a notice, in the official languages determined by the municipal Council-
- (i) in any local news papers circulating in the area of supply of the Council;
 - (ii) in the newspaper or newspapers circulating in the area of supply of the Council determined by the municipal council as a newspaper of record; or
 - (iii) by means of a radio broadcasts covering the area of supply of the Council; or
- (b) displaying a notice at appropriate offices and pay points of the Council; or
- (c) communication with customers through public meetings and ward committee meetings;

"Public water" means any river, watercourse, bay, estuary, the sea and any other water to which the public has the right of use or to which the public has the right of access;

"Sanitation services" has the same meaning assigned to in terms of the Act and includes for purposes of these by-laws the disposal of industrial effluent;

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

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

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

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

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

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

"Shared consumption" means the consumption is calculated by dividing the total metered consumption of that municipal service within the supply zone within which a customer's is situated for the same period by the number of customers within that supply zone, during the same period;

"Standpipe" means a connection through which water supply services are supplied to more than one person;

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

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

"Terminal water fitting" means a water fitting at an outlet of water installation that controls the discharge of water installation;

"Trade premises" means premises upon which industrial effluent is produced;

"Trap" means pipe fitting or portion of a sanitary appliance designed to retain a water seal which serves as barrier against the flow of foul air or gas, in position;

"Unauthorized services" means receipt, use or consumption of any water services which is not in terms of agreement or authorized or approved by the Council;

"Waste water" means waste resulting from the supply of water to a household, office, shops or any other premises other than industrial premises;

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

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

"Water services" means water supply services and sanitation services;

"Water services intermediaries" has the same meaning assigned to it in terms of the Act;

"Water supply services" has the same meaning assigned to it in terms of the Act and includes for purposes of these bylaws water for industrial purposes and fire extinguishing services

"Water supply system" means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto of which the ownership vests in the Council and which are used or intended to be used by it in connection with the supply of water, and includes any part of the system;

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

Unless the context indicates otherwise, any word or expression used in these By-laws to which meaning has been assigned in:

- (a) the Act, will bear that meaning; and
- (b) where applicable, the National Building Regulations Standards Act, 1977, will bear that meaning.

2. Principles and objectives

The Council adopts the following principles:

- (a) the council recognizes that all customers have right of access to basic water supply and basic sanitation in the area of jurisdiction of the council within an environment not harmful to health or well being in line with the goals of the National Government;
- (b) the Council acknowledges that it has the authority to administer water supply service and sanitation services and arising there from a concomitant duty to ensure the supply of water and sanitation services of an acceptable quality within its area of jurisdiction in an efficient, affordable, economical activity;
- (c) the Council recognizes that, in striving to provide water and sanitation services, together with all role-players in the sector and spheres of government it must observe and adhere to the principle of co-operative government in the jurisdiction;
- (d) the Council acknowledges the requirement to draft and promulgate by-laws to govern the provision of water services to its area of jurisdiction;
- (e) the Council recognizes that, in the supply of water and sanitation services, the interests of the customers and the broader goals of public policy must be promoted;
- (f) the Council acknowledges that there is a duty upon it to prepare and adopt a water services development plan for its area of jurisdiction after thorough consultation with all stakeholders and thereafter to update, manage and report thereon on an annual basis;
- (g) the Council recognizes that the provision of water supply service and sanitation services, although an activity distinct from the overall management of water resources, must be undertaken in a manner consistent with the broader goals of water resource management; and
- (h) the Council confirms its duty to provide access to water services in an orderly manner to the nation's water resources, and therefore, the Council, in these By-laws strives to –
- (i) Provide for the rights of access to basic water supply and sanitation within its area of jurisdiction, as contemplated in section 27 (1)(b) of the Constitution of the republic of South Africa;
 - (i) provide for the establishment of a regulatory framework within which to deliver water services;
 - (ii) provide for the setting of terms and conditions to ensure compliance with the statutes, legislation and regulations applicable to the water sector;

- (iii) provide for the monitoring of water services within its area of jurisdiction, and intervention by it, being the Water Services Authority and Provider as provided for in terms of the Water Services Act, 1997, within its area of jurisdiction, where necessary, to provide for –
 - the gathering of information within its area of jurisdiction;
 - the collection thereof to a central data base, and role-players; and
 - the distribution of information to all stakeholders and role- player; and
- (iv) provide for matters related to the supply of water services within its area of jurisdiction.

3. Application

These By-laws apply to all owners and customers to whom water and sanitation services are supplied, or who make use of water and sanitation services, within the area under the jurisdiction of the Council.

CHAPTER 1: APPLICATION, PAYMENT AND TERMINATION**4. Customer Care and Revenue Management By-laws apply**

The provision of the Council's Customer Care and Revenue Management By-law, 2005, apply to all relating to and incidental to –

- (a) The supply of municipal services and the application for supply of municipal services;
- (b) Service agreements;
- (c) The payment and non-payment of a municipal account; and
- (d) The limitation and termination a of water services.,

CHAPTER 2: SERVICE LEVELS**5. Service Levels**

- (1) The Council may, from time to time, and in accordance with national policy, but subject to principles of sustainability and affordability, by public notice, determine the service levels it is able to provide to customers.
- (2) The Council may, in determining services levels, differentiate between types of customers, domestic customers, geographical areas and socio-economic areas.
- (3) The following levels of services may, subject to sub-section (1), be provided by the Council on the promulgation of these Bylaws –
 - (a) Communal water supply services and on-site sanitation services –
 - (i) Constituting the minimum level of service by the Council;
 - (ii) Consisting of reticular standpipes or stationery water tank serviced either through a network pipe or a water tanker located within a reasonable walking distance from any household with a Ventilated Improved Pit latrine located on each premises with premises meaning the lowest order of visibly demarcated area on which some sort of informal dwelling has been erected;
 - (iii) Installed free of charge;
 - (iv) Provided free of any charge to consumers; and maintained by the Council;
 - (v) Maintained by the Council;

- (b) A yard connection not connected to any water installation and an individual connection to the Council's sanitation system –
 - (i) Consisting of an un-metered standpipe on a premises not connected to any water installation and a pour-flush toilet pan, wash-trough and suitable toilet top structure connected to the Council's sanitation system;
 - (ii) Installed free of charge;
 - (iii) Provided free of any charge to consumers; and
 - (iv) Maintained by the Council; and
- (c) a metered pressured water connection with an individual connection to the Council's sanitation system -
 - (i) Installed against payment of the relevant connection charges;
 - (ii) Provided against payment of prescribed charges; and
 - (iii) With the water and drainage installations maintained by the customer.

CHAPTER 3: CONDITIONS FOR WATER SUPPLY SERVICES

Part 1: connection to water supply systems

6. Provision of connection pipe

- (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner must apply on the prescribed fee and pay the prescribed charge for the installation of such a pipe.
- (2) If an application is made for water supply services which are of an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Council may agree to the extension subject to such conditions as it may impose.
- (3) Only the Council may install a connection pipe, but the owner or customer may connect the water installation to the connection pipe.
- (4) No person may commence any development on any premises unless the Council has installed a connection pipe and meter.

7. Location of connection pipe

- (1) A connection pipe provided and installed by the Council must –
 - (a) be located in a position agreed to between the owner and the Council and be of suitable size as determined by the Council;
 - (b) terminate at –
 - (i) the boundary of the land owned by or vested in the Council, or over which the Council has servitude or other right;
 - (ii) the outlet of the water meter if it is situated on the premises; or
 - (iii) the isolating valve if it is situated on the premises.
- (2) In reaching agreement with an owner concerning the location of a connection pipe, the Council must ensure that the owner is aware of –
 - (a) practical restriction that may exist regarding the location of a connection pipe;
 - (b) the cost implications of the various possible locations of the connection pipe;

- (c) whether or not the Council requires the owner to indicate the location of the connection pipe by providing a portion of his or her water installation at or outside the boundary of his or her premises where the connection is required, for the Council to connect to such installation.
- (3) The Council may at the request of any person agree, subject to such conditions as it may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises, however the applicant is responsible for any extension of the water installation to the connection point designated by the Council and for obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (4) An owner must pay the prescribed connection charge in advance before a water connection can be effected.

8. Provision of single water connection for supply to several customers on some premises

- (1) Notwithstanding the provisions of section 7, only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units of customers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the Council, in its discretion, provide and install either –
 - (a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
 - (b) a separate measuring device for each accommodation unit or any number thereof.
- (3) Where the Council has installed a single measuring device as contemplated in subsection (2) (a), the owner or the person having the charge or management of the premises, as the case may be –
 - (a) Must, if the Council so requires, install and maintain on each branch pipe extending from the connection pipe to the different accommodation units –
 - (i) a separate measuring device, and
 - (ii) an isolating valve; and

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 - (b) Is liable to the premises through such a single measuring device, irrespective of the different quantities consumed by the different customers served by such measuring device.
- (4) Notwithstanding subsection (1), the Council may authorize that more than one connection pipe be provided on the water supply system for the supply water to any premises –
 - (a) comprising sectional title units; or
 - (b) if undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (5) Where the provision of more than one connection pipe is authorized by the Council under subsection (4), the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.
- (6) Where a premise is supplied by a number of connection pipes, the Council may require the owner to reduce the number of connection points and alter his or her water installation accordingly.

9. Interconnection between premises or water installations

- (1) An owner of premise must ensure that no interconnection exists between –
 - (a) the water installation on his or premises and the water installation on other premises; or
 - (b) where several accommodation units are situated on the same premises, between the water installations of the accommodation units,
- (2) Interconnection may exist only if he or she –
 - (a) has obtained the prior written consent of the Council; and
 - (b) complies with any conditions that it may have imposed.

10. Disconnection of water installation from connection pipe

The Council may disconnect a water installation from the connection pipe and removed the connection pipe if –

- (a) the agreement for supply has been terminated in terms of this by law and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been demolished.

11. Communal water services works and provision of a water service work for water supply to several customers

The Council may install a communal water services work for the provision of water services to several customers at a location that the Council deems appropriate, provided that the customers to whom water services will be provided though that water services work have been consulted in respect of –

- (a) the level of service;
- (b) the tariff that will be payable;
- (c) and the location of the work.

12. Temporary water supply from a water supply system

- (1) The Council may authorize a temporary supply of water to be taken from one or more water supply system specified by it, subject to such conditions and period as it may prescribe.
- (2) A person who desires a temporary supply of water referred to in subsection (1) or the use of a portable water meter in terms of subsection (4) or both a supply and meter, must apply to the Council for such service.
- (3) Supply of water in terms of subsection (1) must be measured.
- (4) The Council may for purpose of measuring provide a portable water meter portable returned to the Council on termination of the temporary supply.

The portable meter and all other fittings and apparatus used for connection of the portable water meter to the system –

- (a) remain the property of the Council; and
- (b) may be provided subject to any conditions imposed by the Council.

Part 2: Standards and conditions of supply**13. Quantity, quality and pressure**

Water supply service provided by the Council must comply with the minimum standards set for the provision of water supply service in terms of section 9 of the Act.

14. General conditions of supply

- (1) The Council may specify the maximum height to which water will be supplied from the water supply system but where a customer requires water to be supplied at a greater height or pressure the customer will be responsible for the costs.
- (2) The Council may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (3) If the consumption of water by a customer adversely affects the supply of water to another customer, the Council –
 - (a) may apply restrictions to the supply of water to the first mentioned customer in order to ensure a reasonably supply of water to the other customer; and
 - (b) must inform the first mentioned customer of the restrictions.

15. Testing of pressure in water supply system

The Council may, on application by an owner and payment of the determined charge, determine and furnish the owner with the value of the pressure in the water supply system relating to his or her premises over such period as he or she may request.

16. Pollution of Council's water supply

- (1) No person may –
 - (a) unless the person is specifically authorized to do so in writing by the Council on application; and
 - (b) if the water is used in connection with the water supply, in any manner pollute –
 - (i) water in a reservoir or other place –
 - which is either in whole or in part vested in the Council, or
 - which the Council owns or controls, either in whole or in part; and

- (ii) water or the environment in the jurisdiction of the Council, including but not restricted to all water sources such as streams, rivers, and dams.
- (2)
 - (a) No person may deposit or discharge rubbish, night-soil, industrial waste or other matter which may cause pollution of any nature on a portion of a catchment area, which has been designated by notice boards as an area where such acts are prohibited, relating to the Council's water supply.
 - (b) A person may deposit or discharge rubbish, night-soil, industrial waste or other matter at places designated by notice boards or in receptacles as are provided by the Council.
- (3) If a person contravenes subsection (1) or (2) (a), the Council may –
 - (a) by written notice require the person immediately to stop the prohibited act and to take specified action within the specified period; or
 - (b) if the situation is a matter of urgency, without prior notice take such action as the Council may deem necessary and recover the cost from the person.

17 Owner to prevent pollution of water

- (1) An owner must provide and maintain measures, approved by the Council, to prevent the entry into –
 - (a) the water supply system; and
 - (b) any part of the water installation on his or her premises, of a substance which may be a danger to health or adversely affect the possibility of water or affect its fitness for use.
- (2) If an owner fails to comply with subsection (1) and pollution occurs, the Council may serve a notice of compliance on the person.

18. Water restrictions

- (1) The Council may –
 - (a) for the purposes of water conservation;
 - (b) where drought conditions prevail or are imminent;
 - (c) to prevent the wasteful use of water or;
 - (d) in the event of water shortage, drought or flood, by public notice –

- (i) Prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for –
 - specified purposes;
 - during specified hours of the day or on specified days; and
 - in a specified manner; and
 - (ii) determined and impose –
 - a limit on the quantity of water that may
 - charges additional to those determined charges in respect of supply of water in excess of limit contemplated in subsection (1)(ii)(aa); and
 - a general surcharge on the determined charges in respect of the supply of water; and
 - (iii) imposed restrictions or prohibitions on –
 - the use or manner of use or disposition of an appliance by means of which water is used or consumed; or
 - the connection of such appliances to the water installation.
- (2) A public notice contemplated in terms of subsections (1) must, except in the event of flood or other disaster necessitating the immediate restriction or prohibition of the consumption of water, set out the date and time when such restrictions shall become effective, being not less than 3 days after the date of publication of the public notice .
- (3) The Council may
 - (a) limits the application of the provisions of a notice contemplated by subsection (1) to specified areas and categories of customers, premises and activities; and
 - (b) permit deviation and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.
- (4) The Council may –
 - (a) take measure, or by written notice require a customer at his or her own expense to take measures, including the installation of measurement devices and devices restricting the flow of water, as may be necessary to ensure compliance with a notice published in terms of subsection (1); or
 - (b) for such period as it may deem fit limit the supply of water to any premises in the event of –

- (i) a contravention on such premises; or
 - (ii) failure to comply with the terms of notice published charge for reconnecting the supply has been paid.
- (5) The provisions of this section also apply in respect of water directly by the Council to customers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in terms of subsection (1).

19. Specific conditions of supply

- (1) Notwithstanding the undertaking in section 13, the granting of a supply of water by the Council does not constitute an undertaking by it to maintain at any time or any point in its water supply system –
 - (a) an uninterrupted supply, subject to the provisions of regulations 4 and 14 of Regulation 22355 promulgated in terms of the Act on 8 June 2003; or
 - (b) a specific pressure or rate of flow in such supply other than required in terms of regulation 15(2) of Regulation 22355 promulgated in terms of the Act on 8 June 2003
- (2) The Council may, subject to the provisions of subsection (1)(b), specify the maximum pressure to which water will be supplied from the water supply system.
- (3) If owner requires –
 - (a) that any of the standards referred to in subsection (1); or
 - (b) a higher standard of service than specified in section 13, be maintained on his or her premises, he or she must take the necessary steps to ensure that his or her water installation is able to meet such standards.
- (4) The Council may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (5) The Council is not liable for any damage to property caused by water flowing from any water installation left open when the water supply is re-instated, following an interruption in supply.
- (6) Every steam boiler, hospital, industry and premises which requires, for the purpose of the work undertaken on the premises, a continuous supply of water must have storage tank where water can be stored when the continuous supply is disrupted, and the storage tank –

- (a) Must comply with the specification for water storage tank as stipulated in SABS 0250 Part 1; and
 - (b) Must have with a capacity of not less than 24 hours water supply calculated as the quantity required providing the average daily consumption.
- (7) A customer may not resell water supplied to him or her by the Council, except with the written permission of the Council, and the Council may –
 - (a) stipulate the maximum price at which the water may be resold; and
 - (b) impose such other conditions as the Council; may deem fit.

20. Measuring of quantity of water supplied

- (1) The Council will provide a measuring device designed to provide either a controlled volume of water or an uncontrolled volume of water>
- (2) The Council must measure the quantity of water supplied through a measuring device designed to provide an uncontrolled volume of water, at regular intervals.
- (3) Any measuring device (and its associated apparatus) through which water is supplied to a customer by the Council –
 - (a) shall be provided and installed by the Council;
 - (b) remains the property of the Council; and
 - (c) may be changed and maintained by the Council when deemed necessary by it.
- (4) The Council may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- (5) If the Council installs a measuring device on a service pipe in terms of subsection of pipe and associated fittings between the end of its connection pipe and the meter, and such section is deemed to form part of the water supply system.
- (6) If the Council installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (3), the owner –
 - (a) must provide a suitable place in which to install it;
 - (b) must ensure that unrestricted access is available at all times;

- (c) is responsible for its protection and is liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
 - (d) must ensure that no connection is made to the pipe in which the measuring device and the connection pipe serving installation;
 - (e) must provide for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the Council on the measuring device; and
 - (f) may not use or permit to be used on any water installation, any fitting, machine or appliance which causes damage or is likely to cause damage to any meter.
- (7) No person other than the Council may –
- (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal which the Council has placed on a meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.
- (8) If the measuring device is a meter and its size is unsuitable by reason of the quantity of water supplied to premises, the Council May –
- (a) install a meter of such size as it may deem necessary; and
 - (b) recover from the owner of the premises concerned the prescribed charge for the installation of the meter.
- (9) The Council may require that the owner, at his or her expense, install a measuring device to each dwelling unit, in separate occupancy on premises, for use to determine the quantity of water supplied to each unit, however, where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

21. Quantity of water supplied to consumer

- (1) For purposes of assessing the quantity of water measured by a measuring device installed by the Council and supplied to a customer over specific period, it will, for the purposes of these By-laws, be deemed, unless the contrary can be proved, that –

- (a) the quantity, for a measuring device designed to provide an uncontrolled volume of water, is represented by the difference between measurements taken at the beginning and end of such period;
- (b) the quantity, for a measuring device designed to provide a controlled volume of water, is represented by the volume dispensed by the measuring device;
- (c) the measuring device was accurate during such period; and
- (d) the entries in the records of the Council were correctly made,

however if water is supplied to, or taken by, a customer without it passing through a measuring device, the estimate by the Council of the quantity of such water shall be a measuring device, the estimate by the Council of the quantity of such water shall be deemed to be reasonably correct.

- (2) Where water supplied by the Council to any way taken by the customer without such water passing through any measuring device, provided by the Council, the Council, for the purpose of rendering an account, may estimate, in accordance with subsection (3), the quantity of water supplied to the customer during the period that water is so taken by the customer.
- (3) For the purposes of subsection (2), an estimate of the quantity of water supplied to a customer is based on, as the Council may decide –
 - (a) the average monthly consumption of water on the premises registered over three succeeding measuring periods after the date on which the irregularity referred to in subsection (2) was discovered and rectified; or
 - (b) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months' Period before the date on which it was discovered that the water was taken in the manner mentioned in subsection (2).
- (4) Nothing in these by-laws shall be construed as imposing on the Council an obligation to cause any measuring device installed by the Council on any premises to be measured at the end of every month or any other fixed period, and the Council may charge the customer an average consumption during the interval between successive measurements of the measuring device.
- (5) Unit such time as a measuring device has installed device has been installed in respect of water supplied to a customer, the estimated or share consumption of that customer must be based on the average consumption, during specific period, of water supplied to the specific supply zone within which the customer's premises is situated.

- (6) Where it is not reasonably possible or cost effective to measure water supplied to each customer within a determined supply zone, the Council may determine a tariff or charge based on the estimate or shared consumption of water supplied to that supply zone.
- (7) The Council will, within 7 days –
 - (a) on receipt or a written notice from the customer; and
 - (b) subject to payment of the determined charge,

measure the quantity of water supplied to the customer at a time or on a day other than that upon which it would normally be measured.

22. Special measurement

- (1) If the Council requires, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may by written notice advise the owner concerned of its intention to install a measuring device at such point in the water installation as it may specify.
- (2) The installation of measuring device, its removal, and the restoration of the water installation after such removal shall be carried out at the expense of Council.
- (3) Sections 20 (5) and (6) apply insofar as they may be applicable in respect of a measuring device installed in terms of subsection (1).

23. No reduction of amount payable for water wasted

A customer is not entitled to a reduction of the amount payable for water wasted or water losses in a water installation.

24. Adjustment of quantity of water supplied through defective measuring device

- (1) if a measuring device found to be defective in terms of these by-laws, the Council may estimate the quantity of water supplied to the customer concerned during the period in which such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over –
 - (a) a period between two successive measurements subsequent to the replacement of the measuring device;
 - (b) a period in the previous year corresponding to the period in which the measuring device was defective; or

- (c) the period between three successive measurements prior to the measuring device becoming defective,

whichever it considers the most appropriate.

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

25. Sampling of water

- (1) The Council must determine times and must, at those times, at its cost, take samples of water in the water supply systems for domestic purposes and cause the samples to be tested for compliance with any national standards prescribed in terms of section 9 of the Act.
- (2) The Council may take samples of water obtained from a source, authorized in terms of sections 6 or 7 of the Act, other than the water supply systems for domestic purposes, and cause the samples to be tested for compliance with any national standards prescribed in terms of section 9 of the Act.
- (3) The person to whom approval was granted in terms of section 6 (1) or 7 (1) of the water for potable water for water, must pay the prescribed charge for the taking and testing of the samples referred to in subsection (1).

26. Supply of non-potable water by Council

- (1) The Council may on application, and subject to such terms and conditions as the it may impose, agree to supply non-potable water to a customer.
- (2) Any supply of water agreed to in terms of subsection (1) may not be used for domestic or any other purposes if it may give rise to a health risk.
- (3) No warranty, expressed or implied, applies to the purity of any non-potable water supplied by the Council or its suitability for which the supply was granted.
- (4) The supply of non-potable water, both as to condition and used, is entirely at the risk of the customer, who is liable for any consequential damage or loss arising to himself or others arising directly there from, including the consequences of any bona fide fault of the Council or the malfunction of a treatment plant .

27. Pipe in streets or public places

No person may, for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land or owned by, vested in, or under the control of any Council or Local Municipality, as

the case may be, except with the prior written permission of that Council and subject to such conditions as it may impose.

Part 4: Audit**28. Water audit**

- (1) The Council may require a customer, within one month after the end of a financial year of the Council, to undertake an annual water audit at his or her or its own cost.
- (2) A copy of the audit must be available for inspection by the officials from -
 - (a) the Department of Water Affairs and Forestry; and
 - (b) the Council
- (3) The audit must contained details in respect of:
 - (a) the amount of water used during the financial year;
 - (b) the amount paid for water for the financial year;
 - (c) the number of people living on the stand or premises;
 - (d) the number of people permanently working on the stand or premises;
 - (e) the seasonal variation in demand through monthly consumption figures;
 - (g) the plants to manage their demand for water;
 - (h) estimates of consumption by various components or use, and a comparison of the above factors with those reported in each of the previous three years, where available;
 - (i) the current initiatives to manage demand for water;
 - (j) a comparison of the above factors with those reported in each of the previous 3 years (where available); and
 - (k) a comparison of the above factors with those reported in each of the previous 3 years, where available.

Part 5: Installation work**29. Approval of installation work**

- (1) If an owner wishes to have installation work done, he or she must first obtained the Council's written approval, however the approval is not required –
 - (a) in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS Code 0400; or
 - (b) for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- (2) Application for the approval referred to in subsection (1) must be made on the prescribed form and must be accompanied by –
 - (a) the prescribed charge, if applicable;
 - (b) copies of the drawings as prescribed by the Council, giving information in the form required by Clause 4.1.1 of SABS Code 0252: Part I; and
 - (c) A certificate certifying that the installation has been designed in accordance with SABS Code 0252: Part 1 or has been designed on a rational basis.
- (3) The provisions of subsections (1) and (2) do not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- (4) Authority given in terms of subsection (1) lapses at the expiry of period of 24 months after the first day of the month succeeding the month in which the authority is given.
- (5) Where approval was required in terms of subsection (1), a complete set of approved drawings of installation work must be available at the site of the work at all times until such work has been completed
- (6) If installation work has been done in contravention of subsection (1) and (2), the Council may by written notice require the owner of the premises concerned to –
 - (a) Rectify the contravention within a specified period;
 - (b) If work is in progress, to cease the work; and
 - (c) To remove all such work which does not comply with these By –laws.

30. Person permitted to do installation and other work

- (1) No person, except a plumber or a person working under a plumber may –

- (a) do installation work other than the replacement or repair of an existing pipe or water fitting;
 - (b) replace a fixed water heater or its associated protective devices;
 - (c) inspect, disinfect and test a water installation, fire installation or storage tank;
 - (d) service, repair or replace a back flow preventer; or
 - (e) install, maintain or replace a meter provided by an owner in a water installation.
- (2) No person may require or engage a person who is not a plumber to do the work referred to in subsection (1).
- (3) the Council may permit a person who is not a plumber to do installation work on his or her own behalf on premises owned and occupied solely by himself or herself and his and her immediate household, however such work must be inspected and approved by a plumber at the direction of the Council.

31. Technical requirements for water installation

Notwithstanding the requirement that a certificate be issued in terms of section 29(2)(c), all water installations must comply with SABS 0252 Part 1, and all fixed electrical storage water heaters must comply with SABS 0254.

32. Provision and maintenance of water installations

- (1) An owner must provide and maintain his or her water installation at his or her own cost⁶ and must, unless permitted in terms of subsection (2), ensure that the installation is situated within the boundary of his or her premises.
- (2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his premises, an owner must obtain the written consent of the Council or the owner of the land on which such portion is situated, as the case may be.
- (3) An owner must install an isolating valve –
- (a) in the case of meter installed outside the boundary, at a suitable point on a service pipe immediately inside the boundary of the property; and
 - (b) in the case of a meter installed on the premises, at suitable point on his or her service pipe.

33. Use of pipes and water fitting to be authorized

- (1) No person may, without the prior written authority of Council, install or use a pipe or water fitting in a water installation within the Council's area of jurisdiction, unless it is included in the schedule of approved pipes and fitting as compiled by the Council.
- (2) Application for the inclusion of a pipe or water fitting in the schedule referred to in subsection (1) must be made on the form prescribed by the Council and be accompanied by the prescribed charge.
- (3) A pipe or water fitting may be included in the schedule referred to in subsection (1) if –
 - (a) it bears the standardization mark of the South African Bureau of standards in respect of the relevant SABS specification issued by the Bureau;
 - (b) it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS mark specification or a provisional specification or issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years; or
 - (c) it is deemed acceptable by the Council.
- (4) The Council may, in respect of any pipe or water fitting included in the schedule, impose such additional conditions as it may deem necessary in respect of the use or methods of installation thereof.
- (5) A pipe or water fitting must be removed from the schedule if it –
 - (a) no longer complies with the criteria upon which its inclusion was based; or
 - (b) is no longer suitable for the purpose for which its use was acceptable.
- (6) The current schedule must be available for inspection at the office of the Council at any time during working hours.
- (7) The Council may sell copies of the current schedule at the prescribed charge.

34. Labeling of terminal water fittings and appliances

All terminal water fittings and appliance using or discharging water must be marked, or must have included within the packaging of the item, the following information –

- (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate; and

- (b) the flow rate, in litres per minute, related to the design pressure range, and this information must be given for at least the following water pressures: 20 kPa.

35. Water demand management

- (1) A shower head with a maximum flow rate of greater than 10 litres per minute may not be installed in any water installation where –
 - (a) the dynamic water pressure is more than 200 kPa at a shower control valve; and
 - (b) the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve,
- (2) The maximum flow rate from any tap installed on a wash hand basin may not exceed 6 litres per minute.

Part 6: Communal water supply services**36. Provision of water supply to several customers**

- (1) The Council may install a communal standpipe for the provision of water supply services to several customers at a location it deems appropriate, provided that the customers to whom water supply services will be provided through that communal standpipe have been consulted.
- (2) The Council may provide communal water supply services through a communal installation designed to provide a controlled volume of water to several customers.

Part 7: Temporary water supply services**37. Water supplied from a hydrant**

- (1) The Council may authorize a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and period as may be prescribed by it and payment of such applicable charges, including a deposit, as may be determined by it from time to time.
- (2) A person who desires a temporary supply of water referred to in subsection (1) must apply for such water supply services in terms of provisions of the Customer Care and Revenue Management By-laws, 2005, of the Council.
- (3) The Council must provide a portable water meter and all other fittings and apparatus necessary for the temporary supply of water from hydrant.
- (4) The portable meter and all other fittings and apparatus provided for the Council on temporary supply of water from a hydrant remains the property of the Council on termination of the temporary supply, and failure to return the portable meter and all other fittings and apparatus is offence.

Part 8: Boreholes**38. Notification of boreholes**

- (1) No person may sink a borehole on the premises situated in a dolomite area, and a person must, before he or she sinks a borehole, determine if the premises on which the borehole is to be sunk is not situated within a dolomite area.
- (2) The Council may require the owner or occupier of any premises who intends to sink borehole to undertake an environmental impact assessment for such intended borehole before sinking the borehole.
- (3) Boreholes are subject to the requirements of the National Water Act, 1998 (Act 36 of 1998).
- (4) The Council may, by public notice, require –
 - (a) the owner of any premises within the area of jurisdiction of the Council upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and
 - (b) the owner or occupier of any premises who intends to sink a borehole on premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.

- (5) The Council may –
 - (a) by notice require an owner or occupier who has an existing borehole used for water services; or
 - (b) or by public notice require owners or occupiers, who have existing boreholes used for water services,
 - (c) to obtain approval from it for the use of a borehole for potable water supply services in accordance with section 6,7 and 22 of the Act.
- (6) The Council may, in the notices contemplated in subsection (3) (a) and (b)-
 - (a) impose conditions in respect of the use of a borehole for potable water services; and
 - (b) impose a fixed charge in respect of the use of a borehole.

Part 9: Fire services connections**39. Connection to be approved by Council**

- (1) The council is entitled in its absolute discretion to grant or refuse an application for the connections of a fire extinguish installation to the Council's main.
- (2) No water may be supplied to any fire extinguishing installation until a certificate in terms of section 29 (2)(c) has been submitted to the Council and until the installation complies with the requirements of these By-laws and any other by-laws of the Council or Local Municipality.
- (3) If a fire extinguishing installation which the Council has allowed to be connected to the Council's main is not being kept in proper working order or is otherwise not being properly maintained, or is being used for purpose other than fire fighting, then the Council is entitled either to require the installation to be disconnected from the main or itself to carry out the work of disconnecting It at the customer's expense.
- (4) The Council is entitled, if it has allowed a fire extinguishing installation to be connected to its main, either to require the installation to be disconnected from the main or it to carry out the work of disconnecting it at the customer's expense, if the fire extinguishing installation is –
 - (a) not being kept in proper working order;
 - (b) otherwise not being properly maintained, or
 - (c) is being used for purpose other than fire fighting.

40. Special provisions

The provisions of SABS 0252-1: 1994 apply to the supply of water for firefighting purposes.

41. Dual and combined installations

All new building erected after these By-laws commence, must comply with the following requirements in relation to the provision of fire extinguishing services:

- (a) if boosting of the system is required, a dual pipe system must be used, one for fire extinguishing purposes and the other for general domestic purpose;
- (b) combined installations are only permitted where no booster pumping connection is provided on the water installation, and in such case the Council must provide a fire hydrant, at the customer's expenses, within 90 m of the property to provide a source of water for the fire tender to extinguish the fire;

- (c) combined installations where a booster pumping connection is provided are only permitted when designed and certified by the Council; and
- (d) all pipes and fittings –
 - (i) must be capable of handling pressures in excess of 1 800 kPa, which could be expected when boosting taken place; and
 - (ii) must maintain their integrity when exposed to fire conditions.

42. Connection pipes for fire extinguishing services

- (1) After these By-laws commence, the Council, must provide a single connection pipe for both fire extinguishing services (excluding sprinkler systems) and potable water supply services.
- (2) The Council must provide and install at the cost of the owner a combination meter on the connection pipe.
- (3) A separate connection pipe must be laid and used for every fire sprinkler extinguishing system unless otherwise approved.
- (4) A connection pipe must be equipped with a measuring device that will not obstruct the flow of water while operating.

43. Valves and meters in connection pipes

Every connection pipe to a fire extinguishing installation must be fitted with valves and measuring device which is –

- (a) supplied by the Council at the expense of the customer;
- (b) installed between the customer's property and the main; and
- (c) installed in such position as may be determined by the Council.

44. Meters in fire extinguishing connection pipes

If it appears to the Council that water has been drawn from a connection pipe which is used solely for fire extinguishing purposes other than for the purpose of extinguishing a fire, the Council is entitled to install a water meter in the pipe, and the owner of the premises is liable for all costs in so doing.

45. Sprinkler extinguishing installations

A customer may install a sprinkler installation in direct communication with the main, but the Council may not be deemed to guarantee any specified pressure at any time.

46. Header tank or double supply from main

- (1) The customer must, unless the installation is provided with a duplicate supply from a separate main, install a header tank for its sprinkler installation at such elevation as will compensate for any failure or reduction of pressure in the Council's main.
- (2) The main pipe leading from such header tank to the sprinkler installation may be in direct communication with the main, provided that such main pipe must be equipped with a reflux valve which, if for any reason the pressure in the main fails or is reduced, will shut off the supply from the main.
- (3) Where a sprinkler installation is provided with a duplicate supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises.

47. Sealing of private fire hydrants

- (1) Except in the case of a combined system with a combination meter, all private hydrants and hose-reels must be sealed by the Council and the seals may not be broken by any person other than the Council, except –
 - (a) for the purposes of opening the hydrant in the case of fire; or
 - (b) in the course of servicing and testing.
- (2) The customer must give the Council at least 48 hours notice prior to a fire extinguishing installation being serviced and tested.
- (3) The customer must borne the cost of resealing such a hydrant and hose-reel except when such seals area broken by the Council's officers for testing purposes
- (4) The customer must pay any water consumed through a fire installation or sprinkler system at the charges determined by the Council.

CHAPTER 4: CONDITIONS FOR SANITATION SERVICES

Part 1: Connection to sanitation system

48. Obligation to connect to sanitation system

- (1) Unless consent for the use of on-site sanitation services was obtained in accordance with section 52, a premises on which sewage is produced must be connected to the Council's system if –
 - (a) a connecting sewer is available; or
 - (b) it is reasonably possible or cost effective for the Council to install a connecting sewer.
- (2) The Council may, by notice, require the owner of premises which is not connected to the Council's sanitation system to connect to the sanitation system.
- (3) The owner of premises required to connect to the Council's sanitation system in accordance with subsection (2), must inform the Council in writing of the on-site sanitation services provided by the Council that will no longer be required as a result of the connection to the sanitation system, and the owner remains liable for any charges payable in respect of on-site sanitation services until the agreement for such services has been terminated in accordance with the Council's Customer Care and Revenue Management By-Laws, 2005.
- (4) If the owner fails to connect to the sanitation system in accordance with the notice served in accordance with subsection (2) the Council may, notwithstanding any other actions it may take in terms of these By-laws, impose penalties as determined by it.

49. Standards for sanitation services

Sanitation services provided by the Council must comply with the minimum standards set for the provision of sanitation services in terms of section 9 of the Act.

50. Objectionable discharge to sewage disposal system

- (1) No person may discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance which does not comply with the standards and criteria prescribed herein, and which-
 - (a) contains any substance in such concentration as will produce or be likely to produce in the effluent for discharge-
 - (i) at any sewage treatment plant; or

- (ii) in any public water,

Any offensive or otherwise undesirable taste, colour, odour, temperature or any foam;

- (b) may prejudice the re-use of treated sewage;
 - (c) may adversely affect any of the processes whereby sewage is purified for re-use;
 - (d) may adversely affect any of the processes whereby sewage is treated to produce sludge for disposal;
 - (e) contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant;
 - (f) contains any substance or thing of whatsoever nature which causes or is likely to cause a breakdown or inhibition of the processes in use at a sewage plant;
 - (g) contains any substance or thing of whatsoever nature which is of such strength, or which is amendable to treatment only to a degree as will result in effluent from the sewage treatment plant or discharge from any sea outfalls not complying with standards prescribed under the National Water Act, 1998 (Act 36 of 1998);
 - (h) may cause danger to the health or safety of any person;
 - (i) may be injurious to the structure or material of the sewage disposal system;
 - (j) may prejudice the use of any ground used by the Council; or
 - (k) may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (2) No person may cause or permit any storm water to enter the sewage disposal system.
- (3) The Council may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures which would ensure compliance with these By-laws and to report such findings to an authorized agent.

- (4) If any person contravenes any provision of subsections (1) or (2) he or she must within 12 hours, or earlier if possible, advise the Council of the details of the contravention and the reasons for it.

Part 2: On-site sanitation services and associated services

51. Application for infrastructure

- (1) If an agreement for on-site sanitation and associated services has been concluded or if it is not reasonably possible or cost effective for the Council to install a connecting sewer or no infrastructure in connection therewith exists on the premises, the owner must immediately make application on the approval form and –
 - (a) pay the prescribed charge for the installation of necessary infrastructure; or
 - (b) with the approval by Council, install the connection sewer or on-site sanitation services in accordance with the specification of the Council.
- (2) The Council may specify the type of on-site sanitation services to be installed.

52. Use of on-site sanitation services not connected to sanitation system

- (1) No person may use or permit the use, for domestic, commercial or industrial purposes, of on-site sanitation services which is not connected to the Council's sanitation system, except with consent of the Council first having been obtained, and in accordance with such conditions as it may impose.
- (2) A person desiring the consent referred to in subsection (1) must provide the Council with evidence that the sanitation facility is not likely to have a detrimental effect on health or the environment.
- (3) The Council may withdraw consent given in terms of subsection (1) if –
 - (a) a condition imposed in terms of subsection (1) breached; or
 - (b) the sanitation facility has a detrimental impact on health or the environment.
- (4) The Council may undertake investigations to determine if sanitation facility has a detrimental impact on health or the environment.
- (5) The person to whom consent was granted in terms of subsection (1) is liable for the costs associated with an investigation undertaken in terms of subsection (2)

if the result of investigation indicates that the sanitation facility has a detrimental impact on health or the environment.

53. Septic tanks and treatment plants

- (1) The Council may, on such conditions as it may prescribe, approve the disposal of the sewage or other effluent by means of septic tanks or other on-site sewage treatment plants.
- (2) A septic tank or other on-site sewage treatment plant may not be situated nearer than 3 m to any dwelling unit or to any boundary of the premises on which it is situated.
- (3) Effluent from a septic tank or other on-site sewage treatment plant must be disposed of in the following manner.
- (4) A septic tank must be watertight, securely covered and provided with gastight 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 unit must-
 - (a) have a capacity below the level of the invert of the outlet pipe not 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 1 m measured at right angles to the direction of the flow;
 - (c) have depth between the cover and the bottom of the bottom of the tank of not less than 1,7 m; and
 - (d) retain liquid to a depth of not less than 1,4 m.
- (6) Septic tanks serving premises other than a dwelling unit must be designed and certified by the Council.

54. French drains

- (1) The Council may approve the disposal of waste water or other effluent by means of french drains, soakage pits or other approval works on such conditions as it may prescribe having regard to the quantity and nature of the effluent and the nature of the soil as determined by the permeability test prescribed by the South Bureau of Standard.
- (2) A french drain, soakage pit or other similar work may not –

- (a) be situated closer than 5 m to any dwelling units or to any boundary of any premises on which it is situated;
 - (b) be in any position as will cause contamination of any position as will cause contamination of any borehole or other source of water which is or may be used for drinking purposes; or
 - (c) 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, nature and quantity of the effluent.
- (4) French drains serving premises other than dwelling house must be designed and certified by Council.

55. Conservancy tanks

- (1) The Council may, on such conditions as it may prescribe, approve the construction of a conservancy tank and ancillary appliances for the retention sewage or effluent.
- (2) No rain water, storm-water or effluent other than that approved by the Council may be discharged into a conservancy tank.
- (3) No conservancy tank may be used as such, unless –
- (a) the invert of the tank slopes towards the outlet at a gradient of not less than 1 in 10;
 - (b) the tank is gas and water tight;
 - (c) the tank has an outlet pipe, 100 mm in internal diameter, made of wrought iron, cast iron or other approved material and except if otherwise approved by the Council, an approved valve and fitting for connection to the council's removal vehicles;
 - (d) the valve and fitting referred to in paragraph (c) or the outlet end of the pipe, as the case may be, as the case may be, are located in a chamber having an approved hinged cover and situated in such position as required by the Council;
 - (e) access to the conservancy tank is provided manhole fitted with a removable cast iron cover placed immediately above the visible spigot of the inlet pipe.
- (4) The Council may, having regard to the position of –

- (a) a conservancy tank; or
- (b) the point of connection for a removal vehicle'

make it condition of its emptying the tank that owner or customer indemnify the Council, in writing, against any liability for any damages that may result from rendering of that service.

- (5) Where the Council's removal vehicle has traverse private premises for the emptying of a conservancy tank, the owner must –
 - (a) provide a roadway a least 3,5 m wide, so hardened as to be capable of withstanding a wheel load of 4 metric tons in all weather; and
 - (b) ensure that no gateway through which then vehicle is regarded to pass to reach the tank, is less than 3,5 m wide.
- (6) the owner or occupier of premises on which a conservancy tank is installed must at all times maintain the tank in good order and condition.

56. Operation and maintenance of on-site sanitation services

The operation and maintenance of on-site sanitation services and will costs pertaining thereto remains the responsibility of the owner of the premises, unless the on-site sanitation services are subsidized services determined in accordance with the Council's Customer Care and Revenue Management By-laws, 2005.

57. 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 must –

- (a) cause it to be completely removed; or
- (b) cause it to completely filled with earth or other suitable material, however, the Council may –
 - (i) require the tank to be otherwise dealt with; or
 - (ii) approve the use of the tank for other purpose subject to such conditions as it may specify.

58. Services associated with on-site sanitation services

- (1) The Council, in accordance with a removal and collection schedule determined by it, undertakes to –
 - (a) remove or collect conservancy tank contents;

- (b) remove or collect night soil; or
- (c) empty pits.

(2) Copiers of the collection and removal schedule are available on request.

59. Charges in respect of services associated with on-site sanitation services

- (1) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of a pit are based on –
 - (a) the volume removed or collected; and
 - (b) the distance travelled to effect such removal.
- (2) If the volume –
 - (a) of the contents of conservancy tank removed or collected;
 - (b) of night soil removed or collected; or
 - (c) which was removed or collected on the emptying of a pit,Cannot be quantity, the Council may charge a fixed charge as prescribed.

Part 3: Sewage disposal**60. Provision of connecting sewer**

- (1) If an agreement for the use of the sewage disposal system exists and no connecting sewer exists in respect of the premises, the owner must immediately ply, on the approved form, for a connecting sewer to be installed and –
 - (a) must pay the prescribed charge for the installation of such a connecting sewer; or
 - (b) with the approval by the Council, install the connection sewer in accordance with any specifications of the Council.
- (2) If the owner applies for use of the sewage disposal system to a premises which is situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Council may agree to the extension subject to such conditions as it may impose.
- (3) Only the Council may install or approve an installed connecting sewer.
- (4) The owner or customer may connect the sanitation installation to the connection pipe.
- (5) No person may commence with any development on any premises unless the Council has installed a connecting sewer.

61. Location of connecting sewer

- (1) A connecting sewer provided and installed by the Council or owner in terms of section 60 must –
 - (a) be located in a position agreed to between the owner and the Council and be of a size determined by the Council;
 - (b) terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the Council or Local Municipality, as the case maybe, or over which the Council or Local Municipality, as the case may be, has a servitude or other right or when subsection (3) applies, at the connecting point designated in terms of that subsection.
- (2) If the owner applies for use of the sewage disposal system to a premises which is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Council may agree to the extension subject to such conditions as it may impose.

- (3) Only the Council may install approve an installed connecting sewer.
- (4) The owner or customer may connect the sanitation installation to the connection pipe.
- (5) No person may commence with any development on any premises unless the Council has installed a connecting sewer.

61. Location of connecting sewer

- (1) A connecting sewer provided and installed by the Council or owner in terms of section 60 must –
 - (a) Be located in position agree to between the owner and the Council and be of size determined by the Council;
 - (b) Terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the Council or Local Municipality, as the case maybe, or over which the Council or Local Municipality, as the case may be, has a servitude or other right or when subsection (3) applies, at the connecting point designated in terms of that subsection.
- (2) In reaching agreement with an owner concerning the location of a connecting sewer, the Council must determine –
 - (a) practical restrictions that may exist regarding the location of a connecting sewer pipe;
 - (b) the cost implications of the various possible locations of the connecting sewer; and
 - (c) whether or not the Council requires the owner to fix the location of the connecting sewer by providing a portion of his or her water installation at or outside the boundary of his or her premises for the Council to connect to such installation.
- (3) The Council may –
 - (a) at the request of person; and
 - (b) subject to such conditions as it may impose,agree to a connection to a sewer other than that which is most readily available for the drainage of the premises, however the person is responsible for –

- (i) any extension of the drainage installation to the connecting point designated by an authorized officer; and
 - (ii) obtaining at his or her cost, such servitudes over other premises as may be necessary
- (4) An owner must pay the prescribed connection charge before a connection to the connection sewer can be effected.
- (5) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations, the Council must approve the rate and time of discharge into the sewer.

62. Provision of one connecting sewer for several customers on same premises

- (1) Notwithstanding the provisions of section 60, only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage disposal of sewage from any premises, irrespective of the number of accommodation units of customers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the disposal of sewage from several accommodation units, the Council may, in its discretion, provide and stall either –
 - (a) a single connecting sewer in respect of the premises as a whole or any number of such accommodation units; or
 - (b) a separate connecting sewer for each accommodation unit or any number thereof.
- (3) Where the Council has installed a single connecting sewer as contemplated in subsection (2)(a), the owner or the person having the charge or management of the premises, as the case may be –
 - (a) install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units –
 - (i) a separate connecting sewer; and
 - (ii) an isolating valve; and
 - (b) is liable to the Council for the tariffs and charges for all sewage disposed from the premises through such a single connecting sewer, irrespective of the fact that by such connecting sewer, different quantities of sewage are disposed by the different customers served.

- (4) Notwithstanding the provisions of subsection (1), the Council may authorize that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or, if undue hardship or inconvenience would be caused to any customer on such premises, by the provision of one connecting sewer.
- (5) Where the provision of more than one connecting sewer is authorized by the Council, the tariffs and charges for the provision of a connecting sewer must be paid in respect of each sewage connection so provided.

63. Interconnection between premises

- (1) An owner of one or more premises must ensure that no interconnection exists between the drainage installation on his or his premises and the drainage installation on other premises.
- (2) Interconnection may exist only if he or she –
 - (a) has obtained the prior written consent of the Council; and
 - (b) complies with any conditions that it may have imposed.

64. Disconnection of drainage installation from connecting sewer

The Council may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if –

- (a) the agreement for provision has been terminated and it has not received an application for subsequent provision to the premises served by the sewer within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been demolished.

Part 4: Standards**65. Standard for sanitation services**

Sanitation services provided by the Water Service Provider must comply with the minimum standards set for the provision of sanitation services in terms of section 9 of the Act.

Part 5: Methods for determining charges**66. Measurement of quantity of standard domestic effluent discharged**

- (1) The quantity of standard domestic effluent discharged is determined by a percentage of water supplied by the Council, however where such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the Council may reduce the percentage applicable to those premises to a figure which, in the light of the available information, reflects the proportion between the likely quantity of water supplied thereto.
- (2) Where a premises is supplied with water from a source other than or in addition to the Council's supply system, including abstraction from a river or borehole, the quantity is a percentage of the total water used on that premises as may be reasonably estimated by the Council.

67. Measurement of Quantity and Determination of Quality of Industrial Effluent Discharged

- (1) The quantity of industrial effluent discharged into the sanitation system must be determined –
 - (a) where a measuring device is installed, by the quantity of industrial effluent discharged from a premises as measured through that measuring device; or
 - (b) until such time as a measuring device is installed, by the Council to the premises.
- (2) The Council may require the owner of any premises to incorporate in any drainage installation which convey industrial effluent to a sewer, a control meter or gauge or other device of an approved type and in the control of the Council for the purpose of ascertaining the tempo, volume or composition of the effluent.
- (3) The Council may install and maintain any such meter, gauge or device at the expense of the owner of the premises on which it is installed.

- (4) Where a premises is supplied with water from a source other than or in addition to the Council's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on that premises as may be reasonably estimated by the Council.
- (5) The Council may on application reduce the assessed quantity of industrial effluent where a portion of the water supplied to the premises –
 - (a) forms part of the end product of any manufacturing process; or
 - (b) is lost by reaction or evaporation during the manufacturing process or for any other reason
- (6) The Council may enter into an agreement with any person who discharges industrial effluent into the sanitation system, to establish an alternative method of assessing the quantity and tempo of effluent so discharged.
- 7) Charges relating to the quality of industrial effluent are based on the formula for industrial effluent discharged as prescribed as prescribed in the Schedules hereto.
- (8) The following conditions apply in respect of the assessment of the quality of I industrial effluent discharged:
 - (a) Each customer must conduct the prescribed tests, on a regular schedule as provided for in the approval to discharge industrial effluent, and report the results to the Council;
 - (b) the council may conduct random compliance tests to correlate those of the industry, and –
 - (i) if discrepancies are found, the values of the Council is to be taken as correct; and –
 - (ii) further tests may be requested by the Council to determine the values for the formula, at the cost of the customer;
 - (c) the average of the values of the different analysis results of 24 hourly composite or snap samples of the effluent, taken during the period of charge, will be use to determine the quality charges payable;
 - (d) in the absence of a complete daily set of 24 hourly composite or snap samples, the average of not less than two values of the sampled effluent, taken during the period of charge, will be used to determine the charges payable;
 - (e) in order to determine –

- (i) the strength (chemical oxygen demand, suspended solids concentration, Ammonia concentration, ortho-phosphate concentration) in the effluent;
- (ii) the concentration of Group 1 and 2 metals;
- (iii) the pH value and conductivity,

The Council must use the tests normally used by municipalities for these respective purposes, ¹and test results from an accredited laboratory will have precedence over those of Council;

- (f) the formula is calculated on the basis of the different analysis results of individual snap or composite samples, and the period treatment of calculation may not be less than one full 24-hour period, unless strong evidence is submitted to the Council that a lesser period is actually applicable;
- (g) the terms of the disincentive formula cannot assume a negative value;
- (h) the total system values for quality charges must remain constant initially for a period of one month, but in any case not longer than 12 months from the date of commencement of these charges, after expiry whereof they may be amended or revised from time to time depending on such changes in the analysis results or further samples as may be determined from time to time, however the Council, in any particular case, may levy the minimum charges prescribed in subsection (7) without taking any samples;
- (i) whenever the Council takes a sample, one half thereof must be made available to the customer;
- (j) for the purpose of calculation of the quantity of effluent discharged from each point of discharge of effluent, the premises must be allocated among the several points of discharge as accurately as is reasonably practicable;
- (k) the costs of conveying and treating of industrial effluent must be determined by the Council; and
- (l) in the discretion of the Council the charges for industrial effluent strength, the volume and the economic viability of micro and small industries.

68. Reduction in measured quantity of effluent discharged

- (1) A person, if he or she can demonstrate so, is entitled to a reduction in the quantity of effluent discharged into the sanitation system as determined in terms of section 66 and 67, where the quantity of water on which the percentage is calculated was measured during a period where water was wasted or leakage went undetected.
- (2) The reduction in the quantity is based on the quantity of water loss through leakage or wastage during the lack period.
- (3) The lack period is either the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity.
- (4) The quantity of water loss shall be calculated as the consumption for the leak period less an average consumption, based on the preceding 3 months, for the same length of time, and if no previous consumption history is available, the average water consumption must be determined by the Council after due consideration of all information.
- (5) There shall be no reduction in the quantity if the loss of water, directly or indirectly, resulted from the customer's failure to comply with or is in contravention of these or other by-laws.

Parts 6: Drainage installations

69. Installation of drainage installations

- (1) The owner must provide and maintain his or her drainage installation at his or her own cost and must ensure that the installation is situated within the boundary of his or her premises, except where otherwise approved.
- (2) The Council may –
 - (a) prescribe –
 - (i) to what point in the sewer a drainage installation is to be connected;
 - (ii) at what depth below the ground a drainage installation is to be connected; and
 - (iii) the route to be followed by the drain to the connecting point; and
 - (b) require the owner not to commence with the construction or connection of the drainage installation until the Council's connecting sewer has been laid.
- (3) A drainage installation constructed or installed must comply with –
 - (a) any applicable specifications in terms of the Building Regulations; and
 - (b) any standards prescribed in terms of the Act.
- (4) No person may permit the entry of any liquid or solid substance whatsoever, other than clean water for testing purposes, to enter any drainage installation before the drainage installation has been connected to the sewer.
- (5) Where premises is situated in the 1 in 50 years flood plain, the top level of all services access holes, inspection chambers and gullies is to be above the 1 in 50 years flood level.
- (6) The plumber responsible for the execution of the work must –
 - (a) after the completion of any drainage installation; or
 - (b) after any alteration to any drainage installation is completed,

submit to the building inspection section of the Council a certificate certifying that the work was completed to the standards as set out in the Building Regulations, theses BY-laws and any other relevant law or by-laws.

70. Construction or installation of drainage installations

- (1) A drainage installation constructed or installed must comply with any applicable specifications in terms of the Building Regulations and any standards prescribed in terms of the Act.
- (2) Where the draining installation is a pit latrine, it must be of the ventilated improved pit latrine type or equivalent having –
 - (a) a pit latrine of 2m³ capacity;
 - (b) lining as required;
 - (c) a slab designed to support the superimposed loading; and
 - (d) protection preventing children from falling into the pit.
- (3) A pit latrine must conform with the following specifications:
 - (a) The pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place;
 - (b) the ventilation pipe –
 - (i) may not project less than 0.5m above the nearest roof;
 - (ii) must be of at least 150 mm in diameter; and
 - (iii) must be installed vertically with no bend;
 - (d) the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition;
 - (e) the superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
 - (f) the opening through the slab must be adequate size as to prevent fouling, and the rim must be raised so that liquids used for washing the floor do not flow into the pit;
 - (g) the opening through the slab must be equipped with a lid to prevent the egress of flies and other insects when the toilet is not use;
- (4) A pit latrine must –
 - (a) be sited in a position that is independent of the residential structure; and
 - (b) be sited in a position that is accessible to a road vehicle having a width of 3 m in order to facilities the emptying of the pit.

- (5) In situations where –
 - (a) there is the danger of polluting an aquifer due to the permeability of the soil, the pit latrine must be lined with an impermeable material that is durable and will not crack under street; and
 - (b) the ground in which the pit of the pit latrine is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil.
- (6) A pit latrine should not usually be used by more than one household.
- (7) A pit latrine must have access to water for hand washing.
- (8) The Council may levy a charge that covers all the operating and maintenance costs in the –
 - (a) removal of the pit contents;
 - (b) transportation to a disposal site;
 - (c) treatment of the contents to achieve a sanitary condition, and
 - (d) final disposal of any solid residues,

And the charge may be in the form of a monthly contribution, or it may be levied as a single payment when the service is rendered.

71. Disconnection of drainage installations

- (1) Except for the purpose of carrying out maintenance or repair work, no drainage installation may be disconnected from the connection point.
- (2) Where any part of drainage installation is disconnected from the remainder thereof because it will no longer be used, the disconnected part must, unless the Council approves otherwise –
 - (a) be destroyed; or
 - (b) entirely removed from the premises on which it was used.
- (3) The Council must –
 - (a) after all the requirements of the Building Regulations in regard to disconnection have been complied with; and
 - (b) on request of the owner,

Issue a certificate to certify that –

- (i) the disconnection has been completed in terms of Building Regulations; and
 - (ii) any charges raised in respect of the disconnected portion of the drainage installation must cease to be levied with effect from the first day of the month following the issue of such certificate.
- (4) When a draining installation is disconnected from a sewer, the Council –
 - (a) must seal the opening so caused; and
 - (b) may recover the cost of such work from the owner of the premises on which the installation is disconnected
- (5) Where a drainage systems is connected to or disconnected from the sewer system during a month, charges shall be calculated as if such connection was made on the first day of the month following the month in which such connection or disconnection was effected.

72. Drains in streets and public places

No person may, except with the prior written permission of the Council and subject to such conditions as it may impose, for the purpose of conveying sewage derived from whatever source, lay or construct a drain on, in or under a street, public place or other land owned by, vested in, or under the control of the Council or Local Municipality, as the case may be.

73. Construction by Council

The Council may agree with the owner of any drainage work which the desire, or is required to construct in terms of these By-laws or the Building Regulations, will be constructed by the Council against payment, in advance or on demand, of all costs associated with the construction.

74. Maintenance of drainage installation

- (1) An owner must provide and maintain his or her drainage installation at his or her own cost.
- (2) Where any part of a drainage installation is used by two or more owners or occupiers, they are jointly and severally liable for the maintenance of the installation.
- (3) The owner of any premises –
 - (a) must ensure that each manhole on the premises is permanently visible and accessible; and accessible; and

- (b) is responsible for ensuring the visibility of each cleaning eye and manhole on the premises at all times.
- (4) Any person who requests the Council to clear a drainage installation is liable to pay the prescribed tariff.
- (5) A Council may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of the premises or a section thereof and may recover from the owner or occupier the cost of the inspection and test, calculated at the rate specified in the prescribed tariff or charges.

75. Technical requirements for drainage installations

All drainage installations must comply with SABS 0250 and the Building Regulations.

76. Drains

- (1) Drains passing through ground which are liable to movement, must be laid on a continuous bed of river sand or similar granular material not less than 100 mm thick under the barrel of the pipe with a surround of similar material and thickness, and the joints of drains must be approved flexible joints.
- (2) A drain or part thereof may only be laid within, pass under or through a building with the approval of the Council.
- (3) A drain or part thereof which is laid in an inaccessible position under a building may not bend or be laid at a gradient.
- (4) If a drain passes through or under a wall, foundation or other structure, adequate precautions must be taken to prevent the discharge of any substance into such a drain.

77. Sewer blockages

- (1) No person may cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, or fitting as will cause its blockage or ineffective operation.
- (2) When the owner or occupier of the premises has reason to believe that a blockage has occurred in any drainage installation thereon, he or she must immediately take steps to have it cleared.
- (3) When the owner or occupier of premises has reason to believe that a blockage has occurred in the sewer system, he or she must immediately inform the Council.

- (4) Where a blockage occurs in a drainage installation, any work necessary for its removal must be done by or under the supervision of a plumber.
- (5) Should a drainage installation on premises overflow as a result of an obstruction in the sewer, and the obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation is liable for the cost of clearing blockage.
- (6) Where a blockage has been removed from a drain or portion of a drain which serves two or more premises the owners are jointly and severally liable for cost of clearing the blockage.
- (7) Where a blockage in the sanitation system has been removed by the Council and such removal necessitates the disturbance of an owner's paving, lawn or other artificial surface, the Council is not responsible for reinstating such.

78. Grease traps

A grease trap of approved type, size and capacity must be provided-

- (a) in respect of each premises that discharges sewage into on-site sanitation systems; or
- (b) where the discharge of grease, oil and fat is likely to –
 - (i) cause an obstruction to the flow in sewers or drains; or
 - (ii) interfere with the proper operation of any waste water treatment plants.

79. Industrial grease traps

- (1) Industrial effluent which contains, or is likely to contain grease, oil, fat of inorganic solid matter in suspension must, before it is allowed to enter any sewer, be passed through one more tanks or chambers of 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 and which gives off an inflammable or noxious vapour at a temperature of or 20⁰ C, must be intercepted and retained in a tank or chamber so as prevent entry thereof into the sewer.
- (3) A tank or chamber which is referred to in subsection (2) must comply with the following requirements:
 - (a) it must be of adequate capacity, constructed of hard durable materials, and water-tight when completed;

- (b) the water-seal of its discharge pipe may be not less than 300 mm in depth; and
 - (c) it must be provided with such number or manhole covers as may be adequate for the effective removal of grease, oil fat and solid matter.
- (4) Any person who discharges effluent to tank or chamber must –
- (a) regularly removed grease , fat or solid matter from the tank or chamber; and
 - (b) maintain a register in which the following is recorded:
 - (i) the dates on which the following is recorded:
 - (ii) the name of the company which was employed to clean the tank or chamber; and
 - (iii) a certificate from the cleaning company –
 - certifying that the tank or chamber was cleaned; and
 - stating the manner in which the contents of the tank or chamber were disposal of.

80. Mechanical appliances for lifting sewage

- (1) The owner of any premise must apply for the approval and obtain the approval of the Council before he or she installs any mechanical appliance for the raising or transfer of sewage in terms of the Building Regulations.
- (2) A Professional Engineer must apply for approval, and the application must –
 - (a) be accompanied by drawings prepared in accordance with the relevant provisions of the Building Regulations; and
 - (b) show details of –
 - (i) the compartment containing the appliance;
 - (ii) the sewage storage tank;
 - (iii) the stilling chamber and the position thereof; and
 - (iv) the position of the drains, ventilation pipes, rising main and the sewer connection.
- (3) Notwithstanding any approval given in terms of subsection (1), the Council is 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 a mechanical appliance for the raising transfer of sewage.

- (4) Every mechanical installed for the raising or transfer of sewage must be –
 - (a) specifically designed for the purpose, and;
 - (b) fitted with discharge pipe, sluice valves and non-return valves located in approved positions.
- (5) Unless otherwise permitted by the Council, such mechanical appliances must be installed in duplicate and each appliance must be so controlled that either will immediately begin to function automatically in the event of failure of the failure of the other.
- (6) Every mechanical appliance forming part of a drainage installation must be so located and operated as to not cause any nuisance through noise or smell or otherwise, and every compartment containing any such appliance must be effectively ventilated.
- (7) The maximum discharge rate from any mechanical appliance and the times between which the discharge may take place shall be as prescribed by the Council which may, at any time, require the owner to install such fittings and regulating devices as may be necessary to ensure that the prescribed maximum discharge rate is not exceeded.
- (8) A sewage storage tank must be provided in conjunction with a mechanical appliance, except where sewage storage space is incorporated as an integral part of the appliance.
- (9) Every sewage storage tank required in terms hereof must –
 - (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 there into in 24, hours, or 900 litres, whichever is the greater quantity; and
 - (c) be so designed that the maximum proportion of its sewage content shall be emptied at each discharge cycle of the mechanical appliance.
- (10) Every storage tank and stilling chamber must be provided with a ventilation pipe in accordance with the Council's specifications.

81. Installation of pre-treatment facility

A Council may require that any new premises must be provided with a minimum pre-treatment facility of type specified by it prior that premises being connected to be sewage disposal system.

Part 7: Protection of infrastructure**82. Protection from ingress of flood waters**

Where a premise is situated in the 1 in 50 years flood plain, the top level of service access holes, inspection chambers and gullies must be above the 1 in 50 years flood level, except if, in the case of service access holes and inspection chambers, the cover is secured in the place by approved means approved by the Council.

83. Power of entry and inspection

- (1) An officer of the Council may, for any purpose connected with implementation or enforcement of these By-laws, at all reasonable times or in an emergency at any times –
 - (a) enter premises;
 - (b) request information;
 - (c) take samples;
 - (d) make such inspection, examination and enquiry and carryout work as he or she may deem necessary, any for these purposes operate any component of the drainage installation.
- (2) If the authorized officer considers it necessary that work be performed to enable an authorized officer properly and effectively to implement a function referred to in subsection (1) he or she may –
 - (a) by written notice require the owner or occupier of the premises at his own cost to do specified work within a specified period; or
 - (b) if in his option the sanitation is matter of urgency, without prior notice do such work or cause it to be done, at the costs of the owner.
- (3) If the work referred to in subsection (2) is carried out for the sole purpose of establishing whether a contravention of these By-laws has been committed and no such contravention is establish, the Council shall bear the expense connected therewith together with that of restoring the premises to its former conditions.

84. Trespassing on sewage disposal system

- (1) No person may, without the prior written permission of the authorized officer enter –
 - (a) upon an area used for the purpose of the sewage disposal system -
 - (i) if the area is enclosed by a fence; or

- (ii) if entry is prohibited by notice boards; or
 - (b) structure used by the Council in connection with its sewage disposal systems.
- (2) Every mechanical installed for the raising or transfer of sewage must be –
 - (a) specifically designed for the purpose, and;
 - (b) fitted with discharge pipe, sluice valves and non-return valves located in approved positions.
- (3) Unless otherwise permitted by the Council, such mechanical appliances must be installed in duplicate and each appliance must be so controlled that either will immediately begin to function automatically in the event of failure of the failure of the other.
- (4) Every mechanical appliance forming part of a drainage installation must be so located and operated as to not cause any nuisance through noise or smell or otherwise, and every compartment containing any such appliance must be effectively ventilated.
- (5) The maximum discharge rate from any mechanical appliance and the times between which the discharge may take place shall be as prescribed by the Council which may, at any time, require the owner to install such fittings and regulating devices as may be necessary to ensure that the prescribed maximum discharge rate is not exceeded.
- (6) A sewage storage tank must be provided in conjunction with a mechanical appliance, except where sewage storage space is incorporated as an integral part of the appliance.
- (7) Every sewage storage tank required in terms hereof must –
 - (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 there into in 24, hours, or 900 litres, whichever is the greater quantity; and
 - (c) be so designed that the maximum proportion of its sewage content shall be emptied at each discharge cycle of the mechanical appliance.
- (8) Every storage tank and stilling chamber must be provided with a ventilation pipe in accordance with the Council's specifications.

81. Installation of pre-treatment facility

A Council may require that any new premises must be provided with a minimum pre-treatment facility of type specified by it prior that premises being connected to be sewage disposal system.

Part 7: Protection of infrastructure**82. Protection from ingress of flood waters**

Where a premises is situated in the 1 in 50 years flood plain, the top level of service access holes, inspection chambers and gullies must be above the 1 in 50 years flood level, except if, in the case of service access holes and inspection chambers, the cover is secured in the place by approved means approved by the Council.

83. Power of entry and inspection

- (1) An officer of the Council may, for any purpose connected with implementation or enforcement of these By-laws, at all reasonable times or in an emergency at any times –
 - (a) enter premises;
 - (b) request information;
 - (c) take samples;
 - (d) make such inspection, examination and enquiry and carryout work as he or she may deem necessary, any for these purposes operate any component of the drainage installation.
- (2) If the authorized officer considers it necessary that work be performed to enable an authorized officer properly and effectively to implement a function referred to in subsection (1) he or she may –
 - (a) by written notice require the owner or occupier of the premises at his own cost to do specified work within a specified period; or
 - (b) if in his option the sanitation is matter of urgency, without prior notice do such work or cause it to be done, at the costs of the owner.
- (3) If the work referred to in subsection (2) is carried out for the sole purpose of establishing whether a contravention of these By-laws has been committed and no such contravention is establish, the Council shall bear the expense connected therewith together with that of restoring the premises to its former conditions.

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No person may, without the prior written permission of the authorized officer enter –

- (a) upon an area used for the purpose of the sewage disposal system -
 - (i) if the area is enclosed by a fence; or
 - (ii) if entry is prohibited by notice boards; or

(b) a structure used by the Council in connection with its sewage disposal systems.

85. Interference with sewage disposal system

Except with the prior authority of an authorized officer –

- (a) no person may interfere or temper with the sewage disposal system;
- (b) no person may a connection to the sewage disposal system save as contemplated in section 48;
- (c) no person may, within an area that is subject to a sewer servitude –
 - (i) construct a building; or
 - (ii) raise or lower the ground level.

86. Damage to sewage disposal system

- (1) No person may damage or endanger the sewage disposal system, or cause or permit it to be damaged or endangered.
- (2) A person who intends performing work which may cause damage to the sewage disposal system on land owned by or vested in the Council or over which it has a servitude or other right, must, before he or she commences the work, ascertain from an authorized officer if any part of the sewage disposal system is situated on the land.
- (3) If work which could damage or endanger the sewage disposal system is to be performed or is being performed on the land referred to in subsection (2), or on land adjacent thereto, the authorized officer may by notice in writing require the person concerned not to commence, or to cease performing the work until such time as he or she has complied with the conditions specified in the notice

87. Consequential maintenance of sewers

Whenever a sewer is damaged or becomes obstructed or in need of repair as result of the act or omission of any person, whether by reason of the failure of such person to comply with the requirements of these By-laws or otherwise, the Council is entitled to –

- (a) carry out such work of maintenance or repair as is necessary; or
- (b) remove the obstruction at the expense of such person and to recover from him or her the full cost of doing so.

88. Obstruction to access to sewage disposal system

- (1) No person may prevent or restrict access to a sewage disposal system.

- (2) If a person contravenes subsection (1), the authorized officer may –
 - (a) by writing notice require the person to restore access at his or her own costs within a specified period; or
 - (b) if the situation is matter or urgency, without prior notice restore access and recover the full costs of doing so from such person.

89. Work by private person

- (1) The Council must lay all sewers and connecting sewers, unless it elects not to do so in which case the work must be executed in accordance with the Council's conditions of contract applicable to the work and the following provisions apply:
 - (a) any person carrying out such work must, before he or she commences the work, lodge with an authorized officer a written indemnity in which he or she indemnifies the Council against all liability in respect of any accident or injury to a person or loss or damage to property which may occur as the direct result of the execution of such works; and
 - (b) where the surface of any road has been disturbed in the course of such work, only the Council may, at the expense of the person carrying out such work, restore the surface.
- (2) Before the surface of a street or road is disturbed, the person must deposit with the Council a sum of money which is sufficient to cover the estimated cost of such restoration.
- (3) When the actual cost is greater, an excess is recoverable from the person, and when the actual cost is less, any balance must be refunded to the person.
- (4) All work must be carried out in accordance with the requirements specified by an authorized officer.

Part 8: Industrial effluent**90. Approval to discharge industrial effluent**

- (1) No person may, except with the approval of the Council, discharge or cause or permit industrial effluent to be discharged into the sanitation system.
- (2) The Council, if in its option the capacity of the sanitation system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions it may impose, approve the discharge industrial effluent to the sanitation system.
- (3) The Council, if in its opinion the capacity of the sanitation system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions it may impose, approve the discharge industrial effluent to the sanitation system.
- (4) A person who wishes to construct or cause to be constructed, a building which is to be used as a trade premises, must at the time of lodging a building plan in terms of section 4 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), as lodge applications for the provision of sanitation services and for approval to discharge industrial effluent.

91. Procedure on approval

In the event of the Council granting such approval it must issue to the applicant a letter of approval which contains such conditions as the Council may deem appropriate, which conditions are binding on the applicant.

92. Unauthorized discharge of industrial effluent

- (1) No person may, except with and in terms of the written permission of the Council and in accordance the provision of this part, discharge, cause or permit to be discharged into the sewage disposal system any industrial effluent.
- (2) A person to whom such permission is granted must pay to the Council any prescribed charges.

93. Quality standards for disposal of industrial effluent

- (1) A person to whom permission has been granted for disposal of industrial effluent must ensure that no industrial effluent is discharged into the sewage disposal system of the Council unless the industrial effluent complies with the standards and criteria set out in Schedules A and B hereto.

- (2) The Council may by writing in the permission concerned, relax or vary the standards in Schedules A or B, provided that any such relaxation represents the best practical environmental option.
- (3) In determining whether relaxing or varying the standards in Schedules A or B represent the best practicable environmental option, a Council must consider –
 - (a) whether the applicant's undertaking is operating and maintained at optimal levels;
 - (b) whether technology used by the applicant represents the best available option to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
 - (c) whether the applicant is implementing a program of waste minimization which complies with national and local waste minimization standards;
 - (d) the cost to the Council of granting the relaxation or variation, and
 - (e) the environmental impact or potential impact of such a relaxation or variation.
- (4) A duly qualified sampler may take test samples at any time to ascertain whether the industrial effluent complies with Schedule A and B or any other standard laid down in a written permission.

94. Conditions and disposal of industrial effluent

- (1) The Council may, in the written permission or at any time, by written notice, require a person to –
 - (a) subject the industrial to such preliminary treatment to ensure that the industrial effluent conforms to the standards prescribed in Schedules A and B before being discharged into the sewage disposal system;
 - (b) install such equalizing tanks, valves, pumps, appliances, meters and other equipment as is necessary to control the rate and time of discharge into sewage disposal
 - (c) install, for the conveyance of his or her industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for waste water and standards domestic effluent at any other point and from disposing of his or her waste water and standard domestic effluent by means other than into a sewage disposal system;

- (d) construct on a pipe conveying his or her industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the Council may prescribe;
 - (e) provide all such information as may be required by the Council to enable it to assess the tariffs or charges due to the Council;
 - (f) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits or other appropriate means to prevent a discharge into the sewage disposal system which contravenes of these By-laws;
 - (g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of the person at such intervals as required by the Council and copies of the calibration to be forwarded to it; and
 - (h) cause his or her industrial effluent to be analyzed as often and in such manner as may be prescribed by the Council, and provide the Council with the results of these tests when completed.
- (2) The commercial customer concerned must bear the cost of any treatment, plants, works or analysis which he or she may be require carrying out, constructing or installing in terms of subsection (1)
 - (3) The commercial customer concerned must obtain the written permission of the Council for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system.
 - (4) In the event that industrial effluent that does not comply with the standards in Schedules A and B or the written permission issued in respect of that process or premises, is discharged into the sewage disposal system, the commercial customer must, written 12 hours of such discharge, inform the Council of the incident and the reasons therefore.

95. Withdrawal of approval to discharge industrial effluent

- (1) The Council may with any approval, after giving at least 14 days written notice of its intention, to a commercial customer authorized to discharge industrial effluent into the sanitation system if the customer –
 - (a) Fails to ensure that the industrial effluent discharged confirms to the industrial effluent standards prescribed in Schedule A of these A of these By-laws or the written permission;

- (b) fails or refuses to comply with any notice lawfully served on him or her terms of these By-laws or contravenes any provisions of these By-laws or any condition impose in terms of any permission granted to him or her; or
 - (c) Fails to pay the assessed charges in respect of any industrial effluent discharged.
- (2) The Council may, on withdrawal of any approval –
 - (a) in addition to any steps prescribed in these in these bylaws, and 14 days written notice, authorize the closing or sealing of the connecting sewer of the premises; and
 - (b) Refuse to accept any industrial effluent adequate steps have been taken to ensure that the industrial effluent to be discharged conforms to the standards prescribed in these by-laws.

Part 9: Sewage delivered by road haulage**96. Acceptance of sewage delivered by road haulage**

The Council may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to the Council's sewage treatment plants by road haulage.

97. Approval for delivery of sewage by road haulage

- (1) No person may discharge sewage into the Council's sewage treatment plants by road haulage, except with the approval of the Council and subject to such period and any conditions that the Council may impose.
- (2) The charges for any sewage delivered for disposal to the Council's sewage treatment plants shall be assessed by the Council in accordance with the prescribed tariffs or charges.

97. Conditions for delivery of sewage by road haulage

When sewage is delivered by road haulage –

- (a) the time and place of delivery must be arranged with the Council; and
- (b) the nature and composition of the sewage must be established prior to the discharge thereof and no person may deliver sewage that does not comply with the standards laid down in terms of these By-laws.

98. Withdrawal of permission for delivery of sewage by road haulage

The Council may withdraw any permission, after giving at least 14 days written notice of its intention to a person permitted to discharge sewage by road haulage if person –

- (a) fails to ensure the sewage so delivered conforms to the standards prescribed in Schedule A, as applicable, or in the approval; or
- (b) fails or refuses to comply with any notice served on him or her terms of these By-laws;
- (c) contravenes any provisions of these By-laws or any condition imposed on him or her in terms of any approval; and
- (d) fails to pay the relevant assessed in respect of any sewage delivered.

Part 10: Other sanitation services**99. Stables and similar premises**

The Council may approve the connection of stables, cowsheds, dairies, kennels and other premises for the accommodation of animals and tanneries to a drainage installation subject to the payment of relevant charges and such conditions as the Council may impose, provided that –

- (a) the floor of the premises must be paved with approved impervious materials and graded to a slit trap or gully of adequate capacity ; and
- (b) every part the floor of the premises must be covered by a roof and otherwise effectively protected to prevent the entry of rain or storm water into the drainage installation.

100. Mechanical food-waste or other disposal units

The Council may approve the connection or incorporation of a mechanical waste food, other disposal units or garbage grinder into a drainage installation which has a capacity in excess of 500W, subject to the payment of relevant charges and such conditions as the Council may impose, provided that –

- (a) a water meter is installed by the Council;
- (b) the Council is satisfied that the sewage and treatment system shall not negatively be effected; and
- (c) the installation or incorporation is installed in conformity with the Council's by-law relating to electricity.

Part 11: Installation work sanitation sewers**101. Approval of installation work**

- (1) If an owner wishes to have installation work done,, he or she must first apply for and obtain the written approval of the Council.
- (2) Application for the approval must be made on the prescribed form and must be accompanied by –
 - (a) the determined charge, if applicable;
 - (b) copies of the drawings as may be determined by the Council; and
 - (c) a certificate certifying that the installation has been designed in accordance with any applicable SABS Codes.
- (3) Authority given in terms of subsection (1) lapses at the expiry of a period of 24 months.
- (4) A complete set of approved drawings of installation work be available at the site of the work at all times until such work has been completed.
- (5) If installation work has been done in contravention of subsection (1) or (2), the Council may require the owner –
 - (a) to rectify the contravention within a specified period; or
 - (b) if work is in progress, to cease the work; and
 - (c) to remove all such work which does not comply with these By-laws.

102. Persons permitted to do installation and other work

- (1) No person who is not a plumber or working under the control of a plumber, may –
 - (a) do installation work other than the replacement or repair of an existing pipe or sanitation fitting;
 - (b) inspect, disinfect and test a drainage installation, fire installation or storage tanks;
 - (c) services, repair or replace aback flow preventer; or
 - (d) install, maintain or replace a meter provided by an owner in a drainage installation.

- (2) No person may require or engage a person who is not plumber to do the work referred to in subsection (1).
- (3) Notwithstanding the provisions of (1) and (2), the Council may permit a person who is not a plumber to do installation work on his or her own behalf on premises owned and occupied solely by himself or herself and his or her immediate household, however, such work must be inspected and approved by a plumber at the Council.

103. Use of pipe and water fitting to be authorized

- (1) No person may, without the prior written authority of the Council, install or use pipe or water installation within the Council's area of jurisdiction, unless it is included in the Schedule of Approved Pipes and Fittings as compiled by the Council.
- (2) Application for the inclusion of a pipe or water fitting in the Schedule referred to in subsection (1) must be made on the form prescribed by the Council
- (3) A pipe or water fitting may be included in the Schedule referred to in subsection (1) if –
 - (a) it bears the standardization mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or
 - (b) it bears a certification marks certification mark issued by the SABS to certify that the pipe or water fitting complies with –
 - (i) an SABS Mark specification; or
 - (ii) a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years; or
 - (c) it is included in the list of water and sanitation installation accepted by JASWIC.
- (4) The Council may, in respect of any pipe or water fitting included in the Schedule, impose such additional conditions as it may consider necessary in respect of the use or method of installation therefore.
- (5) A pipe or sanitation fitting may be removed from the Schedule if it –
 - (a) no longer complies with the criteria upon which its inclusion was based; or

- (b) is no longer suitable for the purpose for which its use was accepted.
- (6) The current Schedule is available for inspection at the office of the Council at any time during working hours.
- (7) The Council may sell copies of the current Schedule at the determined charge.

104. Testing of drainage installations

- (1) No drainage installation, or any part thereof, may be connected to –

- (a) on-site sanitation services;
- (b) the Council's sanitation system; or
- (c) an existing approved installation,

Unless any one more of the following tests have been applied in the presence and of the Council, prior to the drainage installation being enclosed:

- (i) The interior of every pipe or series of pipe between two points of access must be inspected throughout its length by means of a mirror and a source of light, and during the inspection a full circle of light must appear to the observer, and the pipe or series of pipe must be seen to be unobstructed;
 - (ii) a smooth ball having diameter of 12 mm less than the nominal diameter of the pipe must, when inserted at the higher end of the pipe, roll down without assistance or interruption to the lower end;
 - (iii) all openings of the pipes to be tested having been plugged or sealed and all traps associated therewith filled with water and air must be pumped into the pipe until a manometric pressure must remain greater than 25 mm of water for a period of at least three minutes; or
 - (iv) all part of the installation is subjected to and withstand an internally applied hydraulic test pressure of not less than 3 m head of water for a period of not less than 10 minutes.
- (2) Where the Council has reason to believe that any drainage installation or any part thereof has to conduct any or all of tests prescribed in subsection (1) and if the installation fails to withstand any such test, the Council may by notice require the owner to take reasonable measures necessary to enable the installation to withstand any or all of the test.

105. Water demand management

No cistern, and related pan designed to operate with such cistern may be installed with a cistern capacity of greater than 9 litre and all cisterns not intended for public use must be fitted with flushing devices allowing interruptible or multiple flushing device is not required in a cistern with a capacity of 4,5 litres or less.

CHAPTER 5: WATER SERVICES INTERMEDIARIES**106. Application for registration**

- (1) A person or institutions seeking registration with the Council as a Water Services Intermediary in terms of section 24 of the Act, must do so in accordance with the provisions of these By-laws and at his or her or its own expenses.
- (2) An application for such registration must be made to the Council in writing.
- (3) An application for approval in terms of subsection (1), must be accompanied by, at least, the following documents or particulars:
 - (a) if a natural person, a certified copy of the identity document of the applicant;
 - (b) if a legal person –
 - (i) a certified copy of the founding document or constitution of the applicant;
 - (ii) a certified resolution adopted by the management body of the applicant, resolving to apply as a Council; and
 - (iii) a certified list of the names and addresses of all persons occupying a leadership and decision-making power in the applicant;
 - (c) a detailed statement supported by adequate proof of authenticity, which sets out –
 - (i) the applicant's qualifications;
 - (ii) the applicant's capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application;
 - (iii) the applicant's experience and skills; and
 - (iv) the financial resources available to the applicant to undertake the provision of water services to be provided by the applicant;
 - (d) a full and detailed description of the water scheme or schemes which will be operated by the applicant containing sufficient information to enable the Council to determine whether the water scheme or schemes comply with the criteria set in section 11 of the Act, these By-laws, and the water

development plan adopted by the Council in terms of section 15 of the Act, which description must include but is not be limited to –

- (i) the name or names of the water scheme or schemes;
 - (ii) an indication of the nature of the water services to be provided by the applicant;
 - (iii) detailed plans or drawings, with co-ordinates and scales, and specifications depicting the physical installation associated with the water scheme or schemes, including all structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto used or intended to be used by it in connection with the provision of water services contemplated in the application;
 - (iv) a detailed description, including numbers and locality, of the customers or potential customers that will be supplied with water by the applicant;
 - (v) details of the source the quality of water that will be supplied to customers;
 - (vi) potential customers and what arrangements are in place to ensure that such quality and quantity is consistently maintained;
 - (vii) a business plan setting out how the water scheme or water schemes will be operated and maintained during the period the applicant undertakes the supply of water services as contemplated in the application, and what arrangements have been adopted to deal with any emergency, including natural disasters and drought;
 - (viii) a budget describing the financial administration of the water scheme or water schemes, the source of any capital or revenue requirements , and an indication of the sustainability of the water scheme or water schemes; and
 - (ix) details of tariffs and charges that the applicant will levy on all customers and whereby increases or decreases in such tariffs and charges will be dealt with, and the potential customers, the methods of calculating such tariffs and charges, the process manner in which such tariffs and charges comply with the national norm set by the Minister of Water Affairs and Forestry in terms of section 10 of the Act;
- (e) a certificate indicating who the legal owner or owners of the water scheme or schemes is or are;

- (f) Certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitude where appropriate; and
- (g) full details of the conditions that will be imposed in terms of section 4 of the Act and full details required in terms of section 19 (4) of the Act.

107. Additional information to make decision

- (1) The Council may call for any additional information or documents reasonably required to enable it to determine whether –
 - (a) the proposer or applicant, including a public sector provider, or the water scheme or schemes will comply with the Act, these By-laws and the water development plan of the Council; and
 - (b) the obligations of the Council, imposed on it by the Act, will be met.
- (2) The Council, in order to hear representations made by the applicant and such representative organizations in support of, or against, the applications –
 - (a) may; and
 - (b) shall, before it makes a final decision, if it initially decides to refuse an application made in terms of subsection (1), including an application made by a public sector water provider,

Meet with the applicant, as the case may be, and any organization reasonably representative of the customers or potential customers of the water scheme or schemes, and it must take such representations into account in arriving at its final decision.

108. Approval of application

- (1) The Council may approve or refuse the application, provided that –
 - (a) if it approves the application, it may make such registration subject to such reasonable and relevant conditions as it deems necessary; and
 - (b) if it refuses the application, it must advise the applicant of the reasons for such refusal.
- (2) In the event of the Council granting such registration it must deliver a written notification thereof to the applicant and such notice it must –
 - (a) draw the applicants attention to the provisions of sections 25, 26 and 27 of the Act;

- (b) draw the applicants attention to the provisions of these By-laws; and
- (c) set out any conditions imposed under the provisions of these By-law.

109. Provision of water services

- (1) A Water Services Intermediary must ensure that water services, including such basic services as determined by the Council, are provided to such persons it is obliged to provided with water services.
- (2) The quality, quantity and sustainability of water services provided by a Water Services Intermediary must meet any minimum standards prescribed in terms of the Act and must at least be of the same standards as provided by the Council to customers.

110. Charges for water services provided

- (1) A Water Services Intermediary may not charge for water services at a price which does not comply with any norms and standards prescribed under the Act and any additional norms and standards as may be set by the Council.
- (2) A Water Services Intermediary must provide subsidies water services, as determined by the Council in terms of the Council's Customer Care and Revenue Management By-laws, 2005, from time to time, and provided by the Council to a customer at a price that is the same or less than the charges at which the Council provides such services.

CHAPER 6: UNATHORISED WATER SERVICES AND RELATED MATTER**111. Unauthorized use of water services**

- (1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the Council for the rendering of those services.
- (2) The Council, irrespective of any other action it may take against such person in terms of these By-laws, by written notice order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services without an agreement with the Council for the rendering of those services –
 - (a) to apply for such services in terms of the Customer Care and Revenue Management By-laws of the Council, and
 - (b) to undertake such work as may be necessary to ensure that the customer installation through which access was gained complies with the provisions of these By-laws.
- (3) The provisions of section 121 apply to a notice in terms of subsection (2).

112. Interference with infrastructure for provision of water services

- (1) No person other than the Council may manage, operate or maintain the water supply system or any sanitation system unless authorized by these By-laws.
- (2) No person other than the Council may effect a connection to the water supply system or sewage disposal system or render any other sanitation services.
- (3) The Council may recover any costs associated with repairing damage caused as a result of a result of contravention of subsections (1) and (2), and the costs recoverable by the Council is the full cost associated with repairing damage includes, but is not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the repairs and the environmental cost.

113. Obstruction of access to infrastructure for provision of water services

- (1) No person may prevent or restrict physical access to the water supply system or sewage disposal system.
- (2) If a person contravenes subsection (1), the Council may –

- (a) by written notice require the person to restore access at his or her own expense within a specified period; or
 - (b) if the situation is a matter of urgency, without prior notice restore access and recover the cost from the person.
- (3) The costs recoverable by the Council is the full cost associated with restoring access and includes, but is not restricted to, any exploratory investigation, surveys, plans, specification, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by restoring access and the environmental costs.

114. Waste of water unlawful

- (1) No customer may permit –
 - (a) the purposeless or wasteful discharge of water from terminal water fittings
 - (b) pipes or water fittings leak;
 - (c) the use of maladjusted or defective water fittings
 - (d) an overflow of water to persist; or
 - (e) an inefficient use of water to persist.
- (2) An owner must repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or likely to cause an occurrence listed in subsection (1).
- (3) If an owner fails to take measures as contemplated in section 121 require the owner to comply with the provisions of subsection (1).
- (4) A customer must ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- (5) The Council may, by written notice, prohibit the use by a customer of any equipment in a water installation if its use of water is inefficient, and the equipment may not be used until its efficiency has been restored and written application to do so has been approved by the Council.

115. Unauthorized and illegal discharges

- (1) No person may discharge or cause or permit any sewage to be discharged directly or indirectly into a storm water drain, river, stream or other watercourse, whether natural or artificial.
- (2) The owner or occupier of any premises on which steam or liquid, other than potable water, is stored, processed or generated must provide all facilities necessary to prevent any discharge or leakage of such liquid to any street, storm water drain or watercourse, whether natural or artificial, except where, in the case of steam, the Council has approved such discharge.
- (3) Where the housing down or flushing by rainwater of an open area on my premises is likely to cause the discharge of objectionable matter into any street, storm water drain, river, stream or other watercourse, whether natural or artificial, or to cause or contribute towards the pollution of any such watercourse, the Council may, by notice, require the owner of the premises to take reasonable measures to prevent or minimize such discharge or pollution.
- (4) No person may discharge, cause or permit the discharge of –
 - (a) any substance, including storm water ,other than sewage to be discharged into a drainage installation;
 - (b) 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;
 - (c) water from artificial fountains, reservoirs or swimming pools situated on the premises into a drainage installation, without the approval of the Council and subject to the payment of relevant charges and such conditions as the Council may impose;
 - (d) any sewage, industrial effluent or other liquid or substance which –
 - (i) may be offensive to or may cause a nuisance to the public;
 - (ii) is in the form of steam or vapour or has temperature exceeding 44°C at the point where it enters the sewer;
 - (iii) has a pH value of less than 6.0;
 - (iv) contains any substance of whatsoever nature likely to produce or release explosive, flammable, poisonous or offensive gases or vapours in any sewer;

- (v) contains any substance having an open flashpoint of less than 93°C;
- (vi) contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing obstruction to the flow in sewers or drains or interference with the proper operation of a sewage treatment works;
- (vii) shows any visible signs of tar or associated products or distillates, bitumen's or asphalts;
- (viii) contains any substance in such concentration to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam; or
- (ix) has either a greater PV or COD (Chemical Oxygen Demand) Value, a lower pH value, or a higher caustic alkalinity or electrical conductivity than specified in schedule A, without the prior approval and subject to the payment of relevant charges and such conditions as the Council may impose;
- (x) contains any substance which –
 - cannot be treated at the sewage treatment work to which it could be discharged
 - will negatively affect the treatment processes at the sewage treatment work to which it could be discharged; or
 - will negatively impact on the ability of the sewage treatment work to produce discharges that meet the waste water discharge standards set in terms of the National Water Act, 1998 (Act 36 of 1998); or
- (xi) either alone or in combination with other substance may –
 - generate or combination with other substance dangerous to the health of persons employed at the sewerage treatment works or entering the Council's sewers or manholes in the course of their duties;
 - be harmful to sewers, treatment plant or land used for the disposal treated waste water; or
 - adversely affect any of the processes whereby sewage effluent.

- (5) No person may cause or permit the accumulation of grease, oil, fat or solid matter in any drainage installation that will adversely affect its effective functioning.
- (6) The Council may, notwithstanding any other actions that may be taken in terms of these By-laws, recover from any person who discharges industrial effluent or any substance which is unauthorized or illegal all costs incurred, by the Council as a result of such discharges, including costs that result from –
 - (a) injury to persons, damage to the sanitation system; or
 - (b) a prosecution in terms of the National Water Act, 1998 (Act 36 of 1998).

116. Illegal connection

Where customer's access to water supply services has been restricted or disconnected, and he or she –

- (a) intentionally unlawfully reconnects to services ; or
- (b) intentionally or negligently interferes with infrastructure through which water supply services are provided then his or her water supply shall on written notice be disconnected.

117. Interference with infrastructure

- (1) No person may unlawfully and intentionally or negligently interfere with infrastructure through which the Council provided municipal services.
- (2) If a person contravenes subsection (1), the Council may –
 - (a) by written notice require such person to cease or rectify the interference at his or her own expense within a specified period; or
 - (b) if the situation is a manner of urgency, without prior notice prevent or rectify the interference and recover the cost from such person.

118. Use of water from sources other than the water supply system

- (1) No person may use or permit the use of water obtained from a source other than the water supply system, other than rain water tanks which are not connected to the water installation, except with the prior approval of the Council, and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes
- (2) Any person desiring the approval referred to in subsection (1) must provide the Council with evidence to the effect that –

- (a) the water referred to in subsection (1) complies, whether as a result of treatment or otherwise, with the requirements of SABS 241: Drinking Water; or
 - (b) the use of such water does not or will not constitute a danger to health.
- (3) An approval given in terms of subsection (1) may be withdrawn if –
 - (a) a condition imposed in terms of subsection (1) is breached; or
 - (b) the water quality no longer conforms to the requirements referred to in subsection (2).
- (4) The Council may take samples of water obtained from a source, other than the water supply system, and cause the samples to be tested for compliance with the requirements referred to in subsection (2).
- (5) The determined charge for taking and testing of the samples referred to in subsection (4) must be paid by the person to whom approval was granted in terms of subsection (1).
- (6) If water obtained from a borehole or other source of supply on any premises is used for purpose which gives rise to the discharge of such water or a portion thereof into the Council's sewage system, the Council may install a meter in the pipe leading from such borehole or other source of supply to the point or points where it is so used, and the provisions of section 21 apply insofar as they may be applicable in respect of the meter.

CHAPTER 7: ENFORCEMENT**119. Responsibility for compliance with By-laws and offences**

- (1) The owner of premises is responsible for ensuring compliance with these By-laws in respect of all or any matters relating to any water and sanitation installation, and should an owner contravenes a provision with which he or she must comply, he or she commits an offence.
- (2) The customer is responsible for compliance with these By-laws in respect of matters relating to the use of any water and sanitation installation, and should a customer contravenes a provision with which he or she must comply, he or she commits an offence.

120. Notice of compliance and representations

- (1) The Council may, by a notice of compliance, which must be in writing, order an owner, customer or any other person who fails, by act or omission, to comply with the provisions of these By-laws or to any condition imposed there under to remedy such breach within a period specified in the notice, and the notice must specify –
 - (a) the name and residential and postal address, if either or both of these be known, of the affected person;
 - (b) the provision which has not been complied with in terms of these By-laws;
 - (c) in sufficient detail to enable compliance with the notice, the measures required to remedy the situation;
 - (d) that the person must within a specified time period take the measures to comply with the notice, to diligently continue with the measures, and to complete the measures before a specified date;
 - (e) that failure to comply with the requirements of the notice within the period contemplated in paragraph (d) is an offence; and
 - (f) that written representations, as contemplated in subsection (3), may within the time period stipulated under paragraph (d) above, be made to the Council at a specified place.
- (2) The Council, when considering any measure or time period envisaged in subsection (1) (c) and (d), must have regard to –
 - (a) the principles and objectives of these By-laws;

- (b) the nature of non-compliance; and
 - (c) any other relevant factors.
- (3) A person may, within the time period contemplated in paragraph (1) (f), make representations, in the form of a sworn statement or affirmation to the Council at the place specified in the notice.
- (4) Representations not lodged within the time period will not be considered, except where the person has shown good cause and the Council condones the late lodging of the representations
- (5) The Council must consider the representations and any response thereto by an authorized official or any other person, if there be such a response.
- (6) The Council may, on its own volition, conduct any further investigations to verify the facts if necessary, and the results of the investigation must be made available to the person, who must be given an opportunity of making a further response if he or she so wishes, and the Council must also consider the further response.
- (7) The Council must, after consideration of the representations and response, if there be such a response, make an order in writing and serve a copy of it on the person.
- (8) The order must –
 - (a) set out the findings of the Council;
 - (b) confirm, alter or set aside in whole or in part, the notice of compliance; and
 - (c) specify a period within which the person must comply with the order made by the Council.
- (9) If the notice of compliance is confirmed, in whole or in part, or is altered but not set aside, the Council will inform the person that he or she –
 - (a) must discharge the obligations set out in the notice; or
 - (b) may elect to be tried in court.
- (10) If the person elects to be tried in court he or she must, within seven calendar days, notify the Council of his or her intention to be so tried.
- (11) If the person does not elect to be tried in court, he or she must, within the prescribed manner and time discharges his or her obligations under the order.

- (12) Where there has been no compliance with the requirements of a notice, the person commits an offence, and the Council may take such steps as it deems necessary to remedy the situation and the costs thereof must be paid to the Council in accordance with section 122.

121. Costs

- (1) Should an owner or customer fail to take the measures required of him or her by notice, the Council may, subject to subsection (3) recover all costs incurred as a result of it acting in terms of paragraph (12) from that person.
- (2) The costs claimed must be reasonable and include, without being limited to, costs relating to labour, electricity, water, equipment, administrative and overhead costs.
- (3) If more than one person is liable for costs incurred, the liability must be apportioned among the person concerned according to the degree to which each was responsible for the situation existing.
- (4) Costs that are incurred by the Council when it does alterations or other works may be recovered from the person on whom the notice was served, or if a deposit has been paid, the costs may be deducted from the deposit.

122. Notice of contravention

- (1) The Council may serve a notice of contravention on a person who has committed an offence in terms of these By-laws.
- (2) A notice contravention must –
- (a) specify, at the time when the notice is issued, the name and residential and postal address, if either or both of these be known, of the person on whom the notice is served;
 - (b) state the particulars of the offence;
 - (c) specify the amount of the penalty payable in respect of that offence and the place where the penalty may be paid; and
 - (d) inform the person that he or she may, within 30 calendar days of the date of service of the notice –
 - (i) pay the penalty; or
 - (ii) inform Council in writing that he or she elects to be tried in court on a charge of having committed the offence.

- (3) If a person elects to be tried in a court he or she must, within 7 calendar days, notify the Council of his or her intention.

CHAPTER 8: MISCELLANEOUS PROVISIONS

123. Provision of information

An owner, occupier, customer or person within the area of supply of the Council must provide the Council with accurate information requested by the Council that is reasonably required by the implementation or enforcement of these by-laws.

124. Appeal

- (1) A person whose rights are affected by a decision of an official may appeal against that decision by giving written notice of the appeal and reasons to the Council within 21 days of the date of 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 distract 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;
 - (b) the Municipal Manager, the Executive Mayor is the appeal authority; or
 - (c) a political structure or political officer bearer, or a Councilor the Council is the appeal authority.
- (4) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

125. Authentication and service of notices and other documents

- (1) A notice or other document requiring authentication by the Council must be signed by the municipal manager or by a duly authorized officer of the Council or by a By-law or regulation, and when issued by the Council in terms of these By-laws is deemed to be duly issued if it signed by an officer authorized by the Council.
- (2) Any notice or other document that is served on a person in terms of these By-laws is regarded as having been served –
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age 16 years;

- (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is known, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b), (c);
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates;
 - (f) in the event of body corporate, when it has delivered at the registered office of the business premises of such body corporate; or
 - (g) when it has been delivered, at the request of that person, to his or e-mail address.
- (3) Service of a copy is deemed to be service of the original.
- (4) When any other document must be authorized or served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, or holder of the property or right in question, and it is not necessary to name that person.
- (5) Any legal process is effectively and sufficiently served on the Council when it is delivered to the municipal manager, or a person in attendance at the municipal manager's office.

126. Offences

A person commits an offence if he or she –

- (a) obstructs or hinders the Council in the exercising of the powers or performance of functions or duties under these By-laws;
- (b) uses, tampers or interferes with the Council's equipment, the water supply system, sanitation system and reticulation network or consumption of services rendered;
- (c) contravenes or fails comply with a provision of these By-laws other than a provision relating to payment for municipal services;
- (d) fails to comply with the terms of a notice served upon him or her in terms of these bylaws;

and is liable upon conviction to fine of R4000,00 or to a period of imprisonment or community service not exceeding 4 months, or in the event of a continued offence to a further fine of R2000,00 for every day during the continuance of such offence.

127. Prima facie evidence

In legal proceedings by or on behalf of the Council, a certificate reflecting the amount due and payable to the Council, under the hand of the municipal manager of the Council, or suitably qualified staff member authorized by the municipal manager of the Council, shall upon mere production thereof be accepted by any court of law as prima facie evidence of the indebtedness.

128. Power of entry and inspection

- (1) The Council may enter and inspect any premises for any purpose connected with the implementation or enforcement of these By-laws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so.
- (2) Any entry and inspection must be conducted in conformity with the requirements of the Constitution of South Africa Act, 1996 (Act 108 of 1996), and any law and, in particular, with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.
- (3) The Council may be accompanied by an interpreter and any other person reasonably required to assist the authorized official in conducting the inspection.
- (4) A person representing the Council must, on request, provide his or her identification.

129. Indemnification from liability

Neither employees of the Council nor any person, body, organization or corporation acting on behalf of the Council is liable for any damage arising from any omission or act done in good faith in the course of his or her duties.

130. Exemption

- (1) Subject to all the provisions set out below in these By-laws, the Council may, in writing exempt an owner, customer, any person or category of owners, customers or other person from complying with a provision of these By-laws, subject to any conditions it may impose, if it is opinion that the application or operation of that the application or operation of that provision would be unreasonable, however, the Council shall not grant exemption from any section of these By-laws that may result in –

- (a) the wastage or excessive consumption of water;
 - (b) the evasion or avoidance of water restrictions;
 - (c) significant negative effects on public health, safety or the environment;
 - (d) the non-payment for services;
 - (e) the installation of pipes and fittings which are not approved by or on behalf of the Council in terms of these by-laws; and
 - (f) the Act, or any regulations made in terms thereof, is not complied with.
- (2) The Council may at any time after giving written notice of at least 30 days, withdraw any exemption given.
- (3) The Council must review all exemptions quarterly.
- (4) The Council must consider an submission for exemption at the next ensuing Council meeting immediately following receipt of a submission and should the Council fail to address the issue and take a resolution, then and in that event the applicant for exemption may appeal to the Member of the Executive Committee of the Provincial Government charged with the administration of local government affairs ("the MEC") to intervene in the matter.

131. Availability of By-laws

- (1) A copy of these By-laws must be included in the Council's Municipal Code as require in terms of section 15 of the Systems Act, 2000 (Act 32 of 2000).
- (2) A copy of these BY-laws must be available for inspection at the offices of the Council at all reasonable times.
- (3) A copy of these By-laws may be obtained against payment of a prescribed fee from the Council.

132. Conflict of law

If there is any conflict between these By-laws and any other by-laws of the Council or Local Municipality, these By-laws prevail.

133. Transitional arrangements

- (1) Installation work authorized by the Council prior to the commencement date of these By-laws or authorized installation work in progress on such date is deemed to have authorized in terms of these By-laws and the Council may for a period of 90 days after the commencement of these By-laws authorized installation work in

CONTINUES ON PAGE 130 - PART 2



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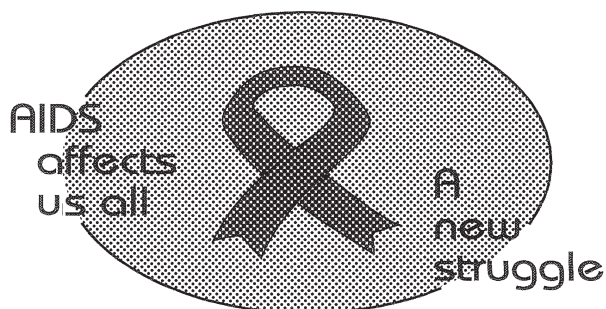
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PART 2 OF 2

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accordance with the by-laws that regulated such work immediately prior to the promulgation of these By-laws.

- (2) Any reference in these BY-laws to a charge determined by the Council is deemed to be a reference to a charge determined by the Council under the laws repealed by section 135, until the effective date of any applicable charges that may be determined by the Council in terms of these By-laws or the Council's Customer Care and Revenue Management By-laws, 2005, and any reference to a provision in the laws repealed by section 135 deemed to be a reference to a corresponding provision in these By-laws.
- (3) Any approval, consent or exemption granted under the laws repealed by section 135 remains, save for the provisions of subsection (3), valid.
- (4) No customer is required to comply with these By-laws by altering a water installation or part thereof which was installed in conformity with any laws applicable immediately prior to the commencement of these by-laws, however, if on the opinion of the Council, the installation or part thereof is so defective or in such a condition or position as to cause waste or undue consumption of water, pollution of the water supply or health hazard, the Council may by notice require the customer to comply with the provisions of these By-laws.
- (5) Notwithstanding the provisions of section 115, no flushing urinal that is not user-activated may be installed or continue to operate in any water installation, and all flushing urinals that are not user-activated installed before these By-laws commence, must be converted to user-activated urinals within two years of the commencement of these by-laws.

134. Repeal of existing water services by-laws

The provisions of any by-laws of Local Municipalities relating to water supply services and sanitation services by the Council are hereby repealed insofar as they relate to matters provided for in these by-laws.

135. Short title and commencement

- (1) These By-laws may be cited as the Water Supply and Sanitation Services By-laws of the Highlands Municipal Council.
- (2) The Council may, by notice in the Provincial Gazette, determine that the provisions of these By-laws, listed in the notice, do not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice, and until any notice is issued, these By-laws apply.

LOCAL AUTHORITY NOTICE 128 OF 2017

EMAKHAZENI LOCAL MUNICIPALITY



**FIRE BRIGADE SERVICE
BY-LAW**

EMAKHAZENI LOCAL MUNICIPALITY**FIRE BRIGADE SERVICE BY-LAW**

Under the provisions of section 156(2) of the Constitution of the Republic of South Africa, 1996, the Emakhazeni Local Municipality, enacts as follows:-

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CHAPTER I: DEFINITIONS AND INTERPRETATION OF THIS BY-LAW

1. "Definitions and interpretation" in this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the English text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates –

"Above ground storage tank" means a tank situated above ground for the storage of flammable substances as contemplated in SANS 0131 and SANS 089 Part 1 and SANS 087 Part 3;

"Agricultural holding" means a portion of land not less than 0,8 hectares in extent used solely or mainly for the purpose of agriculture, horticulture or for breeding or keeping domesticated animals, poultry or bees;

"Animal" means any animal that is kept for domestic, breeding, research, agricultural, resale, veterinary treatment or animal welfare purposes within the area of the controlling Agricultural Unit;

"Approved" means as approved by the municipality;

"Automatic releasing hold-open device" means a device used to hold open fire door and operate on the detection of a fire to close the fire door;

"Basement" in relation to a building, means any part of the building which is below the level of the ground storey;

"Boundary" means any lateral or street boundary of a site;

"Building" means:

- (a) any structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction thereof, erected or used for or in connection with:-
 - i. the accommodation or convenience of human beings or animals;
 - ii. the manufacture, processing, storage or sale of any goods;
 - iii. the rendering of any service;
 - iv. the destruction or treatment of combustible refuse or combustible waste;
 - v. the cultivation or growing of any plant or crop;

- (b) any wall, swimming pool, reservoir or bridge or any other structure connected therewith;
- (c) any fuel pump or any tank used in connection therewith;
- (d) any part of a building, including a building as defined in paragraph (a), (b) or (e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, storm water disposal, electricity supply or other similar service in respect of the building;

"Bund wall" means a containment wall surrounding an above ground storage tank, constructed of an impervious material and designed to contain 110% of the contents of the tank;

"Emakhazeni Local Municipality" means the Emakhazeni Local Municipality established in terms of section 12 of the Municipal Structures Act, (Act 117 of 1998);

"Certificate of fitness" means a certificate contemplated in section 41;

"Certificate of registration" means a certificate contemplated in section 64;

"Chief fire officer" means the chief fire officer appointed by the municipality in terms of section 5 of the Fire Brigade Services Act and includes any person appointed as acting chief fire officer;

"Chief Inspector of Explosives" means the Chief Inspector of Explosives appointed in terms of section 2 of the Explosives Act, 1956;

"Civil Aviation Authority" means the South African Civil Aviation Authority established in terms of section 2 of the South African Civil Aviation Authority Act, 1998 (Act No. 4 of 1998);

"Class" means a class of petroleum product based on the following classification-

- (a) Class O: liquefied petroleum gasses;
- (b) Class I: liquids subdivided as follows:
 - (c) Class IA: liquids which have a closed-cap flash point below 23°C and a boiling point below 35°C; and
 - (d) Class IB: liquids which have a closed-cap flash point below 23°C and a boiling point of 38°C or above;
 - (e) Class IC: liquids which have a closed-cap flash point of 23°C or above but below 38°C;
 - (f) Class II: liquids which have a closed-cap flash point of 38°C or above but below 60, °5C;
 - (g) Class IIIA: liquids which have a closed-cap flash point of 60,5°C or above but below 93°C; and
 - (h) Class IIIB: liquids which have a closed-cap flash point of 93°C or above;

"Combustible liquid" means a liquid which has a close-cap flash point of 38°C or above;

"Combustible material" means combustible refuse, combustible waste or any other material capable of igniting;

"Combustible refuse" means combustible rubbish, litter or material that is discarded, refused, rejected, or considered worthless;

"Combustible waste" means combustible waste material which is salvageable, retained or collected for scrap or reprocessing and may include all combustible fibres, hay, straw, hair, feathers, down, wood shavings, turnings, all types of paper products, soiled cloth trimmings and cuttings, rubber trimmings and buffing, metal fines, and any mixture of the above items, or any other salvageable combustible waste material;

"Competent person" means a person who is qualified by virtue of his or her experience and training;

"Control room" means a room on any premises which is equipped and used to co-ordinate and control an emergency situation in or on designated premises;

"Constitution" means the Constitution of the Republic of South Africa, 1996

"Criminal Procedure Act" means the Criminal Procedure Act, 1077 (No, 51 of 1977);

"Dangerous goods" means any flammable gas, flammable liquid or flammable solid as contemplated in SANS 0228;

"Designated area" means a place designated as such in terms of section 60;

"Designated premises" means any premises designated and registered as such by the municipality and which is required to have an emergency evacuation plan as contemplated in section 38 of this by-law;

"District" means the area of jurisdiction of the Nkangala District Municipality and includes the area of jurisdiction of the Category B municipalities within such area;

"Dwelling house" means a single dwelling unit situated on its own site, including any motor vehicle garage and other domestic outbuildings on that site;

"Dump" means to abandon or discard any hazardous substance by depositing, discharging, spilling or releasing it;

"Emergency" means any incident or eventuality which seriously endangers or may endanger any person or property;

"Emergency evacuation plan" means an emergency evacuation plan contemplated in section 38;

"Emergency route" means that part of any escape route which- (a) protects the occupiers of any building from fire; and (b) leads to an escape door;

"Enclosed place" in respect of domestic animals means any kraal, cage, camp or similar enclosure where domestic animals are kept or exercised;

"Escape door" means any door at the end of an emergency route and includes any door providing entrance to, or exit from, a building;

"Escape route" means the entire path of travel, measured from an escape door to the furthest point in any room in a building;

"Explosives" means explosives as defined in section 1 of the Explosives Act, 1956 and the regulations promulgated there under;

"Explosives Act" means the Explosives Act, 1956 (Act No. 26 of 1956), and any regulations made under that Act;

"Extinguishing stream" means the amount of water that the municipality needs in order to extinguish a fire;

"Feeder route" means that part of an escape route which allows travel in two different directions to the access doors of at least two emergency routes;

"Firebreak" means a natural or constructed strip of land where vegetation has been removed or modified to contain or to reduce the spread and intensity of any fire that may occur in or enter a premises, and may consist of one or more of the following:

- a) grass or vegetation that does not exceed 50 mm in height;
- b) lawn or cultivated garden, or
- c) a road or driveway;

"Fire damper" means an automatic damper, including its assembly, which complies with the requirements of SANS 193;

"Fire door" means an automatic or self-closing door or shutter assembly especially constructed to prevent the passage of fire for a specific length of time;

"Fire extinguisher" means a portable or mobile rechargeable container which has a fire extinguishing substance that is expelled by the action of internal pressure for the purposes of extinguishing a fire;

"Fire-fighting equipment" means any portable or mobile fire extinguisher, hose reel or fire hydrant;

"Fire hazard" means any situation, process, material or condition which may cause a fire or explosion or provide a ready fuel supply to increase the spread or intensity of the fire or explosion and which poses a threat to life or property;

"Fire installation" means any water installation which conveys water solely for the purposes of fire-fighting;

"Fire protection installation" means any device or system designed and installed to – (a) detect, control or extinguish a fire, or (b) alert occupants or the fire service, or both, to a fire; but excludes portable and mobile fire extinguishers;

"Fire risk category" means the definition of the risk profile of any sub-area within the area of the controlling authority as provided for in SANS 10090 and includes:

Category A: Central business districts and extensive commercial and industrial areas normally found in cities and large towns (areas where the risk to life and property are likely to be high due to fire occurrence and spread).

Category B: Limited central business districts, smaller commercial or industrial areas normally associated with small towns and decentralised areas of cities and large towns (areas where the risk to life and property is likely to be moderate due to fire occurrence and spread).

Category C: Residential areas of conventional construction.

Category D: Rural risks of limited buildings and remote from urban areas.

Category E: Special risks. Individual risks requiring a pre-determined attendance over and above the predominant risk category in an area. Includes large shopping/entertainment centres, informal settlements, harbours, hospitals, prisons, large airport buildings, high-rise buildings and petrochemical plants.

NOTE: High-rise buildings are an integral part of central business districts and would therefore be included in Category A. Buildings with major fire safety or other risk implications may, however, be classed as special risks;

"Fireworks" means any explosive device or substance which burns or explodes after ignition, including firecrackers, and which is regulated under the Explosives Act;

"Fireworks display" means the use of fireworks for purposes of a public display;

"Flammable gas" means a gas which at 20°C and a standard pressure of 101,3 kilopascals- (a) is ignitable when in a mixture of 13% or less by volume with air; or (b) has a flammable range with air of at least 12%, regardless of the lower flammable limit;

"Flammable liquid" means a liquid or combustible liquid which has a closed-cap flash point of 93°C or below;

"Flammable solid" as contemplated in SANS 0228, means a solid that is easily ignited by external sources, such as sparks and flames, solids that are readily combustible, solids that are liable to cause, or contribute to, a fire through friction or solids that are desensitised (wetted) explosives that can explode if not diluted sufficiently;

"Flammable store" means a store that is used for the storage of flammable liquids and complies with the criteria set out in Chapter 8 of this by-law;

"Flammable substance" means any flammable liquid, combustible liquid or flammable gas;

"Group I, II, III, V, VI, VIII and IX hazardous substances" means Group I, II, III, V, VI, VIII and IX hazardous substances, as the case may be, as contemplated in the Hazardous Substances Act;

"Hazardous substance" means any hazardous substance contemplated in the Hazardous Substances Act;

"Hazardous Substances Act" means the Hazardous Substances Act, 1973 (Act No. 15 of 1973), and any regulations made under that Act;

"Land Survey Act" means the Land Survey Act, 1997 (Act No. 8 of 1997);

"Liquefied petroleum gas" means a mixture of light hydrocarbons (predominantly propane, butane) that is gaseous under conditions of ambient temperature and pressure and that is maintained in a liquid state by an increase of pressure or lowering of temperature;

"Municipal manager" means a person appointed in terms of section 82 of the Municipal Structures Act or his nominee;

"Municipality" means the Emakhazeni Local Municipality, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

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

"Member" means a member of the Service and includes the chief fire officer;

"National Archives and Record Service of South Africa Act" means the National Archives and Record Service of South Africa Act, 1996 (Act 43 of 1996);

"National Building Regulations" means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and any regulations made under that Act;

"National Road Traffic Act" means the National Road Traffic Act, 1996 (Act No. 93 of 1996), and any regulations made under that Act;

"Occupational Health and Safety Act" means the Occupational Health and Safety Act, 1993 (Act No 85 of 1993);

"Occupier" means any person who occupies or has control over any premises;

"Owner" has its common law meaning and includes-

- a) a lessee or other person who controls the land in question in terms of a contract, testamentary document, law or order of a High Court;
- b) in relation to land controlled by a community, the executive body of the community in terms of its constitution or any law or custom;
- c) in relation to State land not controlled by a person contemplated in paragraph (a) or a community-

- d) the Minister of the Government department or the member of the executive council of the provincial administration exercising control over that State land; or
- e) a person authorised by him or her; and (d) in relation to a municipality, the municipal manager of the municipality or a person authorised by him or her;
- f) any person, either natural or juristic who has lawfully acquired ownership through common law or statutory law.

"Person in charge" means:–

- a) in relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the premises;
- b) in relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the building;
- c) in relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for the management or utilisation of the installation; provided that such a person is not the person mentioned in (a); and
- d) in the event of the chief fire officer being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is in the opinion of the chief fire officer deemed to be in charge of such premises, building or installation;

"Promotion of Access to Information Act" means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);

"Prescribed" means as determined by the municipality;

"Premises" means any land, building, terrain, road, construction or structure or part thereof and includes any train, boat, aircraft or other vehicle;

"Prescribed fee" means a fee determined by the municipality by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;

"Public gathering" includes any gathering by members of the public–

- a) to view any theatrical or operatic performances, orchestral or choral recitals or cinematic-graphic screenings; or
- b) to attend, practice or participate in any indoor sports activity, dance, physical activity or other recreational activity;

"Public place" means any square, park, recreation ground, beach, sports ground, sanitary lane or open space which has –

- a) been provided, reserved or set apart for use by the public or at any time been dedicated to the public;
- b) been used by the public without interruption for a period of at least thirty years; or
- c) at any time been declared or rendered such by the municipality or other competent authority;

"Registered premises" means any premises in respect of which a certificate of registration has been issued;

"SANS" means the South African National Standards contemplated in section 2 of the Standards Act, 1993 (Act No. 29 of 1993), and SANS followed by any number means a reference to a SANS code of practice, specification or standard of the corresponding number;

"Service" means the Fire Brigade Service established and maintained by the municipality as contemplated in section 4;

"Service installation" means any automatic fire-extinguishing installation, fire pump connector, fire pump, emergency power or stand-by generator, fire detection, locating or alarm system, emergency lighting or evacuation communication system, mechanical ventilation system, pressure regulation system, smoke ventilation system, hoist, symbolic safety sign and smoke or fire door assembly;

"Spray" means to spray, coat, plate or epoxy-coat with any hazardous substance and

"Spraying" has a corresponding meaning;

"Spraying permit" means a permit contemplated in section 124;

"Spraying room" means a room contemplated in section 123;

"State" means: -

- a) any department of state or administration in the national, provincial or local sphere of government, or
- b) any other functionary or institution –
 - i. exercising a power or performing a function in terms of the Constitution or a provincial constitution; or
 - ii. exercising a public power or performing a public function in terms of any legislation, but does not include a court or judicial officer;

"Storage vessel" means a pressure vessel as defined in the Regulations for Pressure Vessels made under the Occupational Health and Safety Act;

"Store room" means a room for storage of flammable substances contemplated in section 79;

"Street" means any street, road, cycle path, thoroughfare or any other place, including –

- a) the verge of any such road, street or thoroughfare;
- b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- d) any other object belonging to such road, street or thoroughfare, which has at any time been –
 - (a) dedicated to the public;
 - (b) used without interruption by the public for a period of at least thirty years;

- (c) declared or rendered such by the municipality or other competent authority, or constructed by a local authority, and
- (d) any land, with or without buildings or structures thereon, which is shown as a street on –
 - i. any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon, or
 - ii. any general plan as defined in the Land Survey Act, 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 street;

"The Act" means the Fire Brigade Services Act, 1987 (Act No. 99 of 1987), and any regulations made under that Act;

"This by-law" includes the Schedules published in terms of this by-law;

"Summary abate" means to immediately judge a condition to be a fire hazard or other threatening danger to life or property and to order immediate correction of such condition;

"Underground tank" means any tank used or intended to be used for the storage of any flammable liquid and which is wholly sunk into and below the surface of the ground;

"Use" in relation to fireworks means discharging, lighting or igniting;

"Vegetation" includes grass, weeds, leaves, shrubs and trees; and

"Vehicle" includes a trailer or semi-trailer which-

- a) has at least 4 wheels with independent axles and suspension systems; and
- b) can be hitched to a truck-tractor or any other motor vehicle contemplated in the National Road Traffic Act.

CHAPTER 2: PURPOSE AND APPLICATION OF BY-LAW

2. Purpose of by-law

The purpose of this by-law is to establish and maintain a service for the area of jurisdiction of the municipality, to promote the achievement of a fire-safe environment for the benefit of all persons within the area of jurisdiction of the municipality and to provide for procedures, methods and practices to regulate fire safety within the area of jurisdiction of the municipality.

3. Application of by-law

- 1) This by-law is applicable to all persons within the area of jurisdiction of the municipality and includes both formal and informal sectors of the community and economy.
- 2) Notwithstanding the provisions in either the Hazardous Substances Act or the Occupational Health and Safety Act, and in addition to any other applicable national or provincial law, this by-law regulates flammable substances in the area of jurisdiction of the municipality so as to prevent and reduce fire hazards or other threatening dangers.
- 3) The municipality may, in terms of an agreement as contemplated in section 12 of the Act, and the payment of tariffs in accordance with the municipality's tariff policy or as contemplated in this by-law, be employed outside the area of jurisdiction of the municipality. If any provision in this by-law vests or imposes any power, function or duty of the municipality in or on an employee of the municipality and such power, function or duty has in terms of section 81(2) of the Municipal Systems Act 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 municipality provider or, where applicable, an employee of the municipality provider authorized by it.

CHAPTER 3: ESTABLISHMENT OF A FIRE BRIGADE SERVICE

4. Establishment and maintenance of service

- 1) A service for the area of jurisdiction of the Municipality is established as contemplated in section 3(1) of the Act, read with section 156(1)(a) and Part B of Schedule 4 of the Constitution.
- 2) The municipality must maintain the Service, which includes -
 - (a) appointing a Chief Fire Officer and the necessary members of the Service;
 - (b) ensuring that such officer and members are properly trained; and
 - (c) acquiring and maintaining the necessary vehicles, machinery, equipment, devices and accessories to ensure that the Service is effective and able to fulfil its objects.

5. Objects of the Service

- 1) The objects of the Service are –
 - (a) to prevent the outbreak or spread of a fire;
 - (b) to fight and extinguish any fire that endangers any person or property;
 - (c) to protect any person or property against any fire or other danger as contemplated in this by-law;

- (d) to rescue any person or property from any fire or other danger as contemplated in this by-law; or
 - (e) to perform any other function connected with any of the matters referred to in subsection (a) to (d).
- 2) The Service may provide any service related to its objects to any other person.
 - 3) Any service contemplated in subsection (2) may, at the discretion of the chief fire officer, be terminated without notice if the municipality's, equipment or members involved in providing that service are required to deal with an emergency situation, fire hazard or other threatening danger.

6. Reporting a fire hazard and other threatening danger

- 1) An owner or the person in charge of premises, upon discovering any evidence of a fire hazard or other threatening danger as contemplated in this by-law, must immediately notify the Service.
- 2) An owner or the person in charge of premises must provide all details pertaining to the incident as contemplated in subsection (1), to the Service as requested.
- 3) Any person who contravenes subsections (1) and (2) commits an offence.

7. Administration and enforcement

- 1) The Chief Fire Officer is responsible for the administration and enforcement of this by-law.
- 2) Where no chief fire officer has been appointed, or where no acting chief fire officer has been appointed by the municipal manager as contemplated in section 9(3), the municipal manager is responsible for the administration and enforcement of this bylaw.

8. Delegation

- 1) The chief fire officer may delegate any power granted to him in terms of this bylaw as contemplated in section 19 of the Act or in accordance with the system of delegation of the municipality developed in terms of section 59 of the Municipal Systems Act.
- 2) A Municipal Manager may delegate any power granted to him in terms of this bylaw in accordance with the system of delegation of the municipality developed in terms of section 59 of the Municipal Systems Act.

9. Chief Fire Officer

- 1) The Chief Fire Officer has the powers as contemplated in sections 8(1) and 8(2) of the Act, and must also:-
 - (a) make or implement such general orders, procedures, rules and such other measures as he may consider necessary for the proper administration and enforcement of this by-law; provided that the making or implementation of such

general orders, procedures, rules and such other measures are not inconsistent with the provisions of this by-law or any other by-law or policy of the municipality.

- (b) ensure that contact numbers in respect of the Service are made available to the public and other institutions or organisations;
 - (c) inform the Municipal Manager of operational requirements for the structuring of the Service as contemplated in section 5.
- 2) Notwithstanding anything to the contrary contained in any other law, the Chief Fire Officer has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.
 - 3) Whenever the chief fire officer is for any reason unable to perform his duties of office, the Municipal Manager must appoint a suitably qualified member of the Service as Acting Chief Fire Officer to perform the duties and functions of the Chief Fire Officer.

10. Instructions by members of service

- 1) In addition to any powers as contemplated in section 8 of this Act, a member may give any instruction to any person in order to secure compliance with this by-law or to ensure the safety of any person or property.
- 2) An instruction may be given orally or in writing and if the instruction is given orally, the member must confirm it in writing and give it to the person concerned at the earliest opportunity.
- 3) An instruction contemplated in subsection (1) may include, but is not limited to an instruction –
 - (a) for the immediate evacuation of any premises;
 - (b) to close or barricade any premises, or part thereof, until such time as any contravention of this by-law has been rectified;
 - (c) to cease any activity;
 - (d) to remove any immediate threat to the safety of any person or property;
 - (e) to take specified steps to comply with this by-law, either immediately or within a specified period; and
 - (f) if it is not reasonable for steps referred to in paragraph (e) to be taken immediately for the owner or person in charge of the premises concerned, to provide the chief fire officer with a written description of the steps to be taken and a time-table for the taking of these steps in order to ensure compliance with this by-law.
- 4) Any person who contravenes subsection (3) commits an offence.

11. Pretending to be member of service prohibited

- (a) No person may pretend to be a member.
- (b) No person who is not a member may wear any official clothing, uniform, badge or insignia of the Service.
- (c) Any person who contravenes subsections (1) and (2) commits an offence.

12. Certificates to identify members of service

- 1) The chief fire officer must provide each member with an identification document identifying that person as a member.
- 2) A member, while performing any function or exercising any power as contemplated in this by-law must –
 - (a) keep the identification document provided in terms of subsection (1), on his person; and
 - (b) produce it for inspection on request by any person.

13. Wearing of uniform and insignia

- 1) The chief fire officer and every member of the Service must wear the uniform, rank markings and insignia of the Service as prescribed.
- 2) Uniform, rank markings and insignia as contemplated in subsection (1) must be issued to the Chief Fire Officer and members of the Service in accordance with the conditions of employment of the municipality or as agreed collectively.

14. Driving service vehicles

- 1) A member may, with the written authority of the Chief Fire Officer and as directed in the exercise of his or her duties, drive a Service vehicle if he or she is in possession of a valid driving licence for the code of vehicle in question.
- 2) A member, who is duly authorised to do so, as contemplated in subsection (1), must drive a Service vehicle in accordance with the provisions of the National Road Traffic Act, 1996, and any regulations made under the Act and with great caution when responding to Emergency incidents
- 3) Any member who fails to comply with the provisions of this section is guilty of an offence.

15. Duties and orders during emergency situations

- 1) The Chief Fire Officer or a member in charge of an emergency situation, including one attended in terms of an agreement, must, in respect of every such emergency situation, ensure that-

- (a) adequate manpower and the appropriate apparatus and equipment are made available, deployed and are used without delay;
 - (b) the emergency situation is immediately assessed upon arrival and additional resources or assistance that he may deem necessary, are called for without delay.
 - (c) all pertinent information, including information about places, times and relevant particulars, is recorded during the emergency situation or as soon as possible after the emergency situation, and that the recorded information is preserved in accordance with the provisions of the National Archives of South Africa Act, 1996 (Act 43 of 1996), and any regulations made under the Act.
- 2) Any person or body, including any State department as contemplated in section 17 of the Act, the South African Police Service and the Department of Justice, who wishes to inspect any information referred to in subsection (1)(c) must send a motivated request in writing to the Chief Fire Officer along with the prescribed fees.
- 3) Any press or media release concerning the Service, emergency situations or any matter in relation thereto must be in accordance with the policy guidelines determined by the municipality.

16. Right of access to buildings and premises and issue of instructions

- 1) The Chief Fire Officer or a member may, in executing the powers delegated in terms of this by-law or any other legislation, enter any premises at any reasonable time to conduct inspections in order to determine the existence of a fire hazard or compliance with any applicable legislation relating to fire safety on such premises.
- 2) Should any fire hazard or condition of non-compliance contemplated in subsection (1) exist, such member may serve a written instruction on the owner or occupier of such premises and such notice shall incorporate such directives or requirements that are necessary to abate the condition, which instruction must determine a deadline for compliance.
- 3) Whenever any condition that may increase the risk of fire or which may pose a threat to life or property exists on any premises and such condition cannot be immediately rectified, or if costs need to be incurred to rectify such condition, the owner of the premises must, after receiving any written instruction referred to in subsection (2), inform the Chief Fire Officer forthwith, in writing, of the measures which he or she intends taking to remedy the condition and provide a programme and deadline to the Chief Fire Officer for approval.
- 4) The Chief Fire Officer may approve the proposed measures and deadline with or without amendments and may give further instructions for compliance with the proposed or required measures.
- 5) Any person who fails to comply with a written instruction referred to in this section is guilty of an offence.

17. Interference with the Service

- 1) No person may interfere with, prevent, obstruct or hinder the Chief Fire Officer, the Municipal Manager, the Deputy Manager Enforcement, Security and Public Safety or any member in the execution of his duties as contemplated in this by-law or the Act.
- 2) Any person who contravenes subsection (1) commits an offence.

18. Furnishing of false information

- 1) No person may wilfully give any member of the Service any notice, or furnish any information regarding an outbreak of fire, or any other emergency situation requiring the attendance of the Service, and which, to his knowledge, is false or inaccurate.
- 2) Any person who contravenes subsection (1) commits an offence.

19. Denial, suspension or revocation of an approval or a certificate

- 1) The chief fire officer may refuse, suspend or revoke an approval or a certificate required by this by-law for –
 - (a) failure to meet the provisions of this by-law for the issuance of the approval or certificate; or
 - (b) non-compliance with the provisions of the approval or certificate.

20. Records required, access to records and release of media statements

- 1) The safekeeping of all relevant records and documents pertaining to the Service in accordance with the provisions of the National Archives and Record Service of South Africa Act is the responsibility of the municipal manager.
- 2) A request for access to a record held for the purpose or with regard to the exercise of a power or the performance of a function in respect of the Service must be made in accordance with the provisions of the Promotion of Access to Information Act.
- 3) Media statements regarding the Service must be released as prescribed in terms of the communication strategy of the municipality.

21. Failure to comply with provisions

- 1) When the chief fire officer finds that there is non-compliance with the provisions of this by-law, excluding the situation in section 16(2), a written notice must be issued and include the following –
 - (a) confirmation of the findings;
 - (b) provisions of this by-law that are being contravened;
 - (c) the remedial action required; and
 - (d) a time for compliance.

- 2) An order or notice issued under this by-law must be served either by personal delivery or registered mail upon a person who is in the opinion of the chief fire officer, deemed to be the appropriate person.
- 3) For unattended or abandoned premises, a copy of such order or notice must be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice must be mailed by registered mail, to the last known address of the owner, the person in charge of the premises or both.
- 4) An owner or the person in charge of premises, whose rights are affected by any decision of the chief fire officer as contemplated in subsection (1), may appeal against such decision in terms of section 62 of the Municipal Systems Act.

22. Payment for services

- 1) The municipality may charge the fees payable in terms of its Tariff Policy by a person on whose behalf the municipality rendered any service as contemplated in this by-law.
- 2) The municipality may charge a prescribed fee for the provision of an inspection, re-inspection or any other service, including the approval or issuing of permits or certificates as contemplated in this by-law.
- 3) Any cost incurred by the municipality for any action necessary to prevent a fire hazard, accident or other threatening danger shall be considered a fee payable by a person for services rendered as contemplated in subsection (1).
- 4) Any costs incurred by the municipality in connection with the examination or analysis of any sample taken from any premises for the purposes of this by-law, and a report on such analysis by an institution accredited by the chief fire officer for that purpose may be recovered from the owner or person in charge of the premises if such owner or person in charge is not in compliance with this by-law regarding the substance concerned.
- 5) Notwithstanding the provisions of subsection (1), the chief fire officer may assess the aggregate of charges as contemplated in subsection (1) or any portion thereof, provided that such portion shall not be less than ninety percent of the aggregate of the charges that would have been payable; provided further that in assessing such charges or portion thereof, due regard, in addition to other factors, be given to:
 - (a) the fact that the amount so assessed shall be commensurate with the services rendered;
 - (b) the manner, place and origin of fire or other emergency situation;
 - (c) the loss that might have been caused by the fire or other emergency situation to the person liable to pay the charges, if the services had not been rendered.
- 6) Where charges are assessed in terms of paragraph (a) and the person liable to pay such charges is aggrieved by or is with such assessment, he may lodge a written appeal in terms of section 132 of this by-law.

23. Joint Fire Services Committee

- 1) A Joint Fire Services Committee representing the fire services in the area of jurisdiction of the Emakhazeni Local Municipality may be established should a need arise.
- 2) The Joint Fire Services Committee as contemplated in subsection (1) must collaborate and liaise for the purposes of making recommendations with regard to –
 - (a) the planning and co-ordination of the services within the Municipality;
 - (b) the co-ordination and standardisation of infrastructure, vehicles, equipment and procedures pertaining to the service;
 - (c) the training of members; and
 - (d) any other operational matters relating to the Service.
- 3) The Chief Fire Officer of the municipality may be a member of the Joint Fire Services Committee.
- 4) The Joint Fire Services Committee may determine its rules of meeting procedures, provided that such procedures are not inconsistent with generally accepted municipal administrative practices, this by-law or any other legislation.

CHAPTER 4: FIRE PROTECTION

Part A: Fire protection for buildings and premises

24. General provisions

The Chief Fire Officer must in terms of sections 16(3) and 21(1) of this by-law abate a contravention of the National Building Regulations relating to fire and safety of buildings and premises.

25. Design and construction of buildings

- 1) Subject to the provisions of subsection (3), every owner of a building, excluding a dwelling house, must ensure that it is designed and constructed in a manner that –
 - (a) provides for – the effective drainage of any water that may result from fire extinguishing activities; and the discharge of such water directly into a storm water drain;
 - (b) prevents any water that may result from fire-extinguishing activities from draining–
 - i. down any stairway or lift shaft;
 - ii. down any electrical shaft or telecommunications service shaft;
 - iii. down any shaft that is connected to a basement level; or

- iv. along any approach to a building or any vehicle access ramp leading to or from a building;
 - (c) if any water resulting from fire-extinguishing activities should spill into a basement, such water is discharged directly into a storm water drain; and
 - (d) complies with the requirements of SANS 0400 (Parts A, K, M, O, T, V and W) insofar as it relates to fire protection.
- 2) Subject to the provisions of subsection (3), every owner of a building equipped with a transformer room must ensure that –
- (a) the transformer room is situated on the ground level;
 - (b) access to the transformer room is from outside the building; and
 - (c) there is adequate and ready access to the transformer room for fire fighting and maintenance activities.
- 3) Subsections (1) and (2) do not apply in respect of any building which exists at the commencement of this by-law.
- 4) Any person who contravenes subsections (1) and (2) or Parts A, K, M, O, T, V or W of SANS 10400 in so far as it relates to fire protection, commits an offence.

26. Design and construction of dumping sites

- 1) Every person who designs or constructs any dumping site, must ensure that it is designed and constructed in accordance with the instructions of-
- (a) the Department of Water Affairs and Forestry; and
 - (b) the municipality.
- 2) Any person who contravenes subsection (1) commits an offence.

27. Design and construction of other structures and sites

- 1) Every person who designs, constructs or erects any of the following structures, must ensure that they comply with a rational design as contemplated by the National Building Regulations –
- (a) any grain silo;
 - (b) any atrium; (c) any air traffic control tower;
 - (c) any tower for telecommunications or other uses;
 - (d) any thatched structure which is larger than 20 square metres and situated within 4.5 metres of any boundary line of the property concerned;
 - (e) any tent or other temporary structure for holding a public gathering; and

- (f) any open-plan commercial or industrial premises with a covering distance that exceeds 45 metres measured from any point in the premises to any escape or exit door.
- 2) Every person who designs or constructs any aircraft hanger or helicopter pad, must ensure that it –
 - (a) complies with a rational design as contemplated by the National Building Regulations;
 - (b) provides for the effective drainage of any liquid from the floor of the hanger or helicopter pad or any approach to the aircraft hanger or helicopter pad;
 - (c) provides for the effective channelling of any liquid from the floor of the hanger or helicopter pad to a drainage area connected to a separator well;
 - (d) prevents the spread of any liquid from the floor of the hanger or helicopter pad; and
 - (e) is equipped with effective earthing devices for the discharge of static electricity.
- 3) Any person who contravenes subsections (1) and (2) commits an offence.

28. Requirements for sprinkler systems

- 1) If a sprinkler system is required in any building in accordance with SANS 0400, SANS 087 (Part III) or SANS 089 (Part I) or if the chief fire officer so requires, the owner or person in charge of the premises must ensure that the building is equipped with a sprinkler system.
- 2) Every person who designs, constructs or installs a sprinkler system must ensure that it is designed, constructed and installed –
 - (a) in accordance with SANS 0287; and
 - (b) in compliance with the requirements of SANS 0400 (Parts A, K, M, O, T, V and W) insofar as it relates to fire protection.
- 3) Any person who contravenes subsections (1) and (2) commits an offence.

29. Requirements for extractor fan systems

- 1) Every person who designs, constructs or installs an extractor fan system, any related ducts or any similar chimney system and every owner or person in charge of the building in which such a system is installed must ensure that –
 - (a) it is designed, constructed and installed in a manner that provides for clearly demarcated, adequate and easy access for inspection, maintenance and repairs; and

- (b) the conduit and outlet of any such system is installed in a manner that does not result in a fire hazard to any person or property.
- 2) Every owner or person in charge of a building in which an extractor fan system, any related ducts or any similar chimney system has been installed, must ensure that every filter, damper, screen or conduit forming an integral part of the system is regularly inspected, cleaned and maintained to ensure that fatty residues or any other combustible residues do not accumulate.
- 3) Any person who contravenes subsections (1) and (2) commits an offence.

30. Requirements for emergency exits

- 1) Every owner of a building must ensure that any escape door in that building –
 - (a) is fitted with hinges that open in the direction of escape; and
 - (b) is equipped with a fail-safe locking device or devices that do not require a key in order to exit.
- 2) Every owner of a building must ensure that any door in a feeder route –
 - (a) is a double swing-type door;
 - (b) is not equipped with any locking mechanism.
- 3) Notwithstanding the provisions of subsection (2), if it is necessary that a door in a feeder route be locked for security reasons, the owner or person in charge of the building must provide an alternative means of escape approved by the Chief Fire Officer.
- 4) No person may obstruct or allow the obstruction of any escape route from any premises that may prevent or hinder the escape of any person or animal from the premises in an emergency.
- 5) Where required by the Chief Fire Officer, an escape route must be clearly indicated with signage, which complies with SANS 1186, indicating the direction of travel in the event of fire or any other emergency.
- 6) Any person who contravenes subsections (1), (2), (3), (4) and (5) commits an offence.

31. Requirement regarding fire doors and assemblies

- 1) Subject to the provisions of SANS 1253, a fire door and assembly must be maintained in such a manner that in the event of a fire it retains its integrity, insulation and stability for the time period required for that particular class of door.
- 2) A fire door may be kept open, only when it is equipped with an automatic releasing hold-open device approved by the chief fire officer.

- 3) A fire door and assembly may not be rendered less effective through the following actions –
 - (a) altering the integrity, insulation or stability of a particular class of door;
 - (b) disconnecting the self-closing mechanism;
 - (c) wedging, blocking or obstructing the door so that it cannot close;
 - (d) painting the fusible link actuating mechanism of a door;
 - (e) disconnecting or rendering less effective an electric or electronic release mechanism, or
 - (f) any other action that renders a fire door or assembly less effective.
- 4) Any person who contravenes subsections (1), (2) and (3) commits an offence.

32. Design, identification and access for fire-fighting and rescue purposes

- 1) Subject to the requirements of any applicable zoning scheme regulations or the conditions of establishment of any township, every person who plans, designs or constructs a building, excluding a dwelling house, must ensure that the premises on which the building is situated, are planned, designed and constructed so that –
 - (a) at least one elevation of the building fronts onto a street;
 - (b) if the premises do not front onto a street, an access road is provided with dimensions and carrying capacity approved in writing by the chief fire officer;
 - (c) a motorised or electronically operated gate is equipped in such a manner that access to the premises can be gained without the use of a motor or any other electronic device or any other assistance;
 - (d) there is a climate-proof and weather-proof parking surface for parking and operating fire brigade machines and equipment in an emergency –
 - i. of dimensions at least 10 metres wide;
 - ii. that runs the full length of the side elevation of the building that borders the surface; and
 - iii. with a carrying capacity of at least 70 metric tons; and
 - iv. (any entrance arch to the premises provides an opening with dimensions at least 4 metres wide x 4.2 metres high, unless there is an alternative and easy access route to the premises of at least the same dimensions.
- 2) For purposes of easy identification by any member in an emergency, every owner or person in charge of the premises must ensure that the correct street number of the premises–

- (a) is displayed clearly on the street boundary of the premises in numbers at least 75 millimetres high;
 - (b) is visible from the street; and
 - (c) is maintained in a legible condition at all times.
- 3) Any person who contravenes subsections (1) and (2) commits an offence.

33. Accessibility of fire-fighting equipment and fire installations

- 1) Any fire-fighting equipment or fire protection installations installed on any premises must be accessible to the Service at all times.
- 2) Any person, who causes or permits any fire-fighting equipment or fire protection installations to be obstructed or impedes such accessibility or operation, commits an offence.

34. Barricading of vacant buildings

- 1) Every owner or person in charge of a building or portion of a building that is vacant must, to the satisfaction of the chief fire officer –
 - (a) remove all combustible waste and refuse from the building; and
 - (b) block, barricade or otherwise secure all windows, doors and other openings in the building in a manner that will prevent the creation of any fire hazard caused by entering of the building by any unauthorised person.
- 2) Any person who contravenes subsection (1) commits an offence.

35. Fire protection for thatch roof structures

- 1) Any thatch roof construction with a span not exceeding 6 metres and which is supported by structural walls must comply with the provisions of SANS 10407: 2004.
- 2) A rational design must be provided for any thatch roof construction with a span exceeding 6 metres or where such construction is not supported by structural walls.
- 3) Where a new or replacement thatch structure is to be constructed for any building, the following must be incorporated into the design and construction of such thatch roof:
 - (a) The thatch density should not be less than 35 to 50 kg/m² for a thickness of 175mm to 200mm;
 - (b) Sisal binding twine shall be used;
 - (c) Construction of any thatch roof must be sound and all materials used therein must be of good quality;

- (d) Where electrical wiring passes through the roof space of any thatch roof, all wiring shall be run in continuous conduit and all junction boxes shall be properly sealed;
 - (e) Where, in the opinion of the chief fire officer, the risk of lightning may pose a hazard, it may direct that certain occupancies, as he may determine, be protected by the installation of lightning conductors in accordance with SABS 03: 1985;
 - (f) All wooden components and all exposed surfaces of thatch must be treated with an approved fire retardant and the thatching must be rodent proofed;
 - (g) Upon completion of any thatch construction, the owner must provide the Chief Fire Officer with written certification of compliance with all of the provisions of regulation 21(3).
- 4) Where, in the opinion of the Chief Fire Officer, any fire in a thatched building will pose an unacceptable risk to any adjacent buildings or property or where its location will result in an increased risk from an external fire, the Chief Fire Officer may prescribe the installation of a sprinkler or drencher system, provided that such system may be manual or automatic in operation.
- 5) Any chimney passing through a thatch roof must be constructed so that:
- (a) only full 220mm bricks are used and laid so that the unexposed faces in contact with thatch do not become hot;
 - (b) all joints and spaces are properly filled with mortar;
 - (c) no wooden building component or decoration is built into or through any chimney
 - (d) the top of any chimney stack must extend at least 1 metre above the highest point of the roof;
 - (e) a spark arrestor comprising a stainless steel wire mesh measuring 10 x10 x 1mm across the full width of the flue shall be fitted not less than 700mm from the top of the stack.
- 6) Any person who contravenes subsections (1) to (5) commits an offence.

Part B: Fire Fighting Equipment

36. Installation and maintenance of fire-fighting equipment

- 1) Every owner of a building must ensure that—
- (a) all fire-fighting equipment and service installations on the premises are installed in a manner and condition ready for use in an emergency;
 - (b) all portable and mobile fire-extinguishers and all hose reels on the premises are serviced and maintained in accordance with SANS 0105 and SANS 1475; and

- (c) all fire-fighting equipment and service installations on the premises are –
- i. maintained in a good working condition by a competent person;
 - ii. inspected and serviced in accordance with manufacturer specifications; and
 - iii. (are inspected by an appropriately registered and competent person at least once every 12 months; and
 - iv. a comprehensive service record of all fire-fighting equipment and service installations on the premises is maintained and furnished to the chief fire officer every 12 months or as otherwise directed.
- 2) Every person who inspects, services or repairs any fire-fighting equipment or service installation must–
- a) on completing the inspection, service or repairs, as the case may be –
 - i. certify in writing that the equipment or installation concerned is fully functional; and
 - ii. furnish that certificate to the owner of the premises; or
 - b) if the equipment or installation cannot readily be repaired to a functional state, notify the chief fire officer of this fact in writing without delay.
- 3) Except for purposes of inspection, service, repair or fire-fighting, no person may remove or interfere with any fire-fighting equipment or service installation at any premises.
- 4) No person may alter, damage, misuse or render ineffective any fire-fighting equipment or service installation at any premises.
- 5) Any person who contravenes subsections (1), (2), (3) and (4) commits an offence.

37. Fire alarms and fire hydrants

- 1) Without compensation to the owner of the premises concerned, the chief fire officer may cause: -
- (a) a fire alarm;
 - (b) a transmission instrument for calls of fire or other emergency, or
 - (c) a transmission instrument for warning residents of a fire or other emergency, to be affixed to any building, wall, fence, pole or tree.
- 2) Without compensation to the owner of the premises concerned, the chief fire officer may cause the position of a fire hydrant and fire alarm or any other fire protection information to be marked on any building, wall, fence, pole, tree, road, pavement or hydrant cover with a board, metal plate or painted marker or by any other means, as prescribed.

- 3) The chief fire officer may at any time cause a fire alarm, other transmission instrument mentioned in subsection (1), board, metal plate or painted marker to be removed without compensating an owner of the premises concerned.
- 4) An unauthorised person is prohibited from removing, defacing, altering, tampering or damaging a fire alarm, other transmission instrument mentioned in subsection (1), board, metal plate or painted marker.
- 5) No person may render less effective, inoperative, inaccessible, obstruct or tamper and interfere with a fire hydrant.
- 6) Any person who contravenes subsections (1), (2), (3), (4) and (5) commits an offence.

Part C: Emergency evacuation plans

38. Chief Fire Officer may designate premises for emergency evacuation plans

- 1) The chief fire officer may by written notice designate any premises as premises requiring an emergency evacuation plan.
- 2) The notice contemplated in subsection (1), must be served on the premises concerned and addressed to the owner or person in charge of the premises.

39. Duties of owner or occupier of designated premises

- 1) The owner, or with the approval of the chief fire officer, the occupier, of any premises designated in terms of section 38 must –
 - (a) prepare a comprehensive emergency evacuation plan for the premises in accordance with the guideline contained in Schedule 1 and submit it to the chief fire officer in triplicate within 30 days of service of the designation notice;
 - (b) establish a fire protection committee comprised of occupiers of the premises to assist the owner or person in charge of the premises to organise a fire protection programme and regular and scheduled fire evacuation drills;
 - (c) ensure that the emergency evacuation plan is reviewed-
 - i. at least every 12 months;
 - ii. whenever the floor layout of the premises is changed; and
 - iii. whenever the Chief Fire Officer requires revision of the plan;
 - (d) ensure that an up-to-date emergency evacuation plan, any fire protection programmes, evacuation drills and any related documents are kept, maintained and at all times available in a control room on the premises for inspection by any member;
 - (e) display the emergency evacuation plan at conspicuous positions inside the premises; and

- (f) identify a place of safety off the designated premises, but in the immediate vicinity of the premises, where persons who reside or work on the premises may gather during an emergency for the purpose of compiling a list of survivors.
- 2) The chief fire officer may in respect of premises designated in terms of section 38 –
 - (a) require the review of any emergency evacuation plan by the owner or person in charge of the premises and may provide directions in this regard;
 - (b) instruct the owner or person in charge of the premises to implement a fire protection program that the chief fire officer believes is necessary to ensure the safety of persons and property on the premises; and
 - (c) require the owner or person in charge of the premises to provide the chief fire officer with a certified copy of the emergency evacuation plan and any associated documents at a specified time and place.

Part D: Public Gatherings

40. Prohibition of public gatherings in certain circumstances

- 1) No person may hold a public gathering or allow a public gathering to be held in any building or temporary structure unless a certificate of fitness has been issued by the chief fire officer in respect of that building or temporary structure, unless a certificate of fitness previously issued in terms of this subsection, has not yet expired.
- 2) Subsection (1) does not apply in respect of a building or temporary structure which existed at the commencement of this by-laws, unless after that date –
 - (a) the building or temporary structure is rebuilt, altered, extended or its floor layout is changed; or
 - (b) ownership or control of the building or structure changes.
- 3) Any person who contravenes subsection (1) commits an offence.

41. Application for certificate of fitness

- 1) Every owner of a building or temporary structure intended for the holding of a public gathering must complete and submit to the chief fire officer an application form for a certificate of fitness in the form and manner as contemplated in section 43.
- 2) An application contemplated in subsection (1) must be submitted at least 30 days before any intended public gathering.
- 3) Any person who contravenes subsection (1) commits an offence.

42. Requirements for certificate of fitness

- 1) The chief fire officer may not issue a certificate of fitness in respect of a building or temporary structure –

- (a) unless the municipality is in possession of an up-to-date set of building plans for the premises;
- (b) unless the building or temporary structure complies with the requirements of this by-law; and
- (c) for a period of validity exceeding 12 months.

43. Form and content of certificate of fitness

1. A certificate of fitness must be in the form as prescribed and must at least record the following information, where applicable-
 - (a) the trade name and street address of each occupier of the building or temporary structure;
 - (b) a description of the type of activity carried on by each occupier of the building or structure;
 - (c) the full names and addresses of the persons who serve on the governing or similar body of each occupier;
 - (d) the maximum permissible number of people who may be admitted to the useable floor area of the building or structure;
 - (e) the number of emergency exits and their dimensions; and (f) the dates of issue and expiry of the certificate and its serial number.
2. Notwithstanding subsection (1), the chief fire officer may request additional information from the applicant.

44. Duties of holder of certificate of fitness

1. The holder of a certificate of fitness must –
 - (a) comply with the provisions of the certificate of fitness;
 - (b) at all times –
 - (i) display the certificate prominently on the premises; and
 - (ii) maintain the certificate in a legible condition;
 - (c) immediately notify the chief fire officer in writing of any change to the trade name, activity or governing or similar body of any occupier of the building or structure;
 - (d) submit any application for renewal of the certificate of fitness at least 30 days before its expiry in the form and manner prescribed.
- 2) Any person who contravenes subsection (1) commits an offence.

45. Cancellation of certificate of fitness

- 1) The Chief Fire Officer may cancel any certificate of fitness in respect of premises or temporary structure if he has reason to believe that –
 - (a) the owner or person in charge of the premises concerned contravenes or fails to comply with any provision of this by-law; or
 - (b) the building or structure contravenes or does not comply with the requirements of this by-law.
- 2) Subject to subsection (3), before the Chief Fire Officer cancels a certificate of fitness as contemplated in subsection (1), he must –
 - (a) give the owner or person in charge of the premises written notice of the intention to cancel the certificate of fitness and the reasons for such cancellation;
 - (b) give the owner or person in charge of the premises a period of at least 21 days to make written representations regarding the matter to the municipality.
- 3) If the Chief Fire Officer has reason to believe that the failure to cancel a certificate of fitness may endanger any person or property, he may cancel a certificate of fitness without prior notice to the owner or person in charge of the premises as contemplated in subsection(2).
- 4) If the Chief Fire Officer cancels a certificate of fitness in terms of subsection (3), he must–
 - (a) furnish the owner or person in charge of the premises or temporary structure concerned with written notice of the cancellation;
 - (b) give the owner or person in charge of the premises a period of at least 21 days to make written representations regarding the matter to the municipality.

Part E: Water Supply for Fire Fighting Purposes**46. Township development water supply requirements**

- 1) Every person who develops or redevelops a township must design and develop that township with a sufficient water supply, minimum fire flow and hydrant requirements as contemplated in section 11 of SANS 10090 and must furnish written proof of such compliance to the chief fire officer.
- 2) Every person who develops or redevelops a township must ensure that –
 - (a) the storage capacity and rate of replenishment of the reservoirs supplying water to the township are sufficient for the fire-fighting purposes contemplated in this by-law;
 - (b) the water supply from these reservoirs is reticulated in a manner that ensures that the water supply to any area in the township can be provided from at least two directions; and

- (c) double supply mains are installed from the water supply source to the distribution reservoirs and double pumps are installed for the delivery of the water supply.
- 3) Subsection (2)(c) is deemed to be satisfied, if -
- (a) the water is supplied to the township from more than one reservoir;
 - (b) each reservoir receives water from a separate supply main and pump; and
 - (c) the reservoirs are connected to each other.
- 4) Every person who develops or redevelops a township must ensure that –
- (a) the water distribution system is designed and equipped with control valves positioned so that it is not necessary to close off any branch or any portion of the distribution system for more than 150 metres in any high risk area or
 - (b) for more than 300 metres in any moderate or low risk area in the event that the system, excluding any of the branches, is damaged or requires repair; and
 - (c) if the redevelopment of any township alters the fire risk category of any area in the township as contemplated in section 49, the water reticulation system is adapted without delay so as to comply with the requirements of sections 47 and 48.
- 5) The chief fire officer must inspect fire hydrants and conduct flow and pressure tests as contemplated in SANS 10090.
- 6) Any person who contravenes subsections (1), (2), (3) and (4) commits an offence.

47. Township development fire-extinguishing stream requirements

- 1) Every person who develops or redevelops a township must ensure that the water supply provides a fire-extinguishing stream that is immediately available to the municipality in an emergency, is of the following volume and duration:

Fire Risk Category	Minimum volume of extinguishing stream (litres per minute)	Minimum duration of extinguishing stream (hours)
High risk	11 500	6
Moderate risk	5 750	4
Low risk	2 300	2

- 2) Any person who contravenes subsection (1) commits an offence.

48. Township development fire hydrant requirements

- 1) Every person who develops or redevelops a township must ensure that fire hydrants are plotted on a plan and installed in accordance with the following minimum delivery volumes and distance frequencies:

Fire risk category	Minimum fire hydrant delivery volume measured at peak consumption (litres per minute)	Minimum distance between fire hydrants (metres)
High risk	1980	120
Moderate risk	1 150	180
Low risk	900	240

- 2) Every person who develops or redevelops a township must ensure that the position of fire hydrants is plotted accurately on a plan that is furnished to the chief fire officer for operational fire-fighting purposes.
- 3) Any person who contravenes subsections (1) and (2) commits an offence.

49. Fire risk categories

- 1) For purposes of sections 47 and 48, the following areas of a township must be regarded-
 - (a) as high risk –
 - i. any factory area, high density shopping area, warehouse or commercial building;
 - ii. any plantation, timber yard or wooden building;
 - iii. any building higher than 3 storeys;
 - iv. any building in which hazardous substances are used, handled or stored or in which hazardous processes are conducted; and
 - v. any other area that has a high fire risk or high fire spread risk;
 - (b) as moderate risk –
 - i. any area in which –
 - factories, commercial buildings or residential buildings are generally detached from each other and do not exceed 3 storeys; and
 - the chief fire officer has not declared the materials processed or stored in these buildings as highly dangerous;
 - ii. any area where the fire risk and spread risk of fire is moderate; and
 - iii. any other area that is not a high or low risk area; and
 - (c) as low risk –
 - i. any area that is mainly residential or semi-rural;
 - ii. any area that has predominantly detached, duet, cluster or town house developments; and
 - iii. any area where the fire risk or risk of spread of fire is slight or insignificant.

50. Connections to water reticulation system

- 1) No person may obtain a water connection to the water reticulation system of the municipality unless the fire protection plans for the premises to be connected have been approved by the chief fire officer.
- 2) Every person or owner of premises who requires a water connection to the water reticulation system of the municipality must –
 - (a) if the premises to be connected are protected by a sprinkler installation, ensure that –
 - i. the connection is calculated and designed for each sprinkler installation in accordance with a rational design as contemplated in the National Building Regulations, and
 - ii. the size, delivery pressure and flow of the water connection is calculated in advance by the responsible engineer;
 - (b) if the chief fire officer requires a larger water connection for purposes of fire-fighting, provide the larger water connection;
 - (c) ensure that the size, work pressure and delivery flow, except in the case of a water connection to a sprinkler installation, is calculated and designed in accordance with SANS 0400 (Part W); and
 - (d) ensure that the water installation upon completion complies with the provisions of SANS-1:1994. (3) Any person who contravenes subsection (1) commits an offence.

Part F: Prevention of Fire Hazards**51. Applicable legislation**

The municipality, taking cognisance of the provisions of the Environment Conservation Act, 1989, (Act No. 73 of 1989), the National Veld and Forest Fires Act, 1998, (Act No. 101 of 1998), and the regulations made under these acts, adopts the provisions thereof in this part.

52. Certain fires prohibited

- 1) Subject to annual notices published by the Minister of Water Affairs and Forestry, no person may make or allow any other person to make a fire that may endanger any person, animal or property.
- 2) No person may burn or allow any other person to burn any refuse or combustible material–
 - (a) without the prior written permission of the Chief Fire Officer; or
 - (b) unless the refuse or combustible material is burnt in an approved incinerating device.

- 3) Any person, who makes a fire or allows any other person to make a fire, must take reasonable steps to ensure that the fire does not endanger any person, animal or property. (4) The prohibition in subsection (2) does not apply to any fire made –
- (a) in an approved and purpose-made stove, fireplace or hearth that forms an integrated part of a building or structure;
 - (b) for the purpose of preparing food on private premises set aside for that purpose; or
 - (c) in any device for preparing food which –
 - i. is heated by electricity or liquefied petroleum gas; and
 - ii. is so positioned that the fire does not endanger any person, animal or property.
- 4) Any person who contravenes subsections (1), (2), (3) and (4) commits an offence.

53. Firebreaks

- 1) Notwithstanding anything contained in the National Veld and Forest Fire Act, the owner or person in charge of a premises that has vegetation growing thereon shall where necessary prepare and maintain sufficient firebreak(s) to ensure that the risk of a vegetation fire arising on or spreading from one premises to another is minimised.
- 2) Where an owner or person in charge fails to prepare or maintain a firebreak or where in the opinion of the controlling authority the firebreak is insufficient for the prevailing circumstances, the controlling authority may act in terms of section 4(2) or 6(1) of this By-law.
- 3) Where a firebreak has been prepared, the vegetative material from within the firebreak must be removed from the area of the firebreak and must be disposed of in a manner acceptable to the controlling authority.
- 4) Subsection (1) is not applicable in cases where an exemption has been granted in terms of the National Veld and Forest Fire Act.

54. Storage and accumulation of combustible material prohibited

- 1) No person may store any combustible material or allow it to be stored, at any place or in any manner that may pose a fire hazard to any person, animal or property.
- 2) No person may allow the accumulation of dust at any place in quantities sufficient to pose a fire hazard to any person, animal or property.
- 3) No person may use or allow to be used any sawdust or similar combustible material to soak up any flammable liquid.
- 4) No person may allow soot or any other combustible material to accumulate in any chimney, flue or duct in such quantities or in any manner that may pose a fire hazard to any person or property.
- 5) No person may allow any vegetation to become overgrown at any place under that person's control that may pose a fire hazard to any person, animal or property.

- 6) If a fire hazard contemplated in subsection (5) arises, the owner or person in charge of the premises must without delay eliminate the hazard or cause the hazard to be eliminated by –
 - (a) cutting any grass, leaves or weeds associated with the fire hazard to a maximum height of 150 millimetres;
 - (b) pruning, chopping down or sawing any shrub or tree; and
 - (c) removing any resulting combustible residue from the property.
- 7) Any person who contravenes subsections (1), (2), (3), (4), (5) and (6) commits an offence.

55. Electrical fittings, equipment and appliances

- 1) No person may cause or allow –
 - (a) any electrical supply outlet to be overloaded; or
 - (b) any electrical appliance or extension lead to be used in any manner that may pose a fire hazard to any person or property.
- 2) Any person who contravenes subsection (1) commits an offence.

56. Flame-emitting devices

- 1) No person may use or cause or allow the use of any flame-emitting device, including but not limited to any candle, lantern or torch, in any manner that may pose a fire hazard to any person or property.
- 2) Any person who contravenes subsection (1) commits an offence.

57. Discard of flammable liquid or substance in sewers or drains

- 1) No person may discard into, or cause, permit or allow a flammable liquid or flammable substance to enter any waste or foul water or storm water sewer or drain whether underground or on the surface.
- 2) A person who becomes aware of any escape, whether accidental or otherwise, of any quantity of flammable liquid or flammable substance which is likely to constitute a fire hazard, from any premises or vehicle into any sewer or drain or any inlet or drain linking with such sewer or drain, must immediately report such escape to the chief fire officer.
- 3) Any person who contravenes subsections (1) and (2) commits an offence.

58. Flammable gas

- 1) No person may fill any balloon or other device with flammable gas without the written authority of the chief fire officer, and subject to such conditions as he may require after having regard to the circumstances of the specific case.
- 2) Any person who contravenes subsection (1) commits an offence.

59. Smoking restrictions and discarding of combustibles

- 1) If conditions exist where smoking may create a fire hazard on any premises, smoking must be prohibited and "No Smoking" signs complying with SANS 1186: Part 1, must be prominently displayed in positions as directed by the controlling authority.
- 2) A person may not remove or damage a "No Smoking" sign.
- 3) No person may light or smoke a cigarette or any other smoking materials or ignite or otherwise set fire to other material, nor hold or discard any lit or smouldering substance in any place where expressly prohibited.
- 4) The owner or person in charge of any premises may not allow or permit any person to light or smoke a cigarette or any other smoking materials or ignite or otherwise set fire to any other material, nor hold or discard any lit or smouldering substance in any place where expressly prohibited.
- 5) Where smoking is permitted, adequate provision must be made for the safe disposal of any smoking materials and matches.
- 6) No person may discard or otherwise dispose of a burning cigarette or any other burning materials or objects including materials capable of self-ignition or capable of spontaneous combustion, on any road, in any road reserve or in any other public place.
- 7) Where any cigarette, smoking materials or other burning materials, including materials capable of self-ignition or spontaneous combustion are discarded from a vehicle onto a road, or in any road reserve or any other place, it shall be presumed, in the absence of evidence to the contrary, that such action was performed by the owner of such vehicle.
- 8) Any person who contravenes the provisions of this section commits an offence.

60. Safety requirements for informal settlement areas

In the event of establishment of any informal settlement, inclusive of any temporary settlement area, the following minimum requirements shall apply:

- (a) a safety distance of 3 metres between structures shall be maintained;
- (b) the settlement must be divided into blocks of not more 20 structures per block, with a minimum distance of 6 metres between blocks.

CHAPTER 5: REGULATION OF FIREWORKS**61. Designation of places and conditions**

- 1) The municipality may designate any public place or street or any part thereof within the municipal area as the only place at which fireworks may be discharged.

- 2) The municipality may, on application of the owner or lawful occupier of any private open space as defined in the applicable zoning scheme regulations in its area of jurisdiction, designate such private open space as a place where fireworks may be discharged.
- 3) The list of places designated in terms of subsections (1) and (2) or any amendment thereof must be published by the municipality in terms of its communication strategy.
- 4) The municipality may impose conditions as to the dates on which, periods or time and hours when the discharge of fireworks may take place on any designated area and may further impose conditions as to the manner of discharge.
- 5) A person who fails to comply with any condition imposed in terms of subsection (4) commits an offence.

62. Discharge of fireworks

- 1) No person may discharge any fireworks outside an area designated by the Municipality in terms of section 60.
- 2) Any person who wishes to present a fireworks display must apply to the Chief Fire Officer for authorisation by completing and submitting an application in the form and manner determined by the municipality together with the prescribed fee and a sketch plan of the proposed venue for the fireworks display, including the demarcated area for the discharge and fallout of the fireworks.
- 3) The application, prescribed fee and accompanying documentation must be submitted to the Chief Fire Officer at least 14 days before the date of the proposed fireworks display.

63. Dealing in Fireworks

- 1) No person may deal in fireworks unless –
 - (a) that person holds the required fireworks licence in terms of the Explosives Act; and
 - (b) has written authority from the Chief Fire Officer.
- 2) Any person who wishes to obtain the written authority of the Chief Fire Officer to deal in fireworks as contemplated in subsection (1) must –
 - (a) complete an application in the form and manner determined by the municipality; and
 - (b) submit it to the Chief Fire Officer together with the prescribed fee at least 30 days before the authority is required by the applicant.
- 3) The Chief Fire Officer may cancel any written authority to deal in fireworks if the holder of the authority contravenes any provision of this by-law.

64. Seizure of fireworks

- 1) A member of the Service may take into his possession any fireworks found by him in contravention of section 61(1) and such fireworks must be dealt with in terms of the relevant provisions of the Criminal Procedure Act relating to seizure and disposal.

CHAPTER 6: CERTIFICATE OF REGISTRATION FOR USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES**65. Use, handling and storage of flammable substances prohibited in certain circumstances**

- 1) Subject to the provisions of subsection (3), no person may use, handle or store any flammable substance or allow such substance to be used, handled or stored on any premises unless that person is the holder of a certificate of registration issued by the chief fire officer in respect of the flammable substance and the premises concerned.
- 2) A certificate of registration contemplated in subsection (1) is not required if the flammable substance concerned is of any class and does not exceed the quantity stipulated in Schedule 2.
- 3) No person may use, handle or store any flammable substance in respect of which no certificate of registration is required or allow such substance to be used, handled or stored on any premises, unless the flammable substance –
 - (a) is used, handled or stored in a manner that ensures that –
 - i. no flammable substance nor any flammable substance fumes come into contact with any source of ignition that may cause the flammable substance or fumes to ignite;
 - ii. in the event of a fire or other emergency, the escape of any person or animal is not hindered or obstructed in any way; or
 - (b) is used, handled or stored –
 - i. in a naturally ventilated room that prevents the accumulation of fumes or gas;
 - ii. in a suitable place outdoors that ensures the safe disposal of fumes or gas; or
 - (c) the flammable substance is stored in strong, gas-tight and labelled (4) Any person who contravenes subsections (1) and (3) commits an offence.

66. Application for certificate of registration for flammable substances

- 1) An application for a certificate of registration contemplated in section 64(1) must be completed and submitted in the form and manner prescribed.

67. Issue of certificate of registration

- 1) If the chief fire officer issues a certificate of registration to any person, he must endorse on the certificate –
 - (a) the class and quantity of the flammable substance for which the premises have been registered;
 - (b) the number of storage tanks or storage facilities on the premises and their capacities;
 - (c) the number of flammable substance storerooms on the premises and their capacities;
 - (d) the number of liquefied petroleum gas installations, types of installations and the combined capacity of all cylinders that may be stored on the premises;
 - (e) the number of storage facilities for any other flammable substance and the volume of each such facility;
 - (f) the period of validity and expiry date of the certificate; and
 - (g) the physical address of the premises and the name and postal address of the occupant.
- 2) A certificate of registration –
 - (a) is not transferable between premises;
 - (b) may not be issued by the chief fire officer for a period exceeding 12 months;
 - (c) may be transferred to the new owner of the premises in respect of which it was issued, only if an application for such transfer is approved by the chief fire officer in writing.
- 3) A certificate of registration is valid only for –
 - (a) the installation for which it was issued;
 - (b) the state of the premises at the time of issue; and
 - (c) for the quantities of flammable substance stated on the certificate.

68. Availability of certificate of registration at premises

- 1) The holder of a certificate of registration must ensure that the certificate is available on the premises concerned at all times for inspection by any member.

69. Fire-fighting equipment

- 1) Any person who holds a certificate of registration or other authorisation contemplated in this by-law must ensure that the premises to which the authorisation applies, are equipped with –
 - (a) subject to the provisions of subsection (6), portable fire extinguishers –
 - i. as specified in SANS 1567 (carbon dioxide-type), SANS 810 (dry chemical-type), SANS 1573 (foam-type) and SANS 1571 (transportable-type);

- ii. in such numbers as is appropriate in each section of the premises in accordance with the SANS codes applicable to the flammable substance and risk concerned;
 - (b) if applicable, hose reels as specified in SANS 453 (hose reels), that are connected to a water supply –
 - i. as contemplated in SANS 0400 (Part W); and
 - ii. that enables each hose reel to maintain a minimum flow of 0,5 litres per second at a minimum work pressure of 300 kPa;
 - (c) if applicable, fire hydrants –
 - i. with couplings as specified in SANS 1128 (Part II) (fire-fighting equipment- couplings); and
 - ii. in a ratio of at 1 to every 1000 square metres or part thereof. And
 - (d) if applicable, in relation to any above-ground facility, a sprinkler system or dilute system that –
 - i. is approved by the chief fire officer; and
 - ii. with the exception of temporary storage facilities, is installed in a position indicated in the building plans for the premises.
- 2) Notwithstanding the provisions of subsection (1), if the chief fire officer believes that there is any exceptional hazard or risk in respect of the premises concerned, he may –
- (a) specify the type of fire extinguisher to be installed;
 - (b) require that a greater number of fire extinguishers be installed; and
 - (c) require that a fire detection or warning system be installed.
- 3) The holder of any certificate of registration or other authorisation contemplated in this by-law must ensure that all fire-fighting equipment contemplated in subsection (1) –
- (a) is inspected, maintained and serviced to the satisfaction of the chief fire officer –
 - i. by a competent, registered and appropriately qualified tradesman in accordance with the provisions of SANS 1015 and SANS 1475;
 - ii. at least every 12 months;
 - (b) if installed outside the premises, is adequately protected from the weather; and
 - (c) is positioned prominently or where this is not possible, the position of the fire-fighting equipment is clearly indicated by a symbolic safety sign-
 - (i) in accordance with the specifications of SANS 1186; and
 - (ii) to the satisfaction of the chief fire officer.
- 4) Any person who contravenes subsections (1), (2) and (3) commits an offence.

70. Amendment to certificate of registration

- 1) The chief fire officer may amend any certificate of registration on application by the holder.

71. Cancellation of certificate of registration

- 2) The provisions of section 45, read with the necessary changes, apply to any cancellation by the chief fire officer of a certificate of registration.

72. Renewal of certificate of registration

- 1) Any application for the renewal of a certificate of registration must be submitted to the chief fire officer at least 30 days prior to the expiry date of the certificate.

73. No authorisation required for certain motor vehicle fuel tanks

- 1) No certificate of registration contemplated in section 64(1) or any other authorisation contemplated in this by-law is required in respect of flammable liquids in a fuel tank –
 - (a) of any motor vehicle; and
 - (b) of any stationery engine if the volume of the fuel tank does not exceed 1 000 litres.

74. Record of certificates of registration

- 1) The chief fire officer must keep updated records of all premises in respect of which a certificate of registration has been issued, amended or renewed.

CHAPTER 7: DECLARATION OF FIRE CONTROL ZONES**75. Fire Control Zones**

- 1) Where the Chief Fire Officer is of opinion that a fire control zone should be declared in an area or that a fire control zone should be disestablished, he or she must, after consultation with the Fire Protection Association in the area of jurisdiction, cause such intention to be published in terms of the Municipality's public participation policy.
- 2) If the Municipality is of opinion that any objection or comment should be investigated, it may decide to hold a public enquiry.
- 3) If the Municipality decides to hold a public inquiry, it must:
 - (a) appoint a suitably qualified person or panel of persons to hold such enquiry; and
 - (b) determine the procedure for the public inquiry, which may include a public hearing.
- 4) The person or panel of persons appointed to hold such enquiry must conduct the inquiry in accordance with the procedure prescribed and compile a written report to

the relevant portfolio committee on the inquiry and give reasons for any administrative action recommended.

- 5) Where practical, the municipality shall as soon as possible after the submission of the report to the relevant portfolio committee, publish a concise summary of such report and the particulars of the places and times at which the report may be inspected and copied; and
- 6) After the municipality has taken into account any comment or objection in respect of such proposed declaration or disestablishment it may declare a fire control zone or disestablish any such fire control zone concerned.
- 7) The municipality must publish such zone or amended zone.

CHAPTER 8: GENERAL PROVISIONS REGARDING THE USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES

76. General prohibitions regarding the use, handling and storage of flammable substances

- 1) No person who uses, handles or stores a flammable substance or allows them to be used, handled or stored on any premises may –
 - (a) do anything or allow anything to be done that may result in or cause a fire or explosion;
 - (b) do anything or allow anything to be done that may obstruct the escape to safety of any person or animal during an emergency.
- 2) No person may –
 - (a) dump or spill or allow the dumping or spilling of any flammable substance into any borehole, sewer, drain system or surface water;
 - (b) discard or allow the discarding of any flammable substance from any premises in any way other than by a competent person who is properly equipped and authorised to do in terms of this by-law;
 - (c) make or bring any fire or device capable of producing an open flame or allow any other person to do so, within 5 metres of any place where a flammable substance is stored;
 - (d) use or allow to be used any device in connection with a flammable substance in any basement level of a building, other than a gas welding or cutting device, used for the sole purpose of maintenance of the building;
 - (e) while any person, except the driver or any other person responsible for a bus contemplated in the National Road Traffic Act, is in or on the bus –
 - i. fill or allow the filling of its fuel tank; or
 - ii. transport or allow the transport of any flammable substance on the bus, except in its fuel tank; and

(f) deliver or supply or allow to be delivered or supplied, any flammable substance to any premises unless the owner or person in charge of the premises is in possession of a valid certificate of registration.

3) Any person who contravenes subsections (1) and (2) commits an offence.

77. Use, handling and storage of liquefied petroleum gas

1) No person may use, handle or store liquefied petroleum gas in any quantity exceeding that stipulated in Schedule 2 unless –

(a) the person is in possession of a certificate of registration contemplated in section 64; and

(b) the use, handling and storage of the liquefied petroleum gas complies with the requirements of SANS 087, Parts 1, 3, 7 and 10.

2) Liquid petroleum gas may only be used, handled or stored within property boundaries and in compliance with safety distances stipulated in SANS 087, Parts 1, 3, 7 and 10.

3) Any storage of liquid petroleum gas cylinders at any service station for retail purposes must comply with SANS 087, Part 7.

4) No liquid petroleum gas cylinder may be used, handled or stored at any public exhibition or demonstration without the prior written permission of the chief fire officer.

5) An application for permission contemplated in subsection (4) must be made in writing at least 14 days before the event concerned.

6) The chief fire officer may impose any reasonable condition on the use, handling and storage of liquid petroleum gas cylinders at a public exhibition or demonstration, including but not limited to, the number of cylinders, the manner of storage, safety distances and other safety requirements.

7) Any person using, handling or storing any liquid petroleum gas cylinder at any public exhibition or demonstration must comply with any condition imposed in terms of subsection (6).

8) Any person who contravenes subsections (1), (2), (3), (4), (5), (6) and (7) commits an offence.

78. Display of symbolic warning signs required

1) The owner or person in charge of any premises where any flammable or explosive substance is used, handled or stored must, in the affected area of the premises, display symbolic signs –

(a) prohibiting smoking and open flames;

(b) of a size and number determined by the chief fire officer; and

(c) prominently in places where the signs can be clearly observed.

- 2) No person may disregard or allow to be disregarded any prohibition on a symbolic sign displayed in terms of subsection (1). (3) Any person who contravenes subsections (1) and (2) commits an offence.

79. Duty to report fires, accidents and dumping

- 1) If any fire, accident or dumping involving a flammable substance has caused damage to any person, animal, property or the environment on any premises, the owner or occupier of the premises must immediately report it to the chief fire officer.
- 2) Any person who contravenes subsection (1) commits an offence.

CHAPTER 9: STORAGE OF FLAMMABLE SUBSTANCES

80. Storage of flammable substances prohibited in certain circumstances

- 1) No person may store or allow the storage of any flammable substance in any storeroom unless –
 - (a) that person has a certificate of registration contemplated in section 64(1); and
 - (b) the storeroom complies with the requirements of this by-law and any other applicable law.
- 2) Any person who contravenes subsection (1) commits an offence.

81. Taking of samples in respect of flammable substances

- 1) Whenever a member inspects any premises and suspects that a flammable substance is used, handled or stored on such premises without a certificate of registration or other authority as contemplated in this by-law, such member must take a sample of such substance for the purposes of analysis or examination.
- 2) Any sample as contemplated in subsection (1) must be taken in the presence of the owner or person in charge of the premises and must –
 - (a) be divided into two equal parts;
 - (b) be sealed in similar containers; and
 - (c) such containers must be marked with the following information –
 - i. the address of the premises;
 - ii. the trade name of the premises or concern;
 - iii. the name and signature of the person in whose presence the sample was taken;
 - iv. the date and time the sample was taken; and
 - v. a description of the location on the premises where the sample was taken.
- 3) The chief fire officer must within reasonable time submit any sample taken as contemplated in subsection (1) to an accredited institution for an analysis or examination and written report on the findings.

82. Symbolic safety signs must be displayed

- 1) The holder of a certificate of registration for a storeroom to be used for any flammable substance must ensure that –
 - (a) symbolic safety signs prohibiting open flames and smoking are displayed in the storeroom –
 - i. of a number determined by the chief fire officer;
 - ii. of dimensions at least 290 millimetres by 200 millimetres; and
 - iii. manufactured in accordance with SANS 1186;
 - (b) the groups of flammable substances and their corresponding quantities which may be stored in the storeroom are indicated on the outside of every door to the storeroom in red letters at least 75 millimetres high, against a white background.
- 2) Any person who contravenes subsection (1) commits an offence.

83. Construction of flammable substance storerooms

- 1) Every storeroom must be designed and constructed according to the following criteria –
 - (a) the storeroom floor must consist of concrete;
 - (b) the storeroom walls must consist of material that has a fire resistance of at least 120 minutes;
 - (c) the storeroom roof must consist of –
 - i. reinforced concrete with a fire resistance of at least 120 minutes; or
 - ii. any other non-combustible material, if the storeroom –
 - boundary of the premises; or
 - adjoins a higher wall with no opening within 10 metres is not situated within 5 metres of any adjacent building or above and 5 metres on either side of the storeroom.
- 2) Any person who contravenes subsection (1) commits an offence

84. Requirements for storeroom doors

- 1) Every storeroom must be equipped with a fire rated fire door that –
 - (a) is manufactured and installed in accordance with SANS 1253;
 - (b) opens to the outside;
 - (c) is equipped with a lock or locks approved by the chief fire officer; and
 - (d) is at all times capable of being opened from the inside of the storeroom without the use of a key.

- 2) A storeroom must be equipped with two or more fire doors if the distance to be covered from any part in that storeroom to a door is 4 metres or more, in which case, the fire doors must be installed as far from each other as is practicable in the circumstances.
- 3) Fire doors contemplated in subsections (1) and (2) must if installed on –
 - (a) external walls, be "B" class fire doors; and
 - (b) internal walls in communication within a building, be "D" class fire doors.
- 4) Any person who contravenes subsections (1), (2) and (3) commits an offence

85. Requirements for storeroom windows

- 1) Every storeroom window frame must –
 - (a) consist of steel;
 - (b) have window panels of dimensions not exceeding 450 millimetres x 450 millimetres; and
 - (c) be fitted with wire glass of a thickness not less than 8 millimetres.
- 2) No storeroom window must be capable of being opened.
- 3) Every storeroom window must be fitted to the external wall of a building.
- 4) Any person who contravenes subsections (1), (2) and (3) commits an offence.

86. Requirements for storeroom catch pits

- 1) Every storeroom must be designed and constructed so that its floor is recessed below the level of the door sill to form a catch pit –
 - (a) with a holding capacity at least equal to the total volume of hazardous substances capable of being stored in the storeroom, plus 10 percent; and
 - (b) if required by the chief fire officer –
 - i. covered at door sill level by a strong, stable, non-combustible and oxidation free floor grill; and
 - ii. equipped, at its lowest level, with a non-corrosive drainage valve for cleaning purposes and product recovery.
- 2) The floor grill contemplated in subsection (i) must contain a suitably positioned access hatch for cleaning purposes.
- 3) Any person who contravenes subsections (1) and (2) commits an offence.

87. Ventilation of storerooms

- 1) Every storeroom must be designed and constructed to ensure –
 - (a) the effective ventilation of flammable substance fumes;
 - (b) that fumes released from the storeroom into the open air will not come into contact with any source of ignition.

- 2) If the storeroom is designed and constructed for natural ventilation, the owner or person in charge of the storeroom must ventilate the storeroom at a minimum cycle of 30 air changes per hour by installing non-combustible airbricks –
 - (a) that are not less than 140 millimetres by 250 millimetres in extent, with non-corrosive gauze wire with a minimum opening diameter of 0.5 millimetres;
 - (b) that are provided in at least 3 external walls of the storeroom; and
 - (c) that are positioned 100 millimetres above the level of the sill and 100 millimetres below the level of the roof and not more than 450 millimetres apart.
- 3) If the storeroom is designed and constructed for mechanical ventilation, the owner or person in charge of the storeroom must equip it with a mechanical ventilation system –
 - (a) designed and installed for this purpose;
 - (b) with a flow rate of 0,5 meters / second across the store;
 - (c) with vanes that consist of a static-free material;
 - (d) that discharges through a vertical metal duct into the open air –
 - i. not situated within 5 metres of any opening of a building or erf boundary; and
 - ii. terminating at least 1 metre above roof height or at least 3,6 meters above ground level, whichever is the greater;
 - (e) equipped with ventilators that are firmly attached to the inside of the walls of the storeroom and, in the case of bottom ventilators, as close as possible to the level of the sill;
 - (f) with all ventilation or air duct openings in the external wall opposite the mechanical ventilator installed 100 millimetres above the level of the sill to ensure effective cross-ventilation; and
 - (g) equipped with ducting material that –
 - i. is as short as possible in the circumstances and does not have sharp bends; and
 - ii. is fitted with a fire damper of at least 120 minutes fire resistance at any point where the ducting exits the storeroom, if ducting material is installed external to the storeroom in communication with the remainder of the building.
- 4) Any person who contravenes subsections (1), (2) and (3) commits an offence.

88. Electrical equipment in storerooms

- 1) The owner or person in charge of any storeroom must ensure that –
 - (a) all electrical apparatus, fittings or switch gear used or installed in the storeroom are used or installed as contemplated in SANS 0108;
 - (b) no switch gear, distribution box, fuse or other electrical equipment, except electrical equipment as contemplated in SANS 0108, is situated – (i) inside the storeroom; or (ii) in any position where it may come into contact with any flammable substance fumes leaving the storeroom;

- (c) any metal part, electrical fittings and device used in or in connection with the storeroom are earthed effectively to each other and to the ground;
 - (d) any mechanical ventilation system switch is situated outside the storeroom;
 - (e) any mechanical ventilation system is on at all times, except when the system is being repaired or replaced, in which case the system must be repaired or replaced without delay; and
 - (f) all electrical apparatus and fittings, except the mechanical ventilation system, are switched off when the storeroom is unattended.
- 2) Any electrical installation in a storeroom may be installed and certified only by an electrician who is qualified and competent by virtue of his or her training and experience.
 - 3) The owner or person in charge of a storeroom must submit the certificate contemplated in subsection (2) to the chief fire officer for record purposes immediately after installation contemplated in such subsection.
 - 4) Any person who contravenes subsections (1), (2) and (3) commits an offence.

89. Foam inlets required for certain storerooms

- 1) The owner or person in charge of a storeroom that is used or intended to be used for storing more than 5000 litres of flammable substance must ensure –
 - (a) that the storeroom is provided with a foam inlet consisting of a 65 mm male instantaneous coupling and mild steel pipe work leading to the inside thereof; and
 - (b) that the foam inlet is identified by a sign in block letters at least 100 millimetres high, displaying the words "foam inlet".
- 2) Any person who contravenes subsection (1) commits an offence.

90. Shelving in storerooms

- 1) The owner or person in charge of a flammable storeroom must ensure that any racking of shelving erected or installed in the storeroom is of non-combustible material.
- 2) Any person who contravenes subsection (1) commits an offence.

91. Unauthorised use and entry of storerooms prohibited

- 1) No person may –
 - (a) without the authority of the owner or person in charge, enter or allow any other person to enter any flammable storeroom;
 - (b) use any storeroom or allow it to be used for any purpose other than for the use, handling or storage of flammable substances;
 - (c) allow any person to work in a storeroom unless all the doors of the storeroom are wide open or the mechanical ventilation system is switched on; or

(d) place or allow to be placed any obstruction or hindrance in a passage of any storeroom or in front of any storeroom door.

2) Any person who contravenes subsection (1) commits an offence.

92. Mixing and decanting rooms

1) The owner or person in charge of any premises where quantities of flammable liquids exceeding those stipulated in Schedule 2 are decanted or mixed, must ensure that any room where decanting or mixing takes place complies with all requirements of this by-law applicable to storerooms.

2) Any person who contravenes subsection (1) commits an offence.

93. Temporary above ground storage of flammable substances

1) Any person, who wishes to store any flammable substance on premises on a temporary basis, must apply to the chief fire officer for a temporary certificate of registration.

2) A temporary certificate of registration may be issued by the chief fire officer –

(a) for a period not exceeding 12 months;

(b) if the flammable substance concerned is required –

- i. in respect of excavation work, construction work or road construction if the volume of the flammable substance does not exceed 9 000 litres;
- ii. in respect of small fleet maintenance or research purposes, if the volume of the flammable substance does not exceed 4 400 litres; and
- iii. the application complies with the requirements of SANS 0131 and this Chapter.

3) Every holder of a temporary certificate of registration contemplated in subsection (1) must ensure that –

(a) a storage tank for the flammable substance is not erected within 3.5 metres of any erf boundary, building, excavation, road, driveway or any other flammable substances or combustible material;

(b) adequate provision is made for rainwater run-off from retaining walls or embankments; (c) no source of ignition or potential source of ignition exists within 5 metres of a storage tank;

(c) a symbolic sign of dimensions at least 300 millimetres by 300 millimetres prohibiting smoking and open flames is displayed on every side of a temporary storage tank; and

(d) at least two 9 kilogram dry chemical fire extinguishers are installed and kept in good working condition, within 10 metres of a temporary storage tank.

4) Any person who contravenes subsections (1), (2) and (3) commits an offence.

94. Hand tools must be intrinsically safe

- 1) The owner or person in charge of any flammable substance storeroom must ensure that any hand tool used in the storeroom is intrinsically safe.
- 2) Any person who contravenes subsection (1) commits an offence.

95. Permanent above ground storage tanks for flammable liquids

- 1) In addition to any other requirement of this Chapter, the owner or person in charge of an above ground storage tank for flammable liquids must ensure –
 - (a) that the tank is erected or installed –
 - i. in accordance with SANS 0131 and SANS 089, Part I;
 - ii. at least 3.5 metres from any erf boundary, building, excavation, road, driveway or any other flammable substance, combustible substance or combustible material;
 - (b) that the flammable liquid stored in the tank must be clearly identified by means of Hazchem placards contemplated in SANS 0232, Part 1.
- 2) Any electrical installation associated with the storage tank must comply with SANS 0108 and SANS 089, Part 2.
- 3) Any person who contravenes subsections (1) and (2) commits an offence.

96. Underground storage tanks for flammable liquids

- 1) The owner or person in charge of any premises used or intended to be used for the underground storage of any flammable liquid must ensure that any underground storage tank, pump, dispenser and pipe work is erected or installed in accordance with SANS 0400, SANS 089, Part 3 and SANS 0131.
- 2) Any person who contravenes subsection (1) commits an offence.

97. Installing, erecting, removing and demolishing prohibited without prior notice

- 1) No person may, in respect of registered premises, erect, install, remove, demolish, extend or change any delivery pump, storage tank, storeroom, spraying room, gas installation, storage facility, fire protection arrangement or floor layout unless that person has given the chief fire officer at least 3 working days prior written notice of the intention to do so, in the form and manner as prescribed.
- 2) The notice in term of subsection (1) must include the intended commencement date and estimated completion date of the proposed work.
- 3) The provisions of subsection (1) do not apply to –
 - (a) the temporary removal of equipment for purposes of carrying out necessary repairs;
 - (b) the necessary replacement of equipment or their parts; and
 - (c) the replacement of any storage tank with a tank of the same capacity.
- 4) Any person who contravenes subsection (1) and (2) commits an offence.

98. Repair and maintenance of access to storage tanks

- 1) No person may enter or allow any other person to enter any storage tank that has at any time contained a flammable substance –
 - (a) until such tank has been de-aerated and made free of gas and fumes as contemplated in SANS 089 (Part I); or
 - (b) unless that person –
 - i. is wearing an effective self-supporting breathing apparatus; and
 - ii. is attached to a rescue rope under the control of a competent and responsible person.
- 2) Any person who contravenes subsection (1) commits an offence.

99. Termination of storage and use of flammable substances

- 1) If an aboveground or underground tank installation, liquid petroleum gas installation or associated pipe work is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation is located, must –
 - (a) notify the chief fire officer in writing within seven days of such storage or use ceasing;
 - (b) ensure that the flammable substance is removed from the installation and the premises are rendered safe within 30 days of the cessation;
 - (c) unless the chief fire officer directs otherwise, remove the installation including any associated pipe work from the premises within 180 days of the cessation; and
 - (d) to the satisfaction of the chief fire officer, restore any public foot path or roadway that has been disturbed by the removal of the installation within a period of 7 days of completing such removal.
- 2) Notwithstanding the provisions of subsection (1) if the removal of any underground tank installation for the storage of a flammable substance will detrimentally affect the stability of the premises concerned, the owner or person in charge of the installation may, with the prior written permission of the chief fire officer, fill the underground tank with liquid cement slurry. (3) Any person who contravenes subsection (1) commits an offence.

100. Container handling and storage

- 1) Every flammable substance container must –
 - (a) be kept closed when not in use;
 - (b) be declared gas- or vapour-free by a competent person before any modification or repairs are undertaken;
 - (c) be manufactured and maintained in such condition as to be reasonably safe from damage and to prevent leakage of any flammable substance or vapour from the container.

- 2) Every flammable liquid container must be labelled and marked with words and details indicating the flammable liquid contained in the container as well as any hazard associated with the flammable liquid.
- 3) No person may extract flammable liquid from a container of a capacity exceeding 200 litres, unless the container is fitted with an adequately sealed pump or tap.
- 4) Any empty flammable liquid container must be stored in a storeroom.
- 5) Notwithstanding the provisions of subsection (4) the chief fire officer may permit the storage of any empty flammable liquid container in the open air if no storeroom is available and if he is satisfied that –
 - (a) the storage area is in a position and of sufficient size that a fire hazard or other threatening danger will not be caused;
 - (b) the storage area is well ventilated and enclosed by a wire mesh fence;
 - (c) the fence supports are of steel or reinforced concrete;
 - (d) the storage area has an outward opening gate that is kept locked when not in use;
 - (e) when the floor area exceeds 10 m² an additional escape gate is installed and fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key; and
 - (f) the storage area is free of vegetation and has a non-combustible, firm and level base.
- 6) When the quantity of flammable and combustible liquids to be stored is more than 100 litres of class I and/ or more than 210 litres of class II and class III A combined, such flammable and combustible liquids must be stored in a store room. (7) Any person who contravenes subsections (1), (2), (3), (4) and (6) commits an offence.

CHAPTER 10: HAZARDOUS SUBSTANCES

101. Application for the approval of plans

- (a) Notwithstanding the provisions of the National Building Regulations and Building Standards Act, 1977, every owner of premises on or in which any layout or structural change is envisaged, or on which any facility for or in connection with the use, storage or handling of hazardous substances is to be erected or installed, must submit plans in triplicate to the municipality on the prescribed form.
- (b) The fees for the scrutiny of plans are as stipulated in the municipality's Tariff Policy, which fees exclude the plan submission fees levied by the Building Control Officer.
- (c) Other than plans determined to be minor building work, all plans submitted to the Chief Fire Officer must bear the official stamp or mark of the Building Control Officer.
- (d) No construction work or installation may be commenced unless the building contractor is in possession of officially approved plans, which approval shall include the comments of the Chief Fire Officer. The plans must be available on the premises for inspection for the duration of construction or installation work.

- (e) The provisions of section 23 of the National Building Regulations and Building Standards Act, 1977, are applicable to the approval of all plans as contemplated in this section.
- (f) The approval of any plan by the municipality will be null and void if, within one year of the date of such approval, the buildings, constructions or installations have not been erected in accordance with the approved plans.
- (g) Any owner of premises or any other person who engages in any activity contemplated in this section on behalf of the owner and who fails to comply with the provisions of this section commits an offence.

102. Issuing of certificates of registration

- 1) No person may use or permit hazardous substances to be used, handled or stored on any premises in excess of the quantities as stipulated in Table 1 below unless such person is in possession of a certificate of registration, provided that this section shall not apply to premises where only one group of hazardous substance is kept or used and where the maximum permissible quantity of such substance is not exceeded.
- 2) Where in terms of section 31(1), premises are not required to be registered, no person may use or permit any hazardous substance to be used, handled or stored except in such place or in such manner so as to ensure that:
 - (a) no hazardous substance or fumes come into contact or are likely to come into contact with any fire, flame, naked light or other source of ignition;
 - (b) hazardous substances are stored in strong, labelled and tightly sealed containers whilst not in use.
 - (c) the escape of human beings or animals will not be hindered or obstructed in the event of a fire or an emergency situation; and
 - (d) no person on any such premises may use or handle hazardous substances or cause or permit them to be used or handled, except in a suitable place out of doors or in a properly ventilated room.
- 3) No certificate of registration for the use, handling or storage of hazardous substances may be issued in respect of premises, unless all the applicable provisions of this by-law have been complied with and a written application for registration, on the prescribed form has been submitted to the municipality, together with the prescribed fees.
- 4) A certificate of registration:
 - (a) must be displayed in a weatherproof container at all times in a conspicuous place on the premises as designated by a member of the municipality;
 - (b) must be maintained in a legible condition;
 - (c) must reflect the groups and the quantities of hazardous substances for which the premises have been registered;
 - (d) must reflect the number of above-ground and/or under-ground storage tanks or storage facilities, and the capacity of each such storage tank or storage facility; and/ or

- (e) must reflect the number of storerooms and the total capacity of each storeroom; and/or
 - (f) must reflect the number of gas installations, the type of gas installation and the total volume and/or delivery capacity of each installation; and/or
 - (f) must specify the number of storage facilities for other hazardous substances and reflect the volumes intended for each facility;
 - (g) must reflect a serial number;
 - (h) must indicate whether the issue of such certificate is permanent or temporary;
 - (i) must reflect the period of validity and the expiry date of the certificate: Provided that:
 - i. the period of validity shall be for a maximum of twelve calendar months, calculated from the date of issue,
 - ii. written application for renewal of such certificate must reach the municipality at least one calendar month prior to the expiry date.
- 5) A certificate of registration is not transferable from one premises to another.
- 6) A certificate of registration may, subject to the provisions of section 30, be transferable from one owner to another or from one control to another on the same premises: Provided that:
- (a) an application for such transfer is made to the municipality on the prescribed form; and
 - (b) if the trade name of the premises changes, the holder of the spraying permit or certificate of registration must ensure that the municipality is immediately notified of such change in writing.
- 7) A certificate of registration will not be issued or renewed unless:
- (a) the municipality is in possession of a set of approved plans as contemplated in section 30 of this by-law; and
 - (b) the prescribed application form has been completed in full and has been submitted to the municipality.
- 8) Any person who is in possession of a valid certificate of registration may apply to the municipality in writing on the prescribed form to have the total quantity of hazardous substances or the number of under-ground tanks, storerooms, gas installations or other storage areas amended, according to need, provided that:
- (a) any application must be accompanied by the prescribed fee;
 - (b) an application will only be approved if the proposed amendments comply with the provisions of this by-law;
 - (c) if an application is approved, the applicant must submit the original certificate of registration to the municipality for amendment.
- 9) The municipality may send the holder of a certificate of registration a reminder for renewal of registration. A holder of a certificate who has not received a reminder is not indemnified from possible prosecution.
- 10) The holder of a certificate of registration must ensure the validity of a certificate of registration.

- 11) Nothing in this section prevents the Chief Fire Officer from requiring any person who is storing, manufacturing, selling, using or handling on any premises any flammable liquid or flammable substance not falling within a Class I, Class II or Class III flammable liquid, to register such premises in terms of this by-law.
- 12) Where any person has a quantity of any notifiable substance which is equal or greater than that specified in the Occupational Health and Safety Act, No 85 of 1993: General Machinery Regulations, 1988: Schedule A, such person shall immediately notify the municipality and shall forthwith comply with the provisions of the Major Hazard Installation Regulations, 2001.
- 13) Notwithstanding the provisions of subsection 31(12), where the nature or quantities of hazardous substances on any premises are deemed by the Chief Fire Officer to constitute a major hazard, with particular reference to separation distances, he may direct the owner or user of such hazardous substance(s) to conduct a risk assessment in terms of Section 5 of the Major Hazard Installation Regulations published under Government Notice R 692 of 30 July 2001 and submit such findings to the municipality.
- 14) Where any premises are determined to be a major hazard installation, the municipality shall forthwith prepare an off-site emergency plan in respect thereof.
- 15) Any person who fails to comply with the provisions of this section or who alters a certificate of registration or who attempts to alter a certificate or permits a certificate to be altered is guilty of an offence.

103. Supply of hazardous substances

- 1) No person may:
 - (a) supply, have supplied or permit to be supplied to any unregistered premises, greater quantities of any hazardous substance than referred to in table 1 of this by-law;
 - (b) deliver or supply, have supplied or permit the supply of any other group of hazardous substance or greater quantities thereof than are specified in the applicable certificate of registration for any premises or person;
 - (c) handle or permit any container containing a hazardous substance to be handled in such a manner that will damage or may cause damage to such container;
- (2) Any person who fails to comply with the provisions of this section commits an offence.

104. Exemptions

- 1) Notwithstanding anything to the contrary in this by-law and for the purpose of the registration of premises, flammable liquid is not deemed to be stored, handled or transported provided:
 - (a) it is contained in the fuel tank of a motor vehicle for normal use;

(b) it is contained in the fuel tank of a stationary engine: Provided that the volume of the fuel tank does not exceed 1 000 litres and it is surrounded by an impervious bund wall, volumetrically capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank.

- 2) Any person who fails to comply with the provisions of this section commits an offence.

105. Renewal of spraying permits and/or certificates of registration

- 1) Any holder of a certificate of registration or spraying permit must submit an application for renewal of the certificate or permit to the municipality on the prescribed form before the first working day of December each year, which form must be accompanied by the fees prescribed fees; provided that the municipality may require further, additional or amended plans of registered premises for the purposes of renewal.
- 2) Any person who fails to comply with the provisions of this section is guilty of an offence.

106. Temporary storage of hazardous substances

- 1) The municipality may grant a temporary certificate of registration for a period of not more than six months to any person who, for bona fide reasons, requires more hazardous substances on the premises than the quantities contemplated in section 32(1) of this by-law: Provided that:
- (a) if the hazardous substances are required for, or in connection with, excavations, construction work and road construction, the quantity must be limited to 14 000 litres;
 - (b) an application is submitted on the prescribed form, accompanied by the prescribed fees together with the plans required under section 30 of this by-law; and
 - (c) the duration of the temporary storage is at the discretion of the Chief Fire Officer.
- 2) Any person whose application for a temporary storage tank is approved must ensure that:
- (a) the storage tank is surrounded by an impervious bund wall, volumetrically capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank;
 - (b) provision is made for the run-off of any possible rainwater from the retaining walls or retaining embankments;
 - (c) the storage tank is not erected within 5m of any erf boundary, building, excavation, road or driveway;
 - (d) no source of ignition or potential ignition is brought within 5m of the storage tank;
 - (e) symbolic signs prohibiting smoking and open flames, at least 300mm x 300mm in size, are affixed to all sides of the temporary installation; and

- (f) a minimum of two 9kg dry chemical fire extinguishers are installed within 10m of the temporary installation.
- 3) Any person who fails to comply with the provisions of this section commits an offence.

107. Delivery of hazardous substances

- 1) Any person delivering hazardous substances to any supplier or user:
 - (a) may not park any delivery vehicle on or across any pavement or a public road;
 - (b) may not place or allow any delivery hose to lie on or across any pavement, public road or other premises, or pass through or over a building;
 - (c) must ensure that a 9kg dry chemical fire extinguisher is available and placed in the immediate readiness at all times;
 - (d) must ensure that, during the pumped transfer of hazardous substances by pipe or hose, the delivery vehicle and all components of the transfer including the storage facility are bonded and earthed;
 - (e) must ensure that the delivery vehicle is positioned so as to enable quick and easy removal thereof in the event of an emergency situation without exacerbating the situation; and
 - (f) must ensure that no hazardous substance is transferred from a delivery vehicle to a facility that is leaking or broken.
- 2) The owner of any device connected with or used for the delivery of a hazardous substance must ensure that the device is designed for the intended purpose and is in a safe and good working condition.
- 3) The person in charge of any delivery process relating to any hazardous substance must take reasonable precautionary measures to ensure that no hazardous substance is spilled on any surface during delivery or the transfer thereof from a delivery vehicle to a storage facility.
- 4) No person may transfer or permit the transfer of any hazardous substance to a motor vehicle, aircraft, vessel, ship or boat whilst the power source thereof is in operation.
- 5) No person may transfer a hazardous substance to an aircraft unless and until the aircraft has been bonded to the transfer device and earthed to ground.
- 6) Any person who fails to comply with the provisions of this section commits offence.

108. Prohibition of certain actions

- 1) Any person who on any premises stores or permits, hazardous substances to be stored, handled or used, as the case may be, may not:
 - (a) perform, have performed or permit any act or action that may reasonably result in or cause a fire or an explosion; and

- (b) perform, have performed or permit any act or action that may reasonably obstruct the escape to safety of any human being or animal during an emergency situation.
- 2) No person may dump or permit any hazardous substance to be dumped into any borehole, pit, sewer, drain system or surface water.
- 3) No person may discard hazardous substances in any manner other than by having or permitting such substances to be removed by a registered hazardous waste disposal agency that is suitably equipped to do so.
- 4) No person may light, bring or use, or permit any fire, flame or anything that produces or is capable of producing an open flame within 5m of any area where hazardous substances are stored, used or handled.
- 5) No person may use or permit any device to be used in connection with hazardous substances in any basement of a building, excluding a gas welding device and/or gas cutting device for the sole purpose of welding and/or cutting in connection with the maintenance of that building,
- 6) With the exception of the driver or other person in charge thereof, no person may fill, have filled or permit the filling of the fuel tank of a bus while there is any other person or persons on board such bus and no person may transport or permit the transportation of any hazardous substances in or on any bus, except in the fuel tank.
- 7) Any person who fails to comply with the provisions of this section commits an offence.

109. "No Smoking" Signs

- 1) The owner of a building must, in areas where flammable and/or explosive hazardous substances are used, stored and handled, display SABS 1186 symbolic signs prohibiting smoking and open flames. Such signs must be of the size specified by the municipality and must be prominently displayed.
- 2) Any owner or person who fails to comply with or who permits any contravention of subsection 39(1) commits an offence.

TABLE 1**Maximum quantities of hazardous substances for Exemption from Certificates of Registration (Regulation 31) and Service Transport Permits (Regulation 52)**

(A)	SINGLE- LOAD HAZARDOUS SUBSTANCES	QUANTITIES MAY NOT EXCEED
1.	Group II: Gases	
1.1	Flammable gases	100Kg total cylinder capacity
1.2	Non-flammable gases	333Kg total cylinder capacity
1.3	Toxic gases	No exemption
2.	Group III: Flammable liquids	
2.1	Flash point $\leq 18^{\circ}\text{C}$	100 litres
2.2	Flash point $> 18^{\circ}\text{C}$ but $\leq 23^{\circ}\text{C}$	420 litres
2.3	Flash point $> 23^{\circ}\text{C}$ but $\leq 61^{\circ}\text{C}$	1 100 litres
2.4	Flash point $> 61^{\circ}\text{C}$ but $\leq 100^{\circ}\text{C}$	1 100 litres
3.	Group IV: Flammable solids	
3.1	Flammable solids	Section 1.01
3.2	Pyrophoric substances	No exemption
3.3	Water- reactive substances	No exemption
4.	Group V: Oxidising agents and organic peroxides	
4.1	Oxidising agents	200 Kg
4.2	Group I organic peroxides in packets	No exemption
4.3	Group II organic peroxides in pockets	200 Kg
5.	Group VI: Toxic / substances	
5.1	Group I toxic substances in packets	5 Kg
5.2	Group II toxic substances in packets	50 Kg
5.3	Group III toxic substances in packets	500 Kg
5.4	Infective substances	No exemption
6.	Group VII: Radioactive materials	No exemption
7.	Group VIII: Corrosive/ caustic substances	
7.1	Group I acids in packets	50 Kg
7.2	Group II acids in packs	200 Kg
7.3	Group III acids in packets	1 000 Kg
7.4	Group I alkaline substance in packets	50 Kg
7.5	Group II alkaline substances in packets	200 Kg
7.6	Group III alkaline substances in packets	1 000 Kg
8.	Group IX: Miscellaneous substances	
8.1	Liquids	210 litres
8.2	Solids	210 Kg
(B)	MULTIPLE-LOAD HAZARDOUS SUBSTANCES	No exemption

110. Group I hazardous substances

- 1) All Group I hazardous substances (explosives) must be handled, used, stored and transported in accordance with the provisions of SANS 0228, 0229, 0232 and 0263, the Explosives Act, 1956, and the Hazardous Substances Act, 1973, and any regulations made under these Acts, as the case may be.
- 2) Any person who by any act or omission commits a breach of any provision of this section commits an offence.

111. Group II hazardous substances**1) Portable containers**

- (a) All portable metal containers and related devices for Group II hazardous substances must be manufactured, marked, maintained, filled and stored in accordance with the provisions of SANS 10019, SABS 0228, SABS 0229 and SABS 0238, as the case may be.
- (b) All portable metal containers for liquid petroleum gas must be stored, filled and/or installed in accordance with the provisions of SABS 0228, SABS 0229, SABS 0238, SANS 10019 and SANS 10087, Parts 1 to 10, as the case may be.
- (c) All portable containers for Group II hazardous substances must at all times be transported, stored and/or installed in a vertical position.

2) Bulk containers

All bulk containers for Group II hazardous substances must be designed, manufactured, maintained and installed in terms of the provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), and any regulations made under the Act; SANS 10019; SANS 10087-3; and the provisions of the National Building Regulations and Building Standards Act, 1977, and any regulations made under the Act, as the case may be.

3) Manifold installations

- (a) No Group II hazardous substance may, for any reason whatsoever, be used, stored, handled or installed indoors in any manifold installation or otherwise on any premises.
- (b) The provisions of this section are not applicable to the storage, use, handling or installation of any portable liquid petroleum gas container with a maximum water capacity of 45 Litres inside a detached private dwelling, on condition that such container is used solely for bona fide residential purposes: Provided that such cylinders are installed in accordance with the requirements of SANS 10087-1
 - i. Any person who furnishes proof, as contemplated in subsection (5)(b), must be an approved professional engineer or other registered competent person and, in terms of Regulation A19 of the National Building Regulations, be appointed by the owner or occupier of the building in question.
 - ii. Scientifically based detailed calculations and tests must form the basis of such proof.

4)

- (a) No person may, without the permission of the Chief Fire Officer, use, handle, display or apply any hydrogen-filled portable containers, hydrogen devices and/or hydrogen balloons indoors, for whatever purpose.
- (b) In enforcing this subsection, hydrogen gas shall include any gas compound that contains hydrogen gas, unless the non-flammable nature and/or non-explosiveness of the gas compound can be scientifically certified.

- 5) Acetylene welding and/or cutting devices may only be used indoors in accordance with the provisions of SABS 0238: Provided that the Chief Fire Officer may prescribe fire protection requirements concerning the installation, storage and use of such devices.
- 6) The installation of underground pipelines for any Group II hazardous substance within the area, including branches and manifolds of such pipelines, as the case may be, is *mutatis mutandis* subject to the provisions of sections 30 to 45 of this by-law.

7) Underground pipelines:

Any underground pipeline for a Group II hazardous substance must comply with the following requirements:

- (a) The owner of the pipeline must provide fire hydrants, of which the required delivery of each individual fire hydrant must be at least 1 600ℓ per minute at a work pressure of 300 kPa, and such fire hydrants must be parallel to the pipeline at every pump station within the area. The owner must maintain the fire hydrants in a working condition at all times.
 - (b) The owner of a pipeline must provide sufficient cathodic protection for the pipeline and maintain the cathodic protection in a working condition at all times.
 - (c) A pipeline must be indicated by markers approved by the Chief Fire Officer and such markers must be maintained in a functional condition at all times by the owner of the pipeline.
 - (d) The installation and extension of a pipeline or branches to consumers' premises, and the maintenance of the pipeline within the area of the local authority, must be done according to a recognised standard approved by the Chief Fire Officer.
 - (e) No construction work above or below the ground may be done within 16m of the pipeline reserve, unless the construction company is in possession of written authorisation to do so, which authorisation has been issued by the controlling authority and the owner of the pipeline.
- 8) Any person who fails to comply with the provisions of this section commits an offence.

112. Group III hazardous substances

(1) Tank manufacture

- (a) No person may install, use or utilise or attempt to install, use or utilise any storage tank for the under-ground storage of Group III hazardous substances, unless the tank has been manufactured in accordance with the provisions of SANS 1535.
- (b) Any person who installs, uses or utilises or attempts to install, use or utilise any under-ground storage tank which does not comply with the requirements of SANS 1535 commits an offence.

113. Installation of storage tanks

- 1) Any storage tank for Group III hazardous substances must be installed in accordance with the provisions of SANS 10400; SABS 1089, Parts I, II and III; SABS 10131, Parts I, II and III; SABS 0108 and SABS 086, as the case may be: Provided that:
 - (a) all storage tanks installed indoors must be installed in accordance with the provisions of SANS 10131;
 - (b) all pumps and filling devices installed indoors must be in purpose-built, registered premises;
 - (c) all installations, as contemplated in subsection 50(1)(a) and (b), are subject mutatis mutandis to the provisions of section 30 and section 31 of this by-law; and
 - (d) except for storage tanks contemplated in section 36 of this by-law, all above-ground storage tanks may only be installed in bulk depots.
- 2) Any person who fails to comply with the provisions of this section is guilty of an offence.

CHAPTER 11: TRANSPORT, SUPPLY AND DELIVERY OF DANGEROUS GOODS**114. Transport of dangerous goods prohibited without permits**

- 1) The owner of any vehicle used for transporting dangerous goods, must –
 - (a) be in possession of a valid transport permit issued in accordance with the National Road Traffic Act; and
 - (b) ensure that the transport permit is available in the vehicle for inspection at all times.
- 2) Any person who contravenes subsection (1) commits an offence.

115. Application for transport permits

- 1) An application for a transport permit must be completed and submitted to the chief fire officer in the form and manner prescribed.

116. Requirements of transport permits

- 1) A transport permit –
 - (a) may not be issued by the chief fire officer for a period longer than 12 months; and
 - (b) must –
 - i. indicate the date of issue and expiry;
 - ii. identify the issuing officer and bear that officer's signature;
 - iii. contain a serial number;
 - iv. indicate the group and quantity of dangerous goods that may be transported under the permit; and
 - v. contain a description of the vehicle concerned, including its registration number.

117. Cancellation of transport permit

- 1) The provisions of section 45, read with the necessary changes, apply to any cancellation of a transport permit by the chief fire officer.

118. Exemption from transport permits

- 1) A transport permit contemplated in section 113 is not required for the transportation of dangerous goods of the type and not exceeding the quantities stipulated in Schedule 3.

119. Design, construction, maintenance and repair of road tankers

- 1) Every person who designs, constructs, maintains or repairs any road tanker for the transportation of dangerous goods must –
 - (a) comply with the provisions of SANS 0189, SANS 1398, SANS 0233, SANS 087, Part 6 SANS 089, Part 1, SANS 0230 and SANS 1518, as the case may be; and
 - (b) ensure that the road tanker is labelled in a manner that complies with the provisions of SANS 0232 and any applicable law.
- 2) Any person who contravenes subsection (1) commits an offence.

120. Design, construction, maintenance and repair of other vehicles

- 1) Every person who designs, constructs, maintains or repairs any vehicle for the transportation of dangerous goods, except a road tanker, must ensure that the vehicle –
 - (a) is designed and constructed –
 - i. to safely transport the quantity and type of dangerous goods for which the vehicle is intended to be used; and
 - ii. (with at least two independent axle systems, each with its own suspension system, excluding any trailer forming part of an articulated vehicle;
 - (b) is equipped with –
 - i. a safety edge or safety railing –
 - at least 1 metre high when measured from the surface of the body of the vehicle; and (bb) capable of securing dangerous goods containers;
 - ii. strong and durable straps –
 - capable of fastening dangerous goods containers securely to the body of the vehicle;
 - that are anchored firmly to the bodywork of the vehicle; and
 - that are fitted with a reversible cog winch mechanism that can be locked;

- iii. electrical wiring that complies with SANS 314;
- iv. at least 2 static-free wheel blocks;
- v. a power insulating switch, excluding the ignition switch, situated in close proximity to the vehicle battery and in a position readily accessible in any emergency; and
- vi. a spark-proof and static-free tank that is designed, constructed and equipped to protect any dangerous goods consignment from shock or ignition while in transit.

2) Any person who contravenes subsection (1) commits an offence.

121. General prohibitions regarding transport of dangerous goods

- 1) No person may use or allow to be used, any vehicle to transport dangerous goods, unless –
 - (a) the vehicle has a valid roadworthy certificate;
 - (b) if not exempt in terms of section 117, the vehicle is equipped with at least two 9 kilogram dry chemical fire extinguishers –
 - i. designed and manufactured in accordance with SANS 810 and maintained in accordance with SANS 0105 and SANS 1475; and
 - ii. positioned and installed so that there is at least one fire extinguisher on each side of the vehicle that can be reached quickly and easily in the event of a fire.
- 2) No person may use or allow to be used any vehicle to transport dangerous goods unless the vehicle cabin, body, cargo space, cargo tank, fuel tank, chassis and engine are effectively and permanently earthed with each other.
- 3) Any person who contravenes subsections (1) and (2) commits an offence.

122. Supply of dangerous goods prohibited in certain circumstances

- 1) No person may deliver or supply or allow to be delivered or supplied any dangerous goods of a type and in a quantity exceeding that specified in Schedule 2 to any premises that are not registered as contemplated in section 64(1).
- 2) No person may deliver or supply or allow to be delivered or supplied any dangerous goods to any premises in contravention of any conditions of the certificate of registration applicable to those premises.
- 3) No person may handle or allow to be handled any container containing dangerous goods in a manner that may damage that container.
- 4) Every person who delivers dangerous goods must ensure that –
 - (a) a 9 kilogram dry chemical fire-extinguisher is available at all times during the delivery;
 - (b) during any transfer of the dangerous goods, the delivery vehicle is physically earthed to the storage facility to which the dangerous goods are being transferred;
 - (c) while delivering –

- i. the delivery vehicle is placed in such a position that it can be moved easily and quickly in the event of an emergency;
 - ii. the delivery vehicle is not parked on or across a pavement or a road;
 - iii. no delivery hose lies on or across a pavement, road or other premises;
- 5) no dangerous goods are transferred to a storage facility that does not comply with the requirements of Chapter 8 of this by-law and the provisions of SANS 0263.
- (d) any device connected with, or used for, the delivery of the dangerous goods –
 - i. is designed for its purpose; and
 - ii. is maintained in safe and good working condition; and
- (e) no dangerous goods are spilled during delivery.
- 6) No person may transfer or allow to be transferred any dangerous goods to any motor vehicle, aircraft, vessel, ship or boat while its power source is in operation.
- 7) No person may transfer any dangerous goods to any aircraft unless the aircraft is earthed to the transferral device by means of an earth cable.
- 8) Any person who contravenes subsections (1), (2), (3), (4), (5) and (6) commits an offence.

123. Records of transport permits

- 1) The chief fire officer must keep updated records of all vehicles in respect of which a transport permit has been issued, amended or renewed.

CHAPTER 12: SPRAY PAINTING AND SPRAYING ROOMS

124. Spray rooms and booths

- 1) A spray room, booth or area designated for the application of a flammable liquid must be constructed and equipped according to the requirements in Schedule 4 of this by-law and must be operated in such a manner as to comply with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act.

125. Spraying prohibited without spraying permit

- 1) No person may spray, coat, plate or epoxy-coat any vehicle, article, object or building or part thereof or allow them to be sprayed, coated, plated or epoxy-coated with any flammable substance unless –
 - (a) that person is in possession of a spraying permit contemplated in section 125;
 - (b) the spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the chief fire officer on premises registered for that purpose.
- 2) Any person who contravenes subsection (1) commits an offence.

126. Application for spraying permit

Any person who wishes to obtain a spraying permit must complete and submit to the chief fire officer an application form for such permit in the form and manner as prescribed.

127. Cancellation of spraying permit

- 1) The provisions of section 45, read with the necessary changes, apply to the cancellation by the chief fire officer of any spraying permit.

CHAPTER 13: MISCELLANEOUS**128. Handling of animals during emergencies**

- 1) The owner, occupier or person in charge of any zoological garden, feedlot, stable, research institution, veterinary practice or any place of veterinary science study, must ensure the professional handling of any animal on the premises concerned during an emergency.
- 2) Notwithstanding the provisions of subsection (1), the chief fire officer may, in respect of any premises, authorise a suitably qualified person to handle or put down any animal during an emergency.
- 3) The municipality may recover any costs incurred in relation to the professional handling or putting down of any animal during an emergency from the owner or person in charge of the premises concerned.

129. Exemption from provisions of this by-law

- 1) Any person may make application to the municipality in writing, for an exemption from any provision of this by-law, specifying the reasons for exemption in such application.
- 2) The municipality may grant an exemption –
 - (a) in general or in particular;
 - (b) for any period; and
 - (c) subject to any condition that will provide the same overall fire prevention and protection that would result from the full application of this by-law.
- 3) If an exemption is granted in terms of subsection (2), the municipality must issue a certificate of exemption to the person concerned, specifying the scope and period of the exemption and any condition imposed.
- 4) The municipality may amend or withdraw a certificate of exemption at any time.
- 5) The holder of a certificate of exemption must ensure that the certificate is available on the premises concerned at all times for inspection by any member.

130. Approval, authorisation or permission under this by-law

- 1) Any person who requires any approval, authorisation or permission contemplated in this by-law in respect of which no application procedure is provided, must apply for that approval, authorisation or permission –
 - (a) by completing and submitting an application in the form and manner determined by the municipality; and
 - (b) by paying the prescribed fee.

131. Cancellation of approval, authorisation or permission

The provisions of section 45, read with the necessary changes, apply to any approval, authorisation or permission contemplated in section 129.

132. By-law binds State

This by-law binds the State and any person in the municipality of the State.

133. Appeal

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

134. Repeal of by-laws

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

135. Short title and commencement

This by-law is called the Fire Safety by-law and comes into operation on the date of publication in the Provincial Gazette.

SCHEDULE 1**GUIDELINES FOR EMERGENCY EVACUATION PLANS****(1) Content of emergency evacuation plans**

Every emergency evacuation plan contemplated in section 38 must contain at least the information under the headings below.

(2) Emergency telephone numbers

A list of all relevant emergency telephone numbers.

(3) General information

- (a) the physical address of the premises;
- (b) a description of the activities on the premises;
- (c) the number of persons present on the premises at any time;
- (d) an indication of any control room on the premises;
- (e) an indication of any alarm system on the premises; and
- (f) the particulars and contact details of every responsible person in the event of an emergency.

(4) Area study

An area study addressing the following:

- (a) a history of emergency incidents on the premises;
- (b) any important and relevant features or landmarks regarding the premises; and
- (c) any information regarding adjacent premises that may be relevant to evacuation in an emergency.

(5) Socio-economic or other threats

Any socio-economic or other threats and their potential impact on the premises.

(6) Details of available equipment Particulars and details regarding the position of the following equipment:

- (a) Equipment in the control room;
- (b) fire fighting and first aid equipment on the premises; and
- (c) any other equipment which may be relevant in an emergency.

(7) The emergency team

Particulars and details regarding the identity of members of the emergency team, including –

- (a) its management;
- (b) the continuity officers;
- (c) the fire teams; and

(d) the first aid teams.

(8) Duties of emergency team members

The duties and responsibilities of members of the emergency team.

(9) Action plans and emergency procedures

Details of the specific action plans and emergency procedures applicable to the premises.

(10) Building plans and maps

The building plans of the premises and any relevant topographical map must be included in the evacuation plan.

(11) Emergency plan register

The plan must include –

- (a) an updated register of the emergency evacuation plan;
- (b) an updated drill register for the emergency evacuation plan; and
- (c) a bomb threat questionnaire.

(12) Review of emergency evacuation plans

- 1) An emergency evacuation plan must be reviewed and updated by the owner or occupier of the premises concerned at least once each year and whenever a member of the management of the emergency team ceases to work at the premises.
- 2) Whenever an emergency evacuation plan is reviewed and updated, the owner or occupier of the premises concerned must ensure that all old plans on the premises or in the possession of the management of the emergency team are collected and destroyed in order to eliminate any confusion regarding the validity and accuracy of the evacuation plan.

(13) Emergency evacuation drills

- 1) An emergency evacuation plan should be drilled at least twice each year and involve the participation of all persons who work or reside in the building concerned.
- 2) The owner or person in charge of a building should give all persons who are to be involved in an emergency evacuation drill at least 21 days' notice of the drill.

(14) Emergency evacuation awareness

Every person who works or resides on premises should be aware of the emergency evacuation plan for that premises.

(15) Training of persons

Every person who resides or works on premises with an emergency evacuation plan should be suitably trained in –

- (a) first aid or fire fighting;
- (b) emergency aid;
- (c) emergency evacuation procedures; and
- (d) emergency management techniques.

SCHEDULE 2**EXEMPTION FROM CERTIFICATE OF REGISTRATION**

A certificate of registration in terms of section 64 is not required if the flammable substances concerned are of a type and do not exceed the quantity stipulated below.

GASES :		
Class O	Liquefied petroleum gas	<p>Flat – Total cylinder capacity may not exceed 9 kilograms per flat</p> <p>Houses or commercial premises – Total maximum of 19 kilograms inside and a maximum of 100 kilograms on premises</p> <p>Industrial premises maximum of 19 kilograms per 600 m³ of building space with a total maximum of 100 kilograms</p>
Flammable liquids and combustible liquids :		
Class I	Liquids that have a closed cap flash point of below 38°C	Total maximum of 40 litres
Class II	Liquids that have a closed cap flash point of 38°C or above but below 60,5°C	Total quantity of Class II and Class IIIA together may not exceed the maximum quantity of 210 litres
Class IIIA	Liquids that have a closed cap flash point of 60,5°C or above but below 93°C	

SCHEDULE 3**EXEMPTION FROM TRANSPORT PERMIT**

A transport permit in terms of section 113 is not required for the transport of dangerous goods of the type and not exceeding the quantity stipulated below.

GROUP	DESCRIPTION	QUANTITY
II	Gases	
	Flammable gases	Total cylinder capacity may not exceed 50 kilograms
	Non- flammable gases	Total cylinder capacity may not exceed 333 kilograms
III	Flammable liquids	
	With flash points $\leq 18^{\circ}\text{C}$	Total quantity may not exceed 100 litres
	With flash points $> 18^{\circ}\text{C}$ but $\leq 23^{\circ}\text{C}$	Total quantity may not exceed 420 litres
	With flash points $> 23^{\circ}\text{C}$ but $\leq 61^{\circ}\text{C}$	Total quantity may not exceed 1100 litres
	With flash points $> 61^{\circ}\text{C}$ but $\leq 100^{\circ}\text{C}$	Total quantity may not exceed 1100 litres
IV	FLAMABLE SOLIDS	
	Flammable solids	Total quantity may not exceed 250 kilograms
V	OXIDISING AGENTS AND ORGANIC PEROXIDES	
	Oxidising agents	Total quantity may not exceed 200 kilograms
	Group II organic peroxides in packets	Total may not exceed 200 kilograms
VI	Toxic/ Infective substances	
	Group I toxic substances in packets	Total quantity may not exceed 5 kilograms
	Group II toxic substances in packets	Total quantity may not exceed 50 kilograms
	Group III toxic substances in packets	Total quantity may not exceed 500 kilograms
VIII	CORROSIVE/ CAUSTIC SUBSTANCES	
	Group I acids in packets	Total quantity may not exceed 50 kilograms
	Group II acids in packets	Total quantity may not exceed 200 kilograms
	Group III acids in packets	Total quantity may not exceed 1000 kilograms
	Group I alkaline substances in packets	Total quantity may not exceed 50 kilograms
	Group II alkaline substances in packets	Total may not exceed 200 kilograms
	Group III alkaline substances in packets	Total may not exceed 1000 kilograms

IX	MISCELLANEOUS SUBSTANCES	
	Liquids	Total may not exceed 210 litres
	Solids	Total may not exceed 210 kilograms

SCHEDULE 4**SPRAY BOOTH CONSTRUCTION**

WALLS 225mm Brickwork. ROOF Reinforced concrete. FLOOR Concrete or other impervious material. DOORS (A)

Walls	225 mm Brickwork
Roof	Reinforced concrete
Floor	Concrete or other impervious material
Doors (A)	Constructed of 50 mm hardwood completely covered, including the edges, with 24 s.w.g. metal secured to the door with bolts at 30 mm centres along the edges. The doors open outwards and to be hung on Tee hinges bolted to the door.
(B)	Close fitting metal doors not less than 3mm in thickness, carried on an angle iron frame and having an all round overlap or not less than 50mm
Note :	Where the floor area exceeds 18 sq. Metres, two doors must be provided
Windows	Metal frames with no opening sections glazed with wire woven glass not exceeding 460mm x 460mm. Putty approved by the SANS Code No. 680/59 only to be used and the occupier to furnish proof of this to the Director: Fire and Emergency Services.
Note :	The Factory Inspector requires natural light to the extend of 20% of the floor area
Ventilation	30 Lineal metres/minute velocity across the room must be provided by means of mechanical ventilation, with the center line of the inlets 460mm above the floor level and to discharge through vertical metal ducting terminating one (1) metre above the apex of the roof. No right angle bends to be used in the ducting system. Exhaust fans to be installed at four (4) metre centers or horizontal metal ducting extending the entire length of the wall with suitable inlets, must be provided
<u>MINIMUM NO. OF AIRBRICKS</u> 40 65 90 150	<u>SIZE OF ROOM</u> Up to but not exceeding 140 cubic metres. Up to but not exceeding 280 cubic metres. Up to but not exceeding 470 cubic metres. Up to but not exceeding 650 cubic metres.
Note :	Metal filters with metal swarf elements may not only be used in all metal installation, in lieu of airbricks

Electrical work	All electrical work must be of flame-proof in 150mm construction
Danger Notice	"DANGER – NO SMOKING" notices in 150mm high, white letters on a red background to be provided above the doors outside the spray booth

Notes:

Items not inserted in the bylaw, still being researched:

1. Fire Protection Issues and the fire season
2. Fire break burns issues and FDI
3. Cleaning or clearing of empty stands by owners (fire danger)
4. Hazmat issues not complete

LOCAL AUTHORITY NOTICE 129 OF 2017

EMAKHAZENI LOCAL MUNICIPALITY



ELECTRICITY SUPPLY SERVICES BY-LAW

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EMAKHAZENI LOCAL MUNICIPALITY ELECTRICITY SUPPLY BY-LAWS (DRAFT)**CHAPTER 1****GENERAL****1. Definitions**

In these By-laws, unless inconsistent with the context -

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

"Approved" means approved in writing by the municipal engineer or any duly authorized official;

"Authorized maximum demand" or "AMD" means the allocated (authorized) maximum demand allowed for any particular stand or premises determined by the engineer on the basis of the size of the particular stand and its particular use zoning;

"Availability charge", as prescribed in the schedule of charges and fees, means a charge levied on the owner of a stand which in the opinion of the Municipality can be connected to the Municipality's supply mains but has not yet been connected;

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

"Consumer" means the occupier of any premises to which the Municipality has agreed to supply or is actually supplying electricity, or, if there is no occupier, the person who has entered into a current valid agreement with the Municipality for the supply of electricity to the premises, or, if such a person does not exist or cannot be traced or has absconded or for whatever reason is not able to pay, the owner of the premises;

"Conventional meter" means a meter in respect of which an account is issued subsequent to the consumption of electricity;

"Duly authorized official" means an official of the Municipality who has been authorized in writing by the Municipal Manager of the Municipality or his or her delegate and who must properly prove his authority when called upon to do so;

"Electrical contractor" means an electrical contractor as defined in the regulations;

"Electrical installation" means an electrical installation as defined in the regulations;

"Engineer" means the official in charge of the electricity undertaking of the Municipality or any other person duly authorized to perform this duty on the engineer's behalf;

"Exercise", in relation to the rights of the owner of a property, means to exercise the rights to the capacity of the electricity supply that has been allocated to the property –

- a) when building approval is applied for;
- b) when an application for a connection is made; and
- c) when ownership of the property is being transferred;

"High voltage" or "HV" means the set of nominal voltage levels which is used in power systems for the bulk transmission of electricity in the range of $44 \text{ kV} < U_n \leq 220 \text{ kV}$ in accordance with SANS 1019;

"Low voltage" or "LV" means the set of nominal voltage levels which is used for the distribution of electricity and the upper limit of which is generally accepted to be an ac voltage of 1 000 V (or a dc voltage of 1500 V) in accordance with SANS 1019;

"Medium voltage" or "MV" means the set of nominal voltage levels which lies above low voltage and below high voltage in the range of $1 \text{ kV} < U_n \leq 44 \text{ kV}$ in accordance with SANS 1019;

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

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

"Municipality" means the Emakhazeni Local Municipality, which may, for the purposes of these By-laws, also be the service authority;

"NER" means the National Electricity Regulator contemplated in the Electricity Act, 1987 (Act 41 of 1987);

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

"NRS 048" means the national rationalized specifications NRS 048-1:1996 – Electricity supply – Quality of supply

Part 1, NRS 048-2:1996 – Electricity supply – Quality of supply

Part 2, NRS 048-3:1998 – Electricity supply – Quality of supply

Part 3, NRS 048-4:1999 – Electricity supply – Quality of supply

Part 4, NRS 048-5:1998 – Electricity supply – Quality of supply

Part 5, as amended from time to time; **"NRS 057"** means the national rationalized specification

NRS 057-2:2000 – Electricity metering

Part 2: Minimum requirements, as amended from time to time;

"Occupier", in relation to any premises, means

- a) the person who actually occupies the premises;

- b) the person who is legally entitled to occupy the premises;
- c) in the case of the premises being subdivided and let to lodgers or tenants, the person who receives the rent payable by the lodgers or tenants, whether on his or her own account or as an agent for another person entitled to or interested in the rent; or
- d) the person in charge of the premises or responsible for managing the premises, and includes the agent of the person when he or she is absent from the Republic of South Africa or when his or her whereabouts are unknown; "owner", in relation to immovable property, means the person registered in the office of the Registrar of Deeds as the owner of the property and includes –
 - a. in the case of leased immovable property –
 - i. the lessee in whose name the lease is registered in the office of the Registrar of Deeds;
 - ii. the lessee if the immovable property is leased for a period of not less than ten years, whether or not the lease is registered in the office of the Registrar of Deeds; or
 - iii. the occupier if the immovable property is beneficially occupied under a servitude or right analogous to a servitude;
 - b. in the case of -
 - i. a deceased owner or an insolvent owner who has assigned his or her estate for the benefit of his or her 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 the property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be; or
 - ii. an owner who is absent from the Republic of South Africa or whose address is unknown to the Municipality, the person who as agent or otherwise receives or is entitled to receive the rent in respect of the property; and
 - c. if the Municipality is unable to determine who the owner is, the person who is the beneficial user of the property, which person is deemed to be the owner to the exclusion of the person in whom is vested the legal title to the property;

"Person" includes, but is not limited to, a consumer, occupier or owner, as the case may be, who receives the beneficial use of the electricity supply to a specific premises;

"Point of metering" means the point at which the consumer's consumption of electricity is metered and may be at the point of supply or at any other point on the distribution system of the service authority or the electrical installation of the consumer, as specified by the engineer, provided that at that point all of, and only, the consumer's consumption of electricity is metered;

"Point of supply" means the point determined by the engineer at which electricity is supplied to any premises by the Municipality, and includes –

- a) an underground domestic connection at the erf boundary or at the joint in the supply cable in the immediate vicinity of the erf boundary;
- b) an overhead domestic connection at the terminals in the box on the roof or wall of the dwelling where the aerial conductors from the Municipality's network are terminated;
- c) in the case of a maximum demand consumer, at the outgoing terminals of the Municipality's isolating switch;
- d) in the case of an 11kV consumer, at the outgoing terminals of the Municipality's 11kV isolating circuit breaker; and
- e) any other point of supply as agreed upon in writing between the engineer and the consumer;

"Premises" means any land or any building or structure above or below ground and includes any vehicle, aircraft, vessel or any other movable structure;

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

"Quota charge" means a charge, as prescribed in the schedule of charges and fees, payable to cover the cost of extending the local distribution and reticulation network, which charge the Municipality does not recover from the tariff for the supply of electricity;

"Registered owner" means the person in whose name the property is registered in the office of the Registrar of Deeds;

"Regulations" means the regulations made under the Occupational Health and Safety Act, 1993 (Act 85 of 1993), or the Electricity Act, 1987 (Act 41 of 1987);

"SANS 10142-1" means the code of practice SANS 10142-1/SABS 0142-1:2003 – The wiring of premises Part I: Low-voltage installations, as issued by Standards South

Africa of the South African Bureau of Standards, and as incorporated in the regulations and amended from time to time;

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

"SANS 1507" means the specification SANS 1507/SABS 1507:2002 – Electric cables with extruded solid dielectric insulation for fixed installations (300/500 V to 1 900/3 300 V), as issued by Standards South Africa of the South African Bureau of Standards and as amended from time to time;

"Safety standard" means the health and safety standard as defined in the Occupational Health and Safety Act, 1993 (Act 85 of 1993), and includes SANS 10142-1;

"Schedule of charges and fees" means the schedule of charges and fees payable to the Municipality for the supply of electricity, which charges and fees are from time to time determined by the Municipality and, where applicable, approved by the NER, and are published by notice in terms of section 10G(7) of the Local Government Transition Act, 1993 (Act 209 of 1993), and set out in a schedule to such notice;

"Service authority" means the municipal authority that regulates the provision of an electricity service by a municipality;

"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;

"Specification" means the applicable standard or specification accepted in the electricity supply industry and includes the applicable specifications of the South African Bureau of Standards (SABS) and any applicable national rationalized specification (NRS);

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

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

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

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

"Voltage" means the difference in electrical potential between any two conductors or between a conductor and the ear

2. Other terms

All other terms used in these By-laws have, unless the context indicates otherwise, the meanings assigned to them in the Electricity Act, 1987 (Act 41 of 1987), the Occupational Health and Safety Act, 1993 (Act 85 of 1993), or the Local Government:

Municipal Systems Act, 2000 (Act 32 of 2000), as well as any regulations made in terms of these Acts.

3. Headings and titles

The headings and titles in these By-laws do not affect the interpretation of the By-laws.

CHAPTER 2**GENERAL CONDITIONS OF SUPPLY****4. Supply by agreement**

- 1) No person may use and no person is entitled to use an electricity supply (new or existing) or consume electricity from the Municipality unless or until such a person has entered into an agreement in writing with the Municipality for the supply and consumption, and the agreement, together with the provisions of these By-laws, in all respects governs the supply and consumption.
- 2) If a person uses an electricity supply without entering into an agreement with the Municipality, the supply must be disconnected immediately, and the person is liable for the cost of electricity used, as provided for in section 18 of these Bylaws.
- 3) If, in respect of any premises, an applicant, occupier or consumer is not the registered owner of the premises, an agreement in writing between the owner of the premises and the consumer for the rendering of a connection is required beforehand. The agreement reached binds both the consumer and the owner of the premises.

5. Serving of notice

- 1) A notice is deemed to have been served on a person by the Municipality when it has been served in accordance with the provisions of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000). Such a notice must be authorised by means of the signature of the engineer or an official appointed or nominated by him or her.
- 2) A notice or application referred to in sections 7, 44 and 45 of these By-laws is deemed to have been served on or submitted to the Municipality, as the case may be, if –
 - a) the notice or application has been delivered to the engineer in person;
 - b) the notice or application has been left at the offices of the engineer with an official employed in the offices of the engineer; or
 - c) the notice or application has been received by post by the Municipality.

6. Compliance with notices

Any person on whom a notice duly issued or given under these By-laws is served must, within the time specified in the notice, comply with the terms of the notice.

7. Application for supply

- 1) An application for a new electricity supply or for the increase in the capacity of an existing electricity supply, or for a prepayment arrangement must be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Municipality, and the size (load) of the installation must be stated in the application.

The application must be made as early as possible before the electricity supply is required in order to facilitate the work of the Municipality.

- 2) An application for a new electricity supply for a period of less than one year must be regarded as an application for a temporary electricity supply and must be considered at the discretion of the engineer, who may specify special conditions that are to be met. The applicable tariff for a temporary electricity supply as determined by the Municipality is payable.
- 3) No permanent installation may be supplied with a temporary electricity supply without the written approval of the engineer.
- 4) If there is a change of occupier or consumer and the new consumer wishes to continue using the existing permanent electricity supply, the new consumer must apply to the Finance Department of the Municipality on the prescribed form(s) determined by the Chief Financial Officer of the Municipality from time to time.
- 5) Only one electricity service connection must be made available to a stand. Additional electricity service connections may be supplied at the discretion of the engineer. On approval of a second consumer right on a property, an application for an additional electricity service connection must be submitted by the applicant. When an approved second consumer unit is erected, a separate electricity service connection must be taken from the Municipality for the applicant's account.

8. Processing of requests for supply

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

9. Arbitration

If at any time any difference or dispute arises between the Municipality and the consumer about the construction, meaning or effect of these By-laws or about the rights, obligations or liabilities of the consumer or Municipality under the By-laws, the difference or dispute must be referred to the NER for a decision, failing which the difference or dispute must be settled by arbitration in terms of the provisions of the Arbitration Act, 1965 (Act 42 of 1965).

10. Wayleaves and servitudes

- 1) The Municipality may refuse to install an electricity service connection or supply mains above or below the ground on any private property or on land on which a thoroughfare exists that does not vest in the service authority, unless and until the prospective consumer has furnished the Municipality with written permission from the owner of the private property or from the person in whom is vested the legal title to the land on which the thoroughfare exists, as the case may be, which permission must authorize the laying or erection of an electricity service connection or supply mains on the private property or land.

- 2) If the permission referred to in subsection (1) is withdrawn at any time or if the property or land changes ownership and the new owner refuses to grant or uphold the permission, the consumer to whose premises the supply is required to be continued must bear the cost of –
 - a) any alteration to an electricity service connection or supply mains that may become necessary in order that the supply may be continued; and
 - b) any removal of an electricity service connection or supply mains that may become necessary in order that the supply may be continued.
- 3) The Municipality may remove any object or rectify any activity that may endanger the integrity of the distribution system contemplated in section 27 of these By-laws.
- 4) The Municipality may enforce the requirements for wayleaves and servitudes as determined by the engineer.

11. Right of access to property

- 1) The engineer or any duly authorised official of the Municipality may at any reasonable time or, in an emergency, at any time enter any premises when –
 - a) there are reasonable grounds for supposing that these By-laws have been or are being contravened;
 - b) maintenance is to be done on the distribution network installed on the premises;
 - c) a general inspection is to be done for maintenance, operational or other purposes; and
 - d) the network is to be upgraded.
- 2) For the purposes of subsection (1) any earth, paving bricks, stone, ironwork or woodwork or other surface covering on any portion of the premises may be removed for the purposes of upgrading, inspection or maintenance work.
- 3) In executing any bona fide duties the Municipality must endeavor to restore the premises referred to in subsection (1) to a reasonable level should no contravention of these By-laws be discovered.

12. Refusal or failure to give information

No person may –

- 1) refuse or fail to give information that may reasonably be required of him or her by a duly authorized official; or
- 2) give any false information to a duly authorised official about any electrical installation work that is completed or is being contemplated.

13. Refusal of admittance

No person may willfully hinder, obstruct, interfere with or refuse admittance to the engineer or a duly authorised official in the performance of his or her duties under these By-laws or in the performance of any duty connected with or relating to that duty.

14. Improper use

- a) If the engineer has reasonable grounds to believe that the consumer uses the electricity for a purpose or deals with the electricity in a way that 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, without notice, disconnect the electricity supply to the consumer who uses or deals with the electricity in an improper or unsafe manner.
- b) Such supply must be restored by the Municipality 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 must be paid by the consumer before the electricity supply is restored, unless it can be shown to the satisfaction of the engineer that the consumer did not use or deal with the electricity in an improper or unsafe manner.
- c) If substantiated proof exists that the consumer did use or deal with the electricity in an improper or unsafe manner, it may be required that a new certificate of compliance for the installation be submitted.
- d) Criminal proceedings in case of electricity theft.

15. Electricity tariffs and fees

Copies of the schedule of charges and fees may be obtained at the offices of the service authority or Municipality during office hours at the prescribed fee.

16. General charges

- 1) Availability charges
 - a) Availability charges as determined from time to time by the Municipality are payable to the Municipality by the owner of immovable property with or without improvements if the property is not connected to the electricity distribution system of the Municipality and if access to an electricity connection is available to the property.
 - b) The provisions of subsection (1)(a) are not applicable to –
 - i. immovable property that belongs to the service authority; and
 - ii. immovable property in respect of which the Municipality has granted written exemption or partial exemption from payment of the availability charges, provided that the Municipality may at any time withdraw the exemption.

2) Quota charges

Quota charges, the rate of which is determined from time to time by the Municipality, are payable by developers or owners of land within the licence supply area of the Municipality when the AMD of the land is exceeded. These charges are used to cover the cost of extending the local distribution and reticulation network, which the Municipality does not recover from the tariff for the supply of electricity.

17. Deposits

The Municipality reserves the right to require that the consumer deposit a sum of money or submit a bank guarantee acceptable to the Municipality's Finance Department as security in payment of any charges that are due or may become due to the Municipality. The deposit must not be regarded as payment or part-payment for any accounts due for the supply of electricity or for the purpose of obtaining a discount provided for in the electricity tariff referred to in these By-laws. On cessation of the supply of electricity, the amount of the deposit, free of interest, less any payments due to the Municipality, must be refunded to the consumer. The amount of the deposit or bank guarantee is determined by the Municipality from time to time and may be increased if necessary.

18. Payment of charges

- 1) The consumer is liable for all electricity supplied, whether metered or unmetered, to his or her premises, including electricity supplied in accordance with a prepayment arrangement at the prescribed tariff, a copy of which is obtainable from the Municipality during normal office hours at the prescribed fee.
- 2) The Municipality must render an account for the amount payable on a regular basis to the consumer (excluding consumers supplied in accordance with a prepayment arrangement and consumers with other unmetered supplies in accordance with an agreement). The Municipality must provide on the account all information (meter readings, dates, etc) on which the account is based.
- 3) All accounts are deemed payable on or before the due date reflected on the account and, on the consumer's failure to pay, the Municipality must notify the consumer and eventually disconnect the electricity supply to the premises of the consumer. The account as issued is considered the first notification of the amount payable.
- 4) An error or omission on any account from the Municipality or failure by the Municipality to render an account does not relieve the consumer of the obligation to pay the amount due for electricity supplied to the premises. The onus is on the consumer to ensure that the account rendered is in accordance with the prescribed tariff of charges for the electricity supplied to the premises.
- 5) Where a duly authorized official has visited the premises to disconnect or audit the supply for the purposes of subsections (1) and (3), the official must not be obstructed or prevented from effecting the disconnection or audit. The prescribed fee must be paid by the consumer for each visit necessary for the purpose of the disconnection or audit.

- 6) After a consumer's electricity supply has been disconnected owing to nonpayment of an account or owing to a contravention of any provision of these Bylaws or any other related by-laws, the consumer must pay the prescribed fees and any amounts due before a reconnection can be made.
- 7) If a person uses electricity without entering into an agreement with the Municipality, he or she is liable for the cost of the electricity used. This cost must be determined according to the appropriate tariff and the consumption since the last account in accordance with the latest agreement applicable to the premises.

19. Interest on overdue accounts

The Municipality may charge interest on overdue accounts at a rate determined from time to time by the Municipality.

20. Resale of electricity

- 1) Unless otherwise authorized by the engineer, no person may sell or supply electricity that is supplied to the premises under an agreement with the Municipality to any other person or persons for use on any other premises, or permit or allow the resale or supply to take place. If electricity is resold for use on the same premises, the resale is subject to the conditions laid down in the Electricity Act, 1987 (Act 41 of 1987).
- 2) In accordance with Regulation 11 of the regulations made under the Electricity Act, 1987 (Act 41 of 1987), the reseller of electricity must render a monthly account for electricity consumed, which account must reflect the start and end reading and any applicable charges according to the approved tariffs of the Municipality, provided that –
 - a) only approved tariffs are reflected on the account; and
 - b) each individual consumer is metered and billed separately.

21. Right to disconnect supply

- 1) The Municipality has the right, after giving notice, to disconnect the electricity supply to any premises if –
 - a) the person liable for payment for the supply or for payment for any other municipal service fails to pay any charge due to the Municipality in respect of any service which he or she may at any time have received from the Municipality in respect of the premises; or
 - b) any of the provisions of these By-laws and/or the regulations are being contravened.
- 2) The Municipality has the right to disconnect the electricity supply to any premises if there has been deliberate overloading on or the illegal increase of supply or capacity of supply to the premises. The Municipality must give notice to the consumer of its intention to disconnect or, in the case of a grave risk, the Municipality may disconnect

without giving notice. After a consumer's electricity supply has been disconnected for non-payment of accounts or for the improper or unsafe use of electricity or for any other related reason, the fee prescribed by the Municipality must be paid by the consumer.

22. Non-liability of the service authority and the Municipality

The service authority and the Municipality are not liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or discontinuance of the supply of electricity, unless the loss or damage is caused by negligence on the part of the service authority or the Municipality.

23. Electricity wasted or lost

Under no circumstances is any rebate allowed on the account of a consumer for electricity supplied and metered in respect of electricity wasted owing to a fault or an inappropriate use of electricity in the electrical installation of the consumer.

24. Failure of supply

The Municipality does not undertake to attend to a failure of supply owing to a fault in the electrical installation of the consumer, except when the failure is due to the operation of the service protective device of the Municipality. When a failure of supply is found to be due to a fault in the electrical installation of the consumer, or to the faulty operation of an apparatus used in connection with the electrical installation, the Municipality has the right to –

- 1) charge the consumer the fee prescribed by the Municipality for each restoration of the supply; and
- 2) recover from the consumer the cost of making good or repairing any damage which may have been done to the service mains and meter by the fault or faulty operation.

25. Seals and locks of the Municipality

The meter, prepayment meter, service protective devices and all apparatus belonging to the Municipality on the premises must be sealed or locked by a duly authorised official of the Municipality, and no person other than an official of the Municipality who is duly authorised to do so may in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with the seals or locks. Only duly authorised officials must be in possession of security lock keys, and any unauthorised person found in possession of the keys is guilty of an offence under these By-laws.

26. Tampering with service connection or supply mains

- 1) No person may in any manner or for any reason whatsoever by-pass the metering equipment of the Municipality on any premises or tamper or interfere with any meter, including a prepayment meter, or with any service connection or service protective device or supply mains or any other equipment of the Municipality on any premises.

Such tampering, interference or by-passing is deemed to be an offence in terms of section 27(2) and (3) of the Electricity Act, 1987 (Act 41 of 1987), and makes the perpetrator guilty of an offence and liable on conviction to a fine and/or imprisonment.

- 2) Where prima facie evidence of tampering, interference or by-passing referred to in subsection (1) exists, the Municipality has the right to disconnect the supply immediately without prior notice to the consumer. The consumer is liable for all fees and charges levied by the Municipality for the disconnection and subsequent reconnection.
- 3) In cases where the tampering, interference or by-passing referred to in subsection (1) has resulted in the accuracy of the metering installation being compromised, the Municipality has the right to rectify the consumer's account to include circuit breaker, connection and quota charges.

27. Protection of electricity distribution system

- 1) No person may, except with the written consent of the engineer and subject to the conditions that may be imposed –
 - a) construct, erect or permit the erection of any building, structure or other object, or plant trees or vegetation, over or in a position or in a manner that interferes with or endangers the electricity distribution system, and all clearances as prescribed in the regulations made under the Occupational Health and Safety Act, 1993 (Act 85 of 1993), must be observed;
 - b) excavate, open up or remove the ground above, next to or under any part of the electricity distribution system or dump anything onto, next to or under any part of the electricity distribution system;
 - c) damage, endanger, remove or destroy, or do any act likely to damage, endanger, destroy or effect the removal of any part of the electricity distribution system;
 - d) abstract, branch off or divert any electric current or cause any electric current to be abstracted, branched off or diverted, or consume or use the current that has been wrongfully or unlawfully abstracted, branched off or diverted;
 - e) install any paving over the Municipality's cables unless adequate sleeves for the cables have been installed under the paving and marked at the edges of the paving;
 - f) do any excavations over the Municipality's cables without a permit issued by the engineer; and
 - g) do any excavations over the Municipality's cables with excavating or related machines, but excavations may be done by hand once permission for the excavations has been obtained from the engineer.
- 2) The owner must limit the height of trees or vegetation or the length of projecting branches in the proximity of overhead lines or provide a means of protection which in

the opinion of the engineer adequately prevents the tree or vegetation from interfering with the conductors should the tree or branches or vegetation move owing to wind or fall or be cut down. Should the owner fail to observe this provision the Municipality has, in accordance with the Municipality's requirements for wayleaves and servitudes, the right, after prior written notification and within the prescribed period, 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 subsection and is entitled to enter the property for that purpose.

- 3) If work is carried out by the Municipality in terms of subsections (1) and (2) and such work is necessary owing to the contravention of these By-laws, the cost of the work is for the account of the person who acted in contravention of these By-laws.
- 4) The Municipality reserves the right to implement any policy in the form of regulations regarding the rights of the Municipality in respect of the protection of the electricity distribution system.
- 5) The engineer may, in respect of any premises –
 - a) demolish, alter or otherwise deal with any building, structure or other object that has been constructed, erected or laid in contravention of these By-laws;
 - b) fill in and make good any ground that has been excavated or removed in contravention of these By-laws;
 - c) repair and make good any damage that has been done in contravention of these By-laws or that has resulted from a contravention of these By-laws;
 - d) remove anything that is damaging, obstructing or endangering or that is likely to damage, obstruct, endanger or destroy any part of the electricity distribution system; and current that has been wrongfully or unlawfully abstracted, branched off or diverted;
 - e) install any paving over the Municipality's cables unless adequate sleeves for the cables have been installed under the paving and marked at the edges of the paving;
 - f) do any excavations over the Municipality's cables without a permit issued by the engineer; and
 - g) do any excavations over the Municipality's cables with excavating or related machines, but excavations may be done by hand once permission for the excavations has been obtained from the engineer.

28. Unauthorized reconnections

- 1) No person other than a person whom the Municipality specifically authorizes in writing to do so may reconnect, attempt to reconnect or cause or permit the reconnection of the supply mains or service connection of an electrical installation that has been disconnected by the Municipality.

- 2) Where an electricity supply that was previously disconnected is found to have been reconnected illegally, the consumer using the supply is liable for all charges for electricity consumed between the date of disconnection and the date on which the supply was found to be reconnected and for any other charges levied in this regard. Such a reconnection of the electricity supply is deemed to be an offence in terms of section 27(2) and (3) of the Electricity Act, 1987 (Act 41 of 1987), and makes the perpetrator guilty of an offence and liable on conviction to a fine and/or imprisonment.
- 3) Where the electricity supply has been disconnected owing to unsafe conditions in the consumer's installation, the supply may only be reconnected after the consumer has submitted a legal and valid certificate of compliance to the Municipality.

29. Disconnection (temporary and permanent) and reconnection

- 1) The engineer must, at the written request of the consumer, temporarily disconnect and subsequently reconnect the electricity supply to the consumer's electrical installation on payment by the consumer of the fee prescribed by the service authority for each disconnection and subsequent reconnection.
- 2) An electricity supply is disconnected at the written request of the person with whom the Municipality has an agreement for the supply or connection. If it becomes necessary for the engineer to effect a temporary disconnection and a subsequent reconnection of the supply to a consumer's electrical installation and if the consumer is in no way responsible for bringing about this necessity, the engineer must waive payment of the fee referred to in subsection (1).
- 3) The engineer may, under exceptional circumstances only, temporarily disconnect the electricity supply to any premises without notice to the consumer, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose. In all other instances adequate notice must be given to the consumer.
- 4) Notice of a planned disconnection or interruption must be given to the consumer by the Municipality in accordance with NRS 047.
- 5) Disconnections contemplated in this section must be effected and handled by the Municipality in accordance with NRS 047.
- 6) Should the Municipality have to perform small tasks on the distribution network for a period not exceeding 45 minutes, the Municipality is not required to give prior notice of the interruption to the consumer, except in the case of electricity supply to consumers with special agreements with the Municipality.

30. Planned maintenance and disconnection of supply

Notice of the planned disconnection of an electricity supply for the purpose of maintenance, repair or construction work must be given to the consumer by the Municipality in accordance with NRS 047.

31. Temporary supply

- 1) A temporary electricity supply is usually valid for three months or for a period specifically agreed on in writing with the Municipality, but the period of any temporary electricity supply may not exceed one year.
- 2) If the Municipality finds that a temporary electricity supply to a consumer is interfering with the efficient and economical supply of electricity to other consumers, the engineer has the right to terminate, with notice or, under exceptional circumstances, without notice, the temporary supply at any time.
- 3) Application for a temporary electricity supply must be made in the same way as for a permanent electricity supply in accordance with section 7.

32. Temporary work

Electrical installations requiring a temporary electricity supply must not be connected direct or indirect to the supply mains, except with the special permission in writing of the engineer. Full information about the reasons for and nature of the work for temporary supply purposes must accompany the application for the permission, and the engineer may refuse the permission or grant the permission on the terms and conditions that may be necessary. A certificate of compliance must be submitted by the consumer to the Municipality in such cases of temporary work.

33. Load reduction

- 1) At times of peak load or in an emergency or when, in the opinion of the engineer, it is necessary for any reason to reduce the load on the electricity supply system of the Municipality, the engineer may, without notice, interrupt and, for a period that the engineer may deem necessary, discontinue the electricity supply to a consumer's electrically operated thermal storage water heater or to a specific appliance or to the whole installation. The service authority, the Municipality and the engineer are not liable for any loss or damage, direct or consequential, owing to or arising from the interruption and discontinuance of the electricity supply.
- 2) The Municipality may install on the premises of the consumer the apparatus and equipment that are necessary to give effect to the provisions of subsection (1), and the engineer or any duly authorised official may at any reasonable time enter the premises for the purpose of installing, inspecting, testing, adjusting, maintaining and/or changing the apparatus and equipment.
- 3) Notwithstanding the provisions of subsection (2), the consumer or the owner, as the case may be, must, when installing an electrically operated water storage heater,

provide the necessary accommodation and wiring that the engineer may require in order to facilitate the later installation of the apparatus and equipment referred to in subsection (2).

34. MV and LV switchgear and equipment

- 1) Where an electricity supply is given at either MV or LV, the supply and installation of the switchgear, cables and equipment forming part of the service connection must, unless otherwise approved, be paid for by the consumer.
- 2) In the case of an MV supply, all the equipment must be approved by the engineer and be installed by or under the supervision of the engineer.
- 3) No person may operate MV switchgear at the points of supply without the written authorization of the engineer.
- 4) All MV switchgear operations at the points of supply or interconnecting the points of supply must be approved by the engineer, and all earthing and testing of MV equipment linked to the Municipality's network must be conducted by or under the supervision of the engineer.
- 5) In the case of an LV supply, the consumer must provide and install an approved LV main switch and/or any other equipment required by the engineer.

35. Transformer substation accommodation

- 1) The engineer may, on such conditions as he or she sees fit, require the owner of premises to provide and maintain approved accommodation which must consist of a separate room or rooms to be used exclusively for the purpose of housing MV cables and switchgear, transformers, LV cables and switchgear and other equipment necessary for the supply requested by the applicant who is applying for electricity supply to the premises.
- 2) The accommodation referred to in subsection (1) must be situated at a point to which free and unrestricted access can be had at all times for purposes connected with the operation and maintenance of the equipment.
- 3) The Municipality reserves the right to supply its own networks from its own equipment installed in the accommodation referred to in subsection (1), and if additional accommodation is required by the Municipality, the additional accommodation must be provided by the applicant at the cost of the Municipality.

36. Supply feeder diagram specification

When more than one electrical installation or electricity supply from a common main is required for any building or group of buildings, the design must be certified by a competent person contemplated in the regulations made under the Occupational Health and Safety Act, 1993 (Act 85 of 1993), and the wiring diagram of the circuits starting from the main switch and the design of the internal distribution network must, on request, be submitted to the engineer in duplicate for approval before the work commences. In the

case of township development, the design must comply with the specifications of the engineer.

37. Standby supply

No consumer is entitled to a standby supply from the Municipality for any premises, except with the written consent of the engineer and subject to the terms and conditions laid down by the engineer.

38. Consumer's emergency standby supply equipment

No emergency standby supply equipment provided by a consumer in terms of any regulations or for the consumer's own operational requirements may be connected to an installation without the prior written approval of the engineer. Application for approval must be made in writing and must include a full specification of the equipment and a wiring diagram. Changeover interlocking, making it impossible to parallel the standby supply with that of the Municipality, is a non-negotiable requirement.

39. Installation circulars

- 1) The engineer may from time to time issue installation circulars to all contractors and/or consulting engineers and/or architects detailing the requirements of the Municipality regarding matters that are not specifically covered in the regulations or in these By-laws but that are necessary for the safe and efficient operation and management of the supply of electricity.
- 2) Notwithstanding the provisions of subsection (1), the onus for obtaining the latest information remains on the contractors, consultants and architects.

CHAPTER 3

RESPONSIBILITIES OF CONSUMERS

40. Consumer to erect and maintain electrical installation

An electrical installation connected to or to be connected to the supply mains, and any additions or alterations to an electrical installation that may be made from time to time must be provided, erected, maintained and kept in good order by the consumer at the consumer's own expense and in accordance with these By-laws and the regulations. The consumer must provide the Municipality with a copy of the required certificate of compliance for the installation in question before the connection and/or alteration is energized.

41. Fault in electrical installation

The engineer may require the consumer to reimburse the Municipality for expenses incurred in respect of a fault in the electrical installation of the consumer.

42. Discontinuance of use of supply

If a consumer wishes to discontinue using the electricity supply, including a supply in respect of a prepayment arrangement, the consumer must give the Municipality at least two full working days' notice in writing of the intended discontinuance, and the consumer remains liable for all payments due in accordance with the tariff applicable for the supply of electricity until the notice period has expired. An application for the discontinuation of a supply must only be accepted from the person or the authorised representative of the person with whom the Municipality entered into an agreement for the supply in question.

43. Change of consumer

- 1) In the case of a change of occupier at any premises, the consumer, including a consumer bound by a prepayment arrangement, who is leaving must give the Municipality not less than two full working days' notice in writing of his or her intention to discontinue using the electricity supply, failing which he or she remains liable for the supply until the supply is disconnected or a new agreement is entered into.
- 2) If the new occupier or consumer at the premises wishes to continue using the electricity supply, he or she must apply in accordance with the provisions of section 4 of these By-laws.
- 3) Where premises are fitted with a prepayment meter and a change of occupier takes place, the new occupier is deemed to be the consumer. Should such a consumer fail to apply for an electricity supply in terms of section 4 of these Bylaws, he or she is liable for all charges and fees owed to the Municipality for that point of metering, as well as any outstanding charges and fees, whether accrued by that consumer or not, until such time as an application for supply is received by the Municipality.
- 4) Subject to subsections (1), (2) and (3), the registered owner of a property remains liable for any electricity consumed on the premises.
- 5) A clearance certificate in terms of section 118 of the Local Government:

Municipal Systems Act, 2000 (Act 32 of 2000), must not be issued and a connection must not be effected if a certified copy of the certificate of compliance is not submitted by the new owner or occupier, as the case may be.

Should it at any stage be found that a supply was given without a certificate of compliance being furnished, the Municipality is entitled to terminate the supply at any time and without prior notice to the occupier, owner or consumer, as the case may be

44. Service apparatus

- 1) The consumer is liable to the Municipality for all costs arising from damage to or loss of any metering equipment, prepayment meter, service protective device, service connection or other apparatus on the premises, unless the damage or loss is shown to have been occasioned by an act of God, an act or mission of an employee or agent of the Municipality, or an abnormality in the supply of electricity to the premises.

- 2) If the service mains, metering equipment or any other service apparatus, being the property of the Municipality and having been previously used, is, during a period in which an installation is disconnected from the supply mains, removed without the permission of the Municipality or has been damaged in a way that renders the reconnection dangerous, the owner or occupier of the premises, as the case may be, must during that period bear the cost of overhauling and/or replacing the mains, equipment or apparatus.
- 3) Where there is a common metering position on the premises for more than one consumer, the liability referred to in subsection (1) devolves on the owners of the premises jointly and severally.
- 4) A certificate from the engineer reflecting the amount due is deemed prima facie evidence of the amount due in terms of subsection (1).

CHAPTER 4

SPECIFIC CONDITIONS OF SUPPLY

45. Service connection

- 1) The consumer must bear the cost of a service connection as determined by the Municipality.
- 2) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection that has been laid or erected by the Municipality vests in the Municipality, and the Municipality is responsible for the maintenance of the service connection up to the point of supply, including the meter. The consumer is not entitled to any compensation from the service authority or the Municipality in respect of the service connection.
- 3) The extent and nature of work to be carried out by the Municipality for a service connection to the consumer's premises, at the cost of the consumer, must be determined by the Municipality.
- 4) A service connection must be laid underground, irrespective of whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the engineer.
- 5) If the engineer so requires, an overhead service connection must be replaced by an underground cable connection at the expense of the consumer if;
 - a) In the case of rural areas, the Municipality must provide a prescribed meter box for the account of the consumer or applicant.
 - b) In the case of maximum demand consumers, the consumer must provide accommodation. Such accommodation and protection must be provided, installed and maintained to the satisfaction of the engineer at the cost of the consumer or the owner, as the circumstances may demand, and must be situated,

- c) in the case of conventional meters, at a point to which free and unrestricted access can be had at all reasonable hours for the reading of meters but at all times for purposes associated with the operation and maintenance of the service equipment.
 - d) In the case of 11kV consumers, metering accommodation must be provided and installed as mutually agreed upon in writing between the engineer and the consumer.
- 6) Prepayment meters must be installed and maintained at the consumer's cost as determined in the Municipality's tariff. Access at all reasonable hours must be afforded for the inspection and maintenance of prepayment meters.

Where sub metering equipment is installed, accommodation separate from the Municipality's metering equipment must be provided by the consumer for the equipment.

- 7) The consumer or, in the case of a common meter position, the owner of the premises must provide and maintain adequate electric lighting in the space and access route to areas set aside for accommodating the metering equipment and service apparatus. Should this lighting not be maintained, the Municipality must maintain it at the cost of the consumer or owner, as the case may be.
- 8) If, in the opinion of the engineer, the meter, service connection, service protective devices or main distribution board is no longer readily accessible or becomes a source of danger to life or property or is being tampered with or becomes in any way unsuitable, the owner or consumer(s), as the case may be, must be notified by the Municipality of one of the following actions which must be taken:
- a) The owner or consumer(s), as the case may be, must move the meter, service connection, service protective devices or main distribution board to a new position.
 - b) The owner or consumer(s), as the case may be, must repair the meter, service connection, service protective devices or main distribution board to the original condition.
 - c) In the case of a single consumer on the premises, a supply and metering point must be supplied by the Municipality on the boundary of the premises.
 - d) In the case of multiple consumers on the premises, a bulk supply and bulk metering point must be supplied by the Municipality on the boundary of the premises or in a substation building provided by the owner of the premises, and the owner or consumers, as the case may be, are responsible for the operation and maintenance of the network from that point onwards, and the owner or consumers are regarded as a person who resells electricity supplied to him or her by an undertaker in terms of the Electricity Act, 1987 (Act 41 of 1987).
- 9) Should the owner or consumer(s), as the case may be, not proceed with the action contemplated in subsection (4)(a) or (b) within 14 (fourteen) days of notification or

complete the action within a reasonable time, the Municipality must take the action contemplated in subsection (4)(c) or (d).

- 10) The owner or the consumer(s), or the consumer(s) with the owner's consent, may request the Municipality to proceed with the action contemplated in subsection (4)(c) or (d) if the owner or consumer(s), as the case may be, are unable to take the action contemplated in subsection (4)(a) or (b).
- 11) The cost of the action contemplated in subsection (4) must be borne by the owner or consumer(s), as the case may be.
- 12) The accommodation for the Municipality's metering equipment and service protective devices may, if approved, include the consumer's main switch and main service protective devices. No apparatus other than that used in connection with the supply and use of electricity may be installed or stored in the accommodation unless approved in writing by the engineer.

CHAPTER 5

SYSTEMS OF SUPPLY

46. Quality of supply

Alternating current supplies must be given as prescribed by the Electricity Act, 1987 (Act 41 of 1987), and, in the absence of a quality of supply agreement, must be given as set out in NRS 048 50. Load limitations

- 1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15 kVA before diversity, the electrical installation must be arranged for a two-wire plus earth single-phase supply, unless otherwise approved by the engineer.
- 2) Where a three-phase four-wire plus earth supply is provided, the load must be balanced approximately over the three phases, but the maximum out-of-balance load must not exceed 30 per cent, unless otherwise approved by the engineer.
- 3) No current-consuming appliance, inherently single phase in character, with a rating that exceeds 15 kVA may be connected to the electrical installation without the prior approval of the council.

Interference with other consumers

- 1) No consumer may operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents that fall outside the standards determined by NRS 048.
- 2) The assessment of interference with other consumers must be carried out by means of a measurement taken at the point of common coupling as described in NRS 048.

47. Supplies to motors

The following limitations are given as a guide for the purposes of compliance with section 50:

1) Limited size for LV motors

The rating of an LV single-phase motor must be limited to a starting current not exceeding the capacity of the consumer's main supply. All motors exceeding these limits must be wound for three phases at low voltage or at such higher voltage as may be required.

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

The permissible starting current of three-phase LV motors must be related to the capacity of the consumer's service connection, as follows:

3) Consumers supplied at medium voltage

In an installation supplied at medium voltage the starting current of an LV motor must be limited to 1,5 times the rated full-load current of the transformer supplying the motor.

48. Power factor

- 1) The power factor must under all load conditions not be leading, unless otherwise agreed to by the engineer.
- 2) If the engineer so requires, the power factor of any load may not be less than 0,85 lagging.
- 3) If, for the purpose of complying with subsection (1), it is necessary to install power factor correction devices, the correction devices must be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.

49. Protection

Electrical protective devices for motors must be of a design that effectively prevents sustained over current and single phasing, where applicable, in accordance with SANS 10142-1.

CHAPTER 6

MEASUREMENT OF ELECTRICITY

50. Metering

- 1) The Municipality must, 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 consumed. Such metering equipment remains the property of the Municipality.
- 2) Except in the case of prepayment meters, the electricity used by a consumer during a metering period must be determined by the reading of the appropriate meter or

meters that are supplied and installed by the Municipality and read at the beginning and end of the period. If a meter cannot be read or if metering equipment is found to be defective, the consumption must be estimated.

- 3) Where the electricity used by a consumer is charged at different tariffs, the consumption must be metered for each tariff. Adequate metering equipment must be installed on application by and for the account of the consumer.
- 4) The engineer 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 or additions or electrical connections of any description may be made on the supply side of the meter by the consumer.

51. Accuracy of metering

- 1) A meter must be presumed conclusively to be registering accurately if its error, when tested in the manner prescribed in subsection (5), is found to be within the limits of error laid down in NRS 057. If any of the seals of the meter are found to be broken, the meter is deemed to have been tampered with.
- 2) The Municipality has the right to test its metering equipment. If it is established by a test or otherwise that the metering equipment is defective, the Municipality must, in accordance with the provisions of subsection (6) –
 - a) in the case of a conventional meter, adjust the account rendered; or
 - b) in the case of a prepayment meter, recover an amount if the meter has been under-registering or issue a free token if the meter has been over registering.
- 3) The consumer is entitled to have the metering equipment, including a prepayment meter, which is sealed according to the Municipality's standards, tested by the Municipality on payment of the prescribed fee to the Municipality. If the metering equipment is found not to comply with the system accuracy requirements laid down in NRS 057, an adjustment in accordance with the provisions of subsections (2) and (6) must be made and the fee must be refunded.
- 4) In case of a dispute, the consumer has the right at his or her own cost to have the metering equipment in dispute tested by an independent testing authority accredited by the South African Accreditation System, and the result of the test is final and binding on both parties, and the cost of the testing is non-refundable.
- 5) Meters must be tested in the manner prescribed by NRS 057.
- 6) When an adjustment is made to the electricity consumption registered on a meter in terms of subsection (2) or (3), the adjustment must be based either on the percentage error of the meter as determined by the test referred to in subsection

- 7) or on a calculation by the engineer from consumption data in his or her possession. Where applicable and where possible, due allowance must be made for seasonal or other variations that may affect the consumption of electricity.
- 8) When an adjustment contemplated in subsection (6) is made, the adjustment may not apply to a period exceeding three years preceding the date on which the metering equipment was found to be inaccurate.
- 9) Where the actual load of a consumer differs from the initially required load provided for under section 7(1) to the extent that the Municipality deems it necessary to alter or replace its metering equipment to match the load, the cost of the alteration or replacement and other costs incurred in correcting the supply must be borne by the consumer.
 - a) Prior to the Municipality making any upward adjustment to an account in terms of subsection (6), the engineer must –
 - i. notify the consumer in writing of the monetary value of the adjustment to be made and the reasons for the adjustment;
 - ii. in the notice, provide sufficient particulars to enable the consumer to submit representations on the adjustment; and
 - iii. in the notice, call on the consumer to provide the engineer with reasons, if any, in writing why the consumer's account should not be adjusted as notified, and these reasons must be submitted to the engineer within 21 days or within a longer period that the engineer may permit.
 - b) The engineer must consider any reasons provided by the consumer in terms of subsection (9)(a) and must, if satisfied that a valid case exists, adjust the account accordingly.
 - c) Should the consumer fail to make any representations during the prescribed period or should the engineer not be satisfied that a case exists for the variation of the account, the Municipality is entitled to adjust the account as notified in terms of subsection (9)(a)(i).
- 10) When the Municipality is satisfied that a prepayment meter has ceased to register correctly, the prepayment meter must be replaced immediately and any credits still registered in favour of the consumer on the faulty meter must be carried over to the new prepayment meter.

52. Reading of conventional meters

- 1) Unless otherwise prescribed, conventional meters must be read at fixed cycles of approximately one month, and the fixed or minimum charges due in terms of the tariff must be assessed accordingly. The Municipality is not obliged to effect any adjustments to the charges. The minimum number of meter readings per annum must be in accordance with NRS 047.

- 2) If for any reason the conventional meter cannot be read, the Municipality may render an estimated account. The energy consumption must be adjusted in a subsequent account according to the energy consumption actually used.
- 3) When a consumer vacates a property and a final reading is not available, the Municipality must make an estimation of the consumption and render the final account accordingly.
- 4) If a special reading of the meter is desired by a consumer, the consumer may obtain the reading from the Municipality on payment of the prescribed fee.
- 5) If any calculation, reading or metering error is discovered in respect of any account rendered to a consumer, the Municipality must correct the error in subsequent accounts. In respect of any such corrected accounts –
 - a) the correction must apply only to accounts for a period of three years preceding the date on which the error in the accounts was discovered;
 - b) the amount of the corrected accounts must be free of interest up to the date on which the correction is found to be necessary; and
 - c) the amount of the corrected accounts must be based on the actual tariffs applicable during the period in question.
- 6) No person may influence or try to influence or interfere with the metering process.

53. Prepayment metering

- 1) No refund of the amount tendered for the purchase of electricity credit may be given to the consumer 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 to the consumer at his or her request.
- 3) When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter may be made to the consumer.
- 4) The Municipality is not liable for the reinstatement of credit in a prepayment meter that has been lost because the prepayment meter and/or identity card has been tampered with, incorrectly used or abused.
- 5) Where a consumer is indebted to the Municipality for electricity consumed or to the service authority or Municipality for any other service supplied by the service authority or Municipality (including assessment rates) or for any charges previously raised against him or her in connection with any service rendered, the Municipality may deduct a percentage from the amount tendered to offset the amount owing to the service authority and/or the Municipality in terms of the agreement for the supply of electricity contemplated in section 4.
- 6) The Municipality may, at its discretion, appoint vendors for the sale of credit for prepayment meters and may not guarantee the continued operation of any vendor.

- 7) Should a consumer making use of a prepayment meter fail to purchase electricity from the Municipality for a continuous period of six months, the Municipality is entitled to discontinue the supply of electricity forthwith to the consumer and remove the connection to the premises.
- 8) The owner of any premises or the consumer making use of a prepayment arrangement on the premises may not erect any structures or allow any vegetation on the premises within a safe distance of the Municipality's equipment, which distance is determined by the Municipality from time to time.

54. Calculation of estimated account

- 1) Where a meter is found to have ceased registering correctly, the Municipality must repair or replace the meter as soon as possible.
- 2) Where a meter has been replaced or repaired in accordance with subsection (1), the Municipality must estimate the quantity of electricity that is to be paid for by the consumer, unless it can be proved to the satisfaction of the engineer that a lesser or greater quantity of electricity has been consumed. The Municipality's estimate must be for the period from the date of the last reading of the meter prior to the meter's repair or replacement and must be based on the following:
 - a) The average monthly consumption of electricity on the premises served by the meter during the three months prior to the last registration;
 - b) the consumption of electricity on the premises for the corresponding months of the previous year; or
 - c) the average monthly consumption on the premises served by the meter over a period of three successive months after the repair or replacement of the meter.

CHAPTER 7

ELECTRICAL CONTRACTORS

55. Requirements additional to the requirements of the regulations

- 1) Where an application for a new or increased supply of electricity has been made to the Municipality, the engineer may at his or her discretion accept notification of the completion of any part of the electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions. Any part of the electrical installation may, at the discretion of the engineer, be inspected, tested and connected to the supply mains as though that part of the electrical installation were a complete installation, subject to the submission by the owner, consumer or applicant, as the case may be, of a certificate of compliance for that part of the installation.

- 2) The inspection and testing referred to in subsection (1) may be carried out at the discretion of the Municipality and must not in any way relieve the electrical contractor or accredited person or the user or occupier, as the case may be, from his or her liability for any defect in the installation. The inspection and testing must not be taken in any circumstance, even where the electrical installation has been connected to the supply mains, to indicate or guarantee in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that the electrical installation is in accordance with these By-laws or the safety standard, and the service authority and the Municipality are not liable for any defect or fault in the electrical installation.
- 3) Neither the service authority nor the Municipality are liable for –
 - a) the work done by the electrical contractor or accredited person on a consumer's premises; and
 - b) any loss or damage which may be occasioned by fire or by an accident arising from the state of the wiring or an act of the electrical contractor or accredited person on the premises.

CHAPTER 8

LEGAL MATTERS

56. Domicilium

The street, building or flat address of the point of supply is deemed to be the domicilium citandi et executandi of the consumer for the purpose of the serving of any documents in accordance with section 115 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

57. Penalties

- 1) Any person who contravenes any of the provisions of these By-laws is guilty of an offence and, if found guilty by a court of law, may be sentenced to a fine not exceeding an amount stipulated in the schedule of charges and fees.
- 2) Any person who contravenes any of the provisions of these By-laws is liable to compensate the service authority or the Municipality, as the case may be, for the loss or damage suffered or sustained by the service authority or the Municipality in consequence of the contravention.

58. Applicability

These By-laws are applicable to the supply of electricity by the Municipality within the supply area of the Municipality as defined and licensed by the NER, irrespective of whether or not the locus of consumption falls within the judicial boundaries of the Municipality.

By-laws 08/05/03

LOCAL AUTHORITY NOTICE 130 OF 2017**VICTOR KHANYE LOCAL MUNICIPALITY
DELMAS AMENDMENT SCHEME 163/2007**

It is hereby notified in terms of the provisions of Section 66 of the Victor Khanye Local Municipality By-laws on Spatial Planning and Land Use Management, 2015, that the Victor Khanye Local Municipality have approved the amendment of the Delmas Town Planning Scheme, 2007, for the rezoning of:

Re/1, Re/2, Re/3, Re/5, Re/6, Re/7, Re/10, Re/12, Re/13, Re/16, Ptn 44, Ptn 45 and Ptn 49 of the farm Moabsvelden 248;
Ptn 3 of the farm Leeuwpan 247,
Ptn 8 of the farm Wolvenfontein 245;
Re/4 & Ptn 10 of the farm Witklip 230;
Re/9 of the farm Goedgedacht 229 I.R.;
Ptn 1 and Ptn 2 of the farm Rietkuil 249; and
The farm Kenbar 257
all in Registration Division IR, Province of Mpumalanga;

from "Commercial Agriculture" to "Agriculture" including mining purposes, offices, cellular mast, training and conference centre, medical facility and helipad, subject to conditions.

Map 3 and the scheme clauses of the amendment schemes are filed with the Municipal Manager of the Victor Khanye Local Municipality and the Department of Co-Operative Governance and Traditional Affairs, Nelspruit.

This amendment scheme is known as Delmas Amendment Scheme 163/2007 and shall come into operation on date of publication of this notice.

SSB RIBA Acting Municipal Manager, Victor Khanye Local Municipality, PO Box 6, Delmas, 2210.

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Nel Street, Nelspruit, 1200. Tel. (01311) 5-2133.