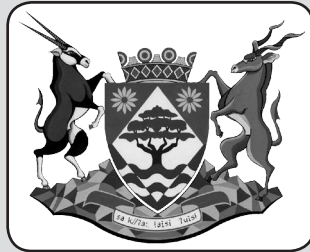


NORTHERN CAPE PROVINCE

PROFENSI YA KAPA-BOKONE



NOORD-KAAP PROVINSIE

IPHONDO LOMNTLA KOLONI

Provincial Gazette
Kasete ya Profensi

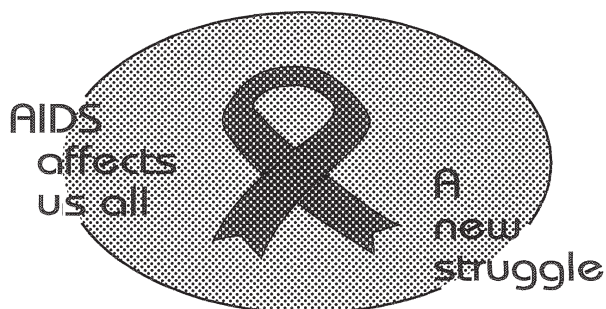
iGazethi YePhondo
Provinsiale Koerant

Vol. 24

KIMBERLEY
17 APRIL 2017
17 APRIL 2017

No. 2088

We all have the power to prevent AIDS



**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-4549



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As of **Monday, 04 January 2016**, the **Government Printing Works** has become the custodian of the Northern Cape *Provincial Gazette*.

GPW will start accepting notices from Northern Cape (NC) customers with the following conditions:

- Any submissions received from the NCPL (Northern Cape Provincial Legislature) from the 01 January 2016 will be rejected.
- Any submissions received from NC customers where the proof of payment is made to NCPL will also be rejected.
- Over and above these 2 points, the **GPW** Business rules and Submissions deadlines will apply.

Each province has standard notice types that are published in that specific *Provincial Gazette*.

The valid notice types applicable for the Northern Cape *Provincial Gazette* are:

Proclamations, General Notice, Municipal Notice, Premier's Notice

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

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Closing times for **ORDINARY WEEKLY** 2017

NORTHERN CAPE PROVINCIAL GAZETTE

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

- **23 December**, Friday, for the issue of Monday **02 January 2017**
- **30 December**, Friday, for the issue of Monday **09 January 2017**
- **09 January**, Monday, for the issue of Monday **16 January 2017**
- **16 January**, Monday, for the issue of Monday **23 January 2017**
- **23 January**, Monday, for the issue of Monday **30 January 2017**
- **30 January**, Monday, for the issue of Monday **06 February 2017**
- **06 February**, Monday, for the issue of Monday **13 February 2017**
- **13 February**, Monday, for the issue of Monday **20 February 2017**
- **20 February**, Monday, for the issue of Monday **27 February 2017**
- **27 February**, Monday, for the issue of Monday **06 March 2017**
- **06 March**, Monday, for the issue of Monday **13 March 2017**
- **13 March**, Monday, for the issue of Monday **20 March 2017**
- **17 March**, Friday, for the issue of Monday **27 March 2017**
- **27 March**, Monday, for the issue of Monday **03 April 2017**
- **03 April**, Monday, for the issue of Monday **10 April 2017**
- **07 April**, Friday, for the issue of Monday **17 April 2017**
- **13 April**, Thursday, for the issue of Monday **24 April 2017**
- **21 April**, Friday, for the issue of Monday **01 May 2017**
- **28 April**, Friday, for the issue of Monday **08 May 2017**
- **08 May**, Monday, for the issue of Monday **15 May 2017**
- **15 May**, Monday, for the issue of Monday **22 May 2017**
- **22 May**, Monday, for the issue of Monday **29 May 2017**
- **29 May**, Monday, for the issue of Monday **05 June 2017**
- **05 June**, Monday, for the issue of Monday **12 June 2017**
- **12 June**, Monday, for the issue of Monday **19 June 2017**
- **19 June**, Monday, for the issue of Monday **26 June 2017**
- **26 June**, Monday, for the issue of Monday **03 July 2017**
- **03 July**, Monday, for the issue of Monday **10 July 2017**
- **10 July**, Monday, for the issue of Monday **17 July 2017**
- **17 July**, Monday, for the issue of Monday **24 July 2017**
- **24 July**, Monday, for the issue of Monday **31 July 2017**
- **31 July**, Monday, for the issue of Monday **07 August 2017**
- **04 August**, Friday, for the issue of Monday **14 August 2017**
- **14 August**, Monday, for the issue of Monday **21 August 2017**
- **21 August**, Monday, for the issue of Monday **28 August 2017**
- **28 August**, Monday, for the issue of Monday **04 September 2017**
- **04 September**, Monday, for the issue of Monday **11 September 2017**
- **11 September**, Monday, for the issue of Monday **18 September 2017**
- **18 September**, Monday, for the issue of Monday **25 September 2017**
- **22 September**, Friday, for the issue of Monday **02 October 2017**
- **02 October**, Monday, for the issue of Monday **09 October 2017**
- **09 October**, Monday, for the issue of Monday **16 October 2017**
- **16 October**, Monday, for the issue of Monday **23 October 2017**
- **23 October**, Monday, for the issue of Monday **30 October 2017**
- **30 October**, Monday, for the issue of Monday **06 November 2017**
- **06 November**, Monday, for the issue of Monday **13 November 2017**
- **13 November**, Monday, for the issue of Monday **20 November 2017**
- **20 November**, Monday, for the issue of Monday **27 November 2017**
- **27 November**, Monday, for the issue of Monday **04 December 2017**
- **04 December**, Monday, for the issue of Monday **11 December 2017**
- **11 December**, Monday, for the issue of Monday **18 December 2017**
- **18 December**, Monday, for the issue of Monday **25 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, 12h00 - 3 days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00, to be published the following Friday	Tuesday, 12h00 - 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, 12h00 - 3 days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 12h00 - 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 31 OF 2017



NORTHERN CAPE GAMBLING BOARD NOTICE IS HEREBY GIVEN OF APPLICATIONS RECEIVED FOR ACQUISITION OF FINANCIAL INTERESTS IN GOLDRUSH GROUP

1. In terms of Section 39 of the Northern Cape Gambling Act, Act 3 of 2008, notice is hereby given of applications received for acquisition of financial interests in Goldrush Group (PTY)LTD

The details of the applications are as follow:

APPLICANT	LICENSEE
Zico Capital 2 (Pty) Ltd 1 ST Floor Block B Cullinan Close Morningside Johannesburg Gauteng 2196	Goldrush Group

2. PUBLIC INSPECTION OF THE APPLICATION

The applications will, subject to any ruling by the Board to the contrary in accordance with the provisions of section 39 of the Northern Cape Gambling Act No 3/2008, be open for public inspection at the offices of the board at the following address for the period from 27th March 2017 to 12th May 2017:

Northern Cape Gambling Board,
31 Mac Dougal Street
Monument Heights
Kimberley

3. OBJECTIONS AND REPRESENTATIONS

Objections and representations are hereby invited from interested persons in respect of any or all of the applicants by no later than 15:30 on 12th May 2017. Representations should be in writing and must contain at least the following information:

- (a) The name of the applicant to whom the objection or representation relates.
- (b) The ground(s) on which objections or representations are made.
- (c) The name, address and telephone number of the person submitting the representations.
- (d) An indication as to whether or not the person making representations wishes to make oral representations when the Board hears the application.

Any representations that do not contain all the information referred to in Paragraph 3 above, will be deemed not to have been lodged with the Board and will not be considered by the Board.

Representations should be addressed to: The Chief Executive Officer, Northern Cape Gambling Board, No 31 Mac Dougal Street, Monument Heights, and Kimberley.8301. Tel. 081 761 9101

E-mail: enquiries@ncgb.co.za

THE NORTHERN CAPE GAMBLING BOARD SUPPORTS RESPONSIBLE GAMBLING. GAMBLING FOR PERSONS 18 YEARS AND OLDER. WINNERS KNOW WHEN TO STOP. RESPONSIBLE GAMBLING TOLL FREE NUMBER 0800 006 008.

NOTICE 32 OF 2017



NORTHERN CAPE GAMBLING BOARD
NOTICE IS HEREBY GIVEN OF APPLICATIONS RECEIVED FOR BOOKMAKER LICENCES IN
THE NORTHERN CAPE.

1. In terms of Section 28(1)(a)(ii) of the Northern Cape Gambling Act, Act 3 of 2008, notice is hereby given of applications received for Bookmaker licences from the following applicants:

The details of the applications are as follow:

BOOKMAKER NAME	ADDRESS
Betting World	Shop no:4 Kathu Shopping Centre, Ben Albert Road, Kathu
Betting World	Milady's Building, 54-56 & 58 Jones Street, 8301, Kimberley
Betting World	Erf 912, Kort and Voortrekker Street, Kuruman
Betting World	43 Mark Street, Upington

Public Inspection of the application

2. The applications will, subject to any ruling by the Board, be open for public inspections at the offices of the Board for the applications in Kimberley and at the following police stations relevant to the other applicants from the 15 April 2017 till 17 May 2017.

Kathu, Kuruman, Kimberley, Upington

The applications can also be inspected at the offices of the Board at the address mentioned below between 08:00 and 15:30 from Monday to Friday.

No 31 Mac Dougal Street
Monument Heights
Kimberley

Invitation to lodge objections or representations

Interested persons are hereby invited to lodge representations in respect of any or all of the applicants by no later than 15:30 on the 17th May 2017. Representations should be in writing and must contain at least the following information:

- (a) The name of the applicant to whom the objection or representation relates
- (b) The ground(s) on which objections or representations are made
- (c) The name, address and telephone number of the person submitting the representations

An indication as to whether or not the person making representations wishes to make oral representations when the Board hears the application.

Any representations that do not contain all the information referred to in paragraph 3 above, will be deemed not to have been lodged with the Board and will not be considered by the Board.

Representations should be addressed to: The Chief Executive Officer, Northern Cape Gambling Board, No 31 Mac Dougal Street, Monument Heights, Kimberly, 8301.

For any enquiries, contact the Chief Executive Officer of the Board,

Tel: 081 761 9101 or 081 765 5039

E-mail: enquiries@ncgb.co.za

NOTICE 33 OF 2017**DAWID KRUIPER MUNICIPALITY****Spatial Planning and Land Use Management Act [Act 16 of 2013]**

Applicant: Macroplan (Len J Fourie)

Notice is given in terms of the provisions of Spatial Planning and Land Use Management Act [Act 16 of 2013] that the Council of Dawid Kruiper has, with effect from 02 November 2016, per Council's resolution 2016/02/027/2424/01(MPT), approved the removal of the restrictive Title conditions in Title Deed T1347/1982, Section B. I (a), (b), (c), (d) and II (e). to facilitate the rezoning of Erf 2424, Upington.

KENNISGEWING 33 VAN 2017**MUNISIPALITEIT DAWID KRUIPER****Ruimtelike Beplanning en Grondgebruikbestuur Wet [Wet 16 van 2013]**

Aansoeker : Macroplan (Len J Fourie)

Hierby word ooreenkomstig die bepalings van Ruimtelike Beplanning en Grondgebruikbestuur Wet [Wet 16 van 2013] bekend gemaak dat die Dawid Kruiper Raad per besluit 2016/02/02/2424/01(MPT), met ingang van 25 Februarie 2016, goedgekeur het dat die beperkende Titelvoorwaardes opgehef word, soos uiteengesit in Titelakte T1347/1982, Afdeling B.I (a), (b), (c), (d) en II (e) ten einde die hersonering op Erf 2424, Uppington toe te laat.

MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

MUNICIPAL NOTICE 11 OF 2017

KGATELOPELE LOCAL MUNICIPALITY



BY LAWS

STATUTORY REQUIREMENTS**Municipal code**

According to section 15 of the Municipal Systems Act 32, 2000 :

- 1) A municipality must compile and maintain in bound or loose-leaf form, and when feasible also in electronic format, a compilation of all its by-laws, including any provisions incorporated by reference as by-laws of the municipality.
- 2) This compilation, to be known as the municipal code, must be –
 - a) constantly updated and annotated; and
 - b) kept at the municipality's head office as the municipality's official record of all applicable by-laws.
- 3) The municipality, at the request of a member of the public, must provide that person with a copy of or an extract from its municipal code against payment of a reasonable fee determined by the municipal council.

Legislative procedures

Section 12 of the Municipal Systems Act 32, 2000 :

- 1) Only a member or committee of a municipal council may introduce a draft by-law in the council.
- 2) A by-law must be made by a decision taken by a municipal council –
 - a) in accordance with the rules and orders of the council; and
 - b) with a supporting vote of a majority of its members.
- 3) No by-law may be passed by a municipal council unless –
 - a) all the members of the council have been given reasonable notice; and
 - b) the proposed by-law has been published for public comment in a manner that allows the public an opportunity to make representations with regard to the proposed by-law.
- 4) Subsections (1) to (3) also apply when a municipal council incorporates by reference, as by-laws made in terms of section 14.

Publication of by-laws

Section 13 of the Municipal Systems Act 32, 2000:

- 1) A by-law passed by a municipal council –
 - a) must be published promptly in the *Provincial Gazette* and, when feasible, also in local newspaper or in any other practical way to bring the contents of the by-law to the attention of the local community; and
 - b) takes effect when published or on a future date determined in or in terms of the by-law.

GUIDANCE TO THIS SET OF BY-LAWS

INSTITUTING THE BY-LAWS

- By-laws should be laid before the council and discussed and amended in the manner prescribed in section 12 of the Municipal Systems Act 32, 2000.
- Representatives should then present the by-laws to the magistrate and discuss suitable amounts for penalties of offences listed in the by-laws.
- The by-laws should then be laid open for public inspection.
- Upon finalisation of the by-laws, they can be published in the *Government Gazette*.

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KGATELOPELE LOCAL MUNICIPAL COUNCIL**ADVERTISING SIGNS BY-LAW**

The Municipal Manager of the KGATELOPELE Local Municipal Council in terms of subsection 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000), publishes the by-law as set forth hereafter as by-law made by the Council.

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1. DEFINITIONS

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

"advertisement" any advertising sign or device of any kind which is visible from any street or any public place and which purpose is to convey to the public certain information, with the exception of road traffic signs and street names;

"advertising hoarding" any screen, fence, wall or other structure in a fixed position to be used, or intended to be used, for the purpose of posting, displaying or exhibiting any advertisement and includes a signboard;

"animated sign" any sign on which the representation is changed intermittently by any alteration in colour, by the appearance or disappearance of the whole representation or any part thereof, or by any other intermittent alteration of the representation or its illumination;

"approved" approved by the Council and, "approval" has a corresponding meaning;

"arcade" a pedestrian thoroughfare whether or not located at ground level passing wholly or partly through a building or buildings and to which the public normally has regular and unrestricted access;

"areas of maximum control" an area determined by Council for the purposes of section 9 of this by-law.

"areas of partial and minimum control" an area determined by Council for the purposes of section 9 of this by-law.

"block or neighbourhood watch" a voluntary association operating under an approved constitution with the purpose to protect the property of the members.

canopy" a structure in the nature of a roof projecting from the façade of a building and cantilevered from that building or anchored otherwise than by columns or posts;

"Central Business District" an area or areas determined by Council for the purposes of this by-law.

"charge determined by the Council" the appropriate charge either fixed or review and determined annually by the Council;

"Council" the KGATELOPELE Local Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

"custom made billboard" a billboard between 8m and 81m which feature special effects such as internal illumination, specialist character cut-outs and three-dimensional presentations.

"directional sign" a sign indicating the way to any place, undertaking or activity for the purpose of advertising or attracting public attention as contemplated in the definition of "advertisement"

"Manager: Engineering Services" an official appointed by Council to be in charge of the Directorate: Engineering Services and who report to the Municipal Manager or an official acting in his/her stead.

"Manager: Electrical Engineering Service" an official appointed by Council to be in charge of the Directorate: Electrical Engineering Services and who report to the Municipal Manager or an official acting in his/her stead.

"erf" any piece of land registered in a deed registry, an erf, lot, plot, stand or agricultural holding;

"flashing sign" a sign in which a symbol, figure, message or illustration intermittently appears and/or disappears and/or is illuminated with light of varying colour or intensity;

"illuminated sign" a sign, the continuous or intermittent functioning of which depends upon it being illuminated;

"moveable temporary sign" a sign not permanently fixed and not intended to remain fixed in one position, but does not include any moving part in a fixed permanent sign;

"poster" any placard announcing or attracting public attention to any meeting, event, function, activity or undertaking or to the candidature of any person nominated for election to parliament, the local government or similar body or to a referendum;

"projected sign" any sign projected by a cinematograph or other apparatus, but does not include a sign projected onto the audience's side of a drive-in cinema screen during a performance;

"projecting sign" a sign, whether stationery or actuated, attached to and protruding from the facade of a building;

"public place" any road, street, thoroughfare, bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space vested in the Kgatelopele Local Municipal Council.

"pylon sign" any sign whether stationery or actuated, displayed on or forming an integral part of a pylon, mast, tower or similar structure other than a building or an advertising hoarding;

"residential purposes" the use of a building, as a dwelling house, two or more dwelling units, a hostel, a hotel, a boarding house and a residential club;

"road traffic sign" any road traffic sign as defined in section 1 of the National Road Traffic Act, (Act 93 of 1993);

"rotating sign" a sign which rotates about any axis;

"SAMOAC" is the South African Manual for Outdoor Advertising Control compiled and published by the Department of Environment Affairs and Tourism in conjunction with the Department of Transport, April 1998;

"sign" any advertisement and any object, structure or device which is in itself an advertisement, in, or view of any street, or which is used to display an advertisement, but does not include an advertising hoarding or a poster, or any motor vehicle, or animal drawn vehicle with an advertisement thereon;

"sky sign" any sign erected or placed on or above any roof, parapet wall or the eaves of a building, but does not include a rotating sign referred to in section 16, or a sign painted on a roof of a building;

"storey" that space in a building which is situated between one floor level and the next floor level above, or if there are no clearly defined storeys, the height of a storey shall be taken as 4,5m;

"street" any street, road or thoroughfare shown on a general plan of a township, agricultural holding or any other division of land or in respect of which the public have acquired a prescriptive or other right of way and which vest in the KGATELOPELE Local Municipal Council;

"town planning scheme" a scheme approved in terms of "Schedule D" of the SPLUMAt, 2013.

"veranda" a structure in the nature of a roof attached to or projecting from the façade of a building and supported along its free edge by columns or posts;

2. APPLICATION FOR APPROVAL FOR SIGNS AND ADVERTISING HOARDINGS

- (1) No person shall display or erect any sign or advertising hoarding or use any structure or device as a sign or advertising hoarding whether or not such sign is erected on private property without prior written approval from the Council: Provided that this section shall not apply to a sign contemplated in sections 4, 7, 8, 9, 10, 17, 18, 19, 22, 23, 24, 25 and 26.
- (2) No sign displayed with the approval of the Council shall in any way be altered, moved, re-erected nor shall any alteration be made to the electric wiring system of such sign except for the purpose of renovation or maintenance, without the further approval of the Council in terms of subsection 2(1).
- (3) An application in terms of subsection 2(1) shall be signed by the owner of the proposed sign or advertising hoarding and by the owner of the land or building on which the sign or advertising hoarding is to be erected or displayed, or on behalf of the owner and shall be accompanied by –
 - (a) a block plan of the site in which the sign or advertising hoarding is to be erected or displayed, drawn to a scale of not less than 1:500 showing every building on the site and

the dimensional position of the sign or advertising hoarding in relation to the boundaries of the site and the location of the streets abutting the site;

- (b) drawings, drawn to a scale of not less than 1:20, showing the full text, lettering detail, colour, dimensions, material, construction and method of display, erection or placing of the sign or advertising sign or advertising hoarding;
 - (c) advertising hoarding and its relationship to any architectural and natural features as well as to any existing signs or advertising hoarding and/or a photograph of not less than 200mm x 250mm with the proposed sign or advertising hoarding superimposed thereon to scale.
 - (d) The Council may require the submission of an engineer certificate signed by an Engineer registered in terms of the Professional Engineers Act, (Act 81 of 1968), to take responsibility for the structure as a whole.
 - (e) The Council may require the submission of an electrical certificate signed by a licensed electrical engineer if relevant to the application.
 - (f) All relevant documentation regarding the application and approval of a sign or advertising hoarding shall be retained by the owner of the property on which such sign or advertising hoarding is displayed and shall present such documentation to the Council upon request thereof.
- (4) Council reserve the right to evaluate and approve all applications according to the guidelines provided in SAMOAC.

3. REFUSAL, WITHDRAWAL OR AMENDMENT OF APPROVAL AND APPEAL PROCEDURE

- (1) The Council may refuse, withdraw or amend at any time an approval if in the opinion of the Council-
- (a) it will be or becomes detrimental to the environment or the amenity of the neighbourhood by reason of size, intensity of illumination, quality of design or materials or for any other reason;
 - (b) it will constitute or becomes a danger to any persons or property;
 - (c) it will obliterate or obliterates other signs, natural features, architectural features or visual lines of civic or historical interest.
 - (d) It will be in its content objectionable, indecent or suggestive of indecency or prejudicial to the public morals.
 - (e) It will be or becomes illegal as a result of the changing urban structure.
- (2) Appeal procedures
- (a) Any person may appeal to the relevant committee of the Council against any decision of the Council in terms of this by-law, given by an official of the Council under delegated powers, within 30 days of receipt of notice of such decision.

- (b) Such an appeal shall be made by lodging a notice setting out the nature and grounds of the appeal within the period contemplated in subsection 3(2)(a) with the Council.
 - (c) The committee referred to in subsection 3(2)(a) shall hear the appeal including any oral or written submission from either party, and inform the applicant of its decision which shall be final, and the reasons therefor.
- (3) The criteria for the final decision will be based on the guidelines and requirements and conditions in terms of SAMOAC.

4. EXEMPTED SIGNS

- (1) The following sign shall be exempt from the provisions of section 2 but shall comply with all other provisions of this by-law save for signs contemplated in (a) to (n) which need not so comply;
- (a) Any sign displayed in an arcade.
 - (b) Any sign displayed inside a building.
 - (c) Any sign displayed on an approved advertising hoarding.
 - (d) Any sign advertising a current event in a cinema, theatre or other place of public entertainment, displayed in a fixture on a building especially made for such display.
 - (e) Any sign not exceeding the sizes specified on the table hereunder, which is displayed on a site where a building, swimming pool, tennis court, paving, fencing or garden landscaping or any other structure is in the course of being constructed, erected, carried out or altered and which describes the building or structure being erected or other work or activity being carried out, and which displays the names of the contractors or consultants concerned in such work or activity and identifies the branches of the industry or the professions represented by them during the course of such construction, erection, carrying out or alteration, as the case may be: Provided that only one such sign, or set of signs shall be permitted per street frontage of a site which is placed on or affixed to the building concerned or attached parallel on the boundary fence of the erf on which the building is situated;
 - Project boards giving the names of Architects, Consultants and Contractors: 3m wide x 3m high and with a maximum erected height of 6m.
 - Individual Contractor's and subcontractor's Board: 1,5m wide x 1,0m high.
 - (f) Any sign, other than a sign provided for in subsection 4(1)(e), not exceeding 3m in width x 2m high which portrays or describes the type of development being carried out on a site and which gives details of the type of accommodation being provided, floor space available, the name, address, telephone number of the developer of his/her agent, erected during construction work or the carrying out of alterations or additions as the case may be and remaining for a period not exceeding three months after the completion of such work.
 - (g) A sign on a street frontage of a building occupied by shops, showrooms or other business uses as defined in the relevant Town-planning Scheme, other than a sign in an office park area, which is below the level of the ground floor ceiling and which is displayed on or fixed to the face of a building or suspended from the soffit of a canopy or veranda roof.
 - (h) A sign consisting of a 600mm x 400mm metal plate or board permitted in terms of sections 16 and 17.

- (i) Any sign which forms an integral part of the design of a building on a business or industrial premises.
 - (j) Any flag hoisted on a suitable flagpole, which displays only a company name and motif.
 - (k) The residential use zones as per applicable Town-planning Schemes, a metal sign not exceeding 420mm x 300mm (A3 size), indicating the name, address and telephone number of a security company contracted to protect the property, provided that only one sign per stand or subdivision shall be permitted and such sign shall be firmly affixed to the boundary wall, fence or gates on the street frontage.
 - (l) One sign not exceeding 300mm long and 210mm high on each street boundary of an erf or portion of an erf which sign indicates the existence of a commercial security service, burglar alarm system or Block or Neighbourhood Watch System.
 - (m) A sign not exceeding 420mm x 300mm (A3 size), indicating the existence of a Block or Neighbourhood Watch Systems displayed on a boundary wall or fence or in a position approved by the Council.
- 2) The owner of the building or property on which a sign contemplated in subsection 4(1)(g) is displayed, shall indemnify the Council against any consequences flowing from the erection, display or mere presence of the sign.

5. PROHIBITED SIGNS

- (1) No person shall erect or display any of the following signs or causes or allow any such sign to be erected or displayed:
- (a) Any sign to be painted on the roof of a building or painted on, attached to, or fixed between the columns or posts of a veranda.
 - (b) Any sign to be suspended across a street.
 - (c) Any sign, which will obscure a road traffic sign or which may be mistaken for or cause confusion with or interfere with the functioning of a road traffic sign.
 - (d) Any sign which will obstruct any window or opening provided for the ventilation of a building or which obstructs any stairway or doorway or other means of exit from a building or which will prevent the movement of persons from one part of a roof to another part thereof.
 - (e) Any animated or flashing sign the frequency of the animations or flashes or other intermittent alterations of which disturbs the residents or occupants of any building or is a source of nuisance to the public.
 - (f) Any illuminated sign the illumination of which disturbs the residents or occupants of any building or is a source of nuisance to the public.
 - (g) Any swinging sign, which is a sign not rigidly and permanently fixed.
 - (h) Any moveable or transit sign, or trailer advertising sign, whether stationary or not.
 - (i) Subject to the provisions of sections 16 and 17, any sign displayed on land not in accordance with the relevant zoning or approved special consent use as per the applicable Town-planning Scheme.
 - (j) Any advertisement or sign other than an exempted sign for which neither a permit nor approval has been obtained.
 - (k) Any poster pasted otherwise than on a hoarding legally erected for the purpose of accommodating such poster.
 - (l) Any sign painted on a boundary wall or fence.

- (m) Super billboards.
- (n) Sky signs.
- (o) The distribution of pamphlets at road intersections.

6. ADVERTISING HOARDING

- (1)
 - (a) The highest point of any advertising hoarding shall not exceed the height zone of the property to be erected upon nor shall the area of the advertising face exceed 36m² unless otherwise approved.
 - (b) The clear height of an advertising hoarding shall not be less than 2,4m to ground level.

7. SIGNS SUSPENDED UNDER VERANDAS OR CANOPIES

- (1) Every sign, which is suspended from a veranda or a canopy shall comply with the following requirements:
 - (a) Unless the Council otherwise permits, having regard to the design of the veranda or canopy and its associated building and to the position of the building in relation to the street boundary of the erf, the sign shall be fixed with its face at right angles to such boundary.
 - (b) No part of the sign shall project beyond the outer edge of the veranda or canopy from which it is suspended.
 - (c) No part of the sign shall be less than 2,4m above the surface of the sidewalk or ground level immediately below it, nor should the top of the sign be more than 1,0m below the canopy or veranda from which it is suspended nor shall any sign exceed 1 000mm in depth.
 - (d) Unless the Council in writing otherwise permits, the bottom edge of the sign when suspended shall be horizontal and the supports by means of which the sign is suspended, shall be an integral part of the design of the sign.
 - (e) No sign shall be located in the vicinity of a pavement hatchway giving access to a basement chamber containing equipment for a high voltage service connection without the prior written permission of the Town Electrical Engineer.

8. SIGNS ON VERANDA AND CANOPIES

- (1) Any sign on the face of a veranda or canopy shall be subject to the following requirements:
 - (a) No sign shall:
 - (i) protrude above or below any part of the face, fascia or parapet of a veranda or canopy;
 - (ii) exceed 600mm in height; or
 - (iii) protrude horizontally by more than 230mm or such lesser distance as the Council may specify, from such face, fascia or parapet.
 - (b) Individual letters, either flat or three dimensional shall not exceed two thirds of the height of the canopy edge and all canopies carrying signs shall be painted for their full length or such lesser extent as required by the Council, with a background colour also to the satisfaction of the Council.
 - (c) If the canopy edge, face or parapet is in excess of 100mm in height and is in accordance with an approved building plan it shall be regarded as part of the face of the building to which it relates and the provisions of section 9 shall apply; and

- (d) No illuminated sign or sign designed to reflect light, shall be attached to or displayed on any splayed or rounded corner of a veranda or canopy at a street intersection, unless the bottom of such sign is a minimum of 6m above the street immediately below.
- (2) No sign shall be erected on the top of a veranda or canopy except a sign or series of signs of uniform height, not exceeding 600mm in height, which shall be-
 - (a) set parallel to and flush with the front edge of such veranda or canopy;
 - (b) fixed to the veranda or canopy so as to be self supporting without the aid of guys, stays or other similar devices; and
 - (c) mounted not more than 100mm above the top of the veranda or canopy.

9. SIGNS FLAT ON BUILDINGS

- (1) The total area of any locality bound flat sign placed flat on the front wall of a building facing a street shall not exceed 20% of a specific ground floor façade of such an enterprise in areas of maximum control and 30% in areas of partial and minimum control: provided that in the case of shopping centres, wall units on which flat signs are displayed shall not exceed 30% of a specific facade of the shopping centre (excluding office levels).
- (2) The total area of any non-locality bound flat sign shall not exceed 72m².
- (3) The maximum projection of a sign referred to in subsection 9(1) over the footway or ground level shall be 75mm where such sign is less than 2,4m above the sidewalk or ground level immediately below such sign and 300mm where such sign is more than 2,4m above such footway or ground level.
- (4) Signs placed flat on a wall of a building not being a wall contemplated in subsection 9(1), shall not exceed 36m² in total area.
- (5) An environmental impact assessment shall be required for any flat sign in excess of 36m².

10. PROJECTING SIGNS

- (1) For the purposes of subsections (2), (3), (4), (6) and (7) hereafter, the word "sign" shall include every means of support for a projecting sign.
- (2) Any means of support for a projecting sign shall subject to any other relevant provision of this by-law, be concealed.
- (3) The vertical dimension of every projecting sign, which shall be measured vertically between the highest point and the lower point of the sign, shall not be greater than 14m whether such sign is designed as a single unit or a series of units one above the other.
- (4) No part of a projecting sign shall project more than 1,5m from the face of the wall or building to which it is attached, or more than one half of the width of the sidewalk immediately below such sign, whichever is the lesser dimension.
- (5) The width of any projecting sign measured at right angles to the face of the wall or building from which it is designed to project shall not exceed 1,2m and where the sign projects more than 1,2m such sign shall be so fixed as to leave a continuous gap of uniform width between the face of the

wall or building and the sign, of not less than 100mm, and not more than a quarter of the width of the sign so measured.

- (6) No part of a projecting sign shall extend above the level of the top of any parapet wall from which it projects or above the level of the underside of the eaves or gutter of the building from which such sign projects.
- (7) The vertical distance between the level of the sidewalk immediately below a projecting sign and the lowest part of such sign with a vertical dimension mentioned in column 1 of the following table shall not be less than the vertical distance specified opposite such dimension in column 2 of that table.

1 Vertical dimension of sign	2 Minimum vertical distance between sidewalk and sign
Not exceeding 3m	2,4m
Exceeding 3m but not exceeding 6m	3m
Exceeding 6m	4,8m

11. CUSTOM-MADE BILLBOARDS

- (1) No custom-made billboard shall exceed a maximum size of 81m² and a maximum height of 13m: provided that the clear height of the advertising structure shall not be less than 2,4m.
- (2) An environmental impact assessment may be required for any custom-made billboard in excess of 36m².
- (3) No more than one custom-made billboard shall be allowed on any site.
- (4) An advertisement sign consisting of a single board shall be displayed perpendicular to or at an angle of 30° to the direction of oncoming traffic.
- (5) Any permitted custom-made billboard shall be independently supported and for that purpose be properly secured to an adequate foundation in the ground and be entirely self-supporting without the aid of guys, stays, brackets or other restraining devices.

12. LARGE BILLBOARDS

- (1) Any large billboard permitted by Council shall not exceed a maximum size of 36sq.m. and a maximum height of 13m: provided that the clear height of the advertising structure shall not be less than 2,4m.
- (2) No more than one large billboard shall be allowed on any site.
- (3) An advertisement sign consisting of a single board shall be displayed perpendicular to or at an angle of 30 degrees to the direction of oncoming traffic.
- (4) At a road intersection, a maximum of only two billboards per intersection shall be permitted, No billboard shall be permitted within a radius of 100m from the centre of an intersection of an arterial road, and within 50m from the centre of an intersection on any lower order road.

- (5) Any permitted large billboard shall be independently supported and for that purpose be properly secured to an adequate foundation in the ground and be entirely self-supporting without the aid of guys, stays, brackets or other restraining devices.

13. SMALL BILLBOARDS AND TOWER STRUCTURES

- (1) Any small billboard permitted by Council shall not exceed a maximum size of 6m² and a maximum height of 3,5m and shall have a clear height of not less than 2,4m.
- (2) No panel or board on a tower structure shall exceed a maximum size of 4,5m²: provided that the clear height of a tower structure shall not be less than 2,4m, while the maximum height of such a structure shall not be more than 5m.

14. SIGNS INDICATING CERTAIN PROJECTS AND THE DEVELOPMENT OF A TOWNSHIP

- (1) No sign referring to the laying out or development of any land as a township or to the disposal of any erven in a township, shall exceed 3m wide by 2m high and any approval granted in respect of such sign in terms of section 2, shall lapse after the expiry of one year after the date of such approval: provided that further extension for a period of 12 months be allowed, after Council has approved an application with proper motivation for extension.
- (2) Project boards giving the names of Architects, Consultants and Contractors, shall only be allowed to be displayed until such time that an occupation certificate has been issued.

15. SIGNS ON BUILDINGS HIGHER THAN 3 STOREYS IN THE CENTRAL BUSINESS DISTRICT

- (1) For the purpose of this section, the word "building" means a building in Height Zones 1 and 2 in terms of Council's Town Planning Scheme, where the height of buildings are restricted to a maximum height of respectively 10 and 6 stories.
- (2) Advertising signs on the side of a building as described in subsection (1) above, that are to be erected above the 3-storey level, be limited to the owner/s of the building.
- (3) Individual tenants be permitted to advertise on coordinated advertising boards for the whole building for which drawings must be submitted to the Council for approval before erection thereof can commence.

16. ROTATING SIGNS ON OR ABOVE THE ROOF OF A BUILDING

- (1) The supporting structure of any rotating sign shall be secured to the building and shall be self-supporting without the aid of guys, stays or other similar devices.
- (2) If the number of stories contained in that part of the building which is directly below a rotating sign as specified in column 1 of the following table, the maximum dimension either vertical or horizontal, of the rotating part of the sign shall not exceed the dimension specified opposite such number in column 2 of that table, and the vertical distance between the surface of the roof of the building and the highest point reached by any part of the sign when rotating shall not exceed the distance so specified in column 3 of that table:

1	2	3
---	---	---

Number of stories below sign	Dimension of rotating portion	Vertical distance between the roof and the highest point reached by the sign
One or two stories	1,5m	2,5m
Three or four stories	2m	4m
Five or six stories	3m	5m
Seven or eight stories	4m	6m
Nine or more stories	5m	9m

17. SIGNS ON BUILDINGS USED FOR RESIDENTIAL PURPOSES OTHER THAN DWELLING-HOUSES

- (1) A sign containing the name only of any building used for residential purposes other than dwelling-house, and a sign consisting of a 1,5m x 1,5m-size brass or other metal plate displaying the name of the company owning or managing such building, its logo and telephone number, may be displayed.
- (2) Any sign contemplated in subsection 17(1) shall
 - (a) be fixed to or built into one or more walls of the building or a free standing wall or boundary wall of the property;
 - (b) be limited to one of each of the signs referred to per street frontage of the property concerned.
- (3) A sign consisting of a 420mm x 300mm (A3-size) metal plate or board indicating the name and profession or occupation of the occupant may be affixed to the boundary wall or fence, of the entrance door of a dwelling unit, or to a wall in the entrance hall of a building used for residential purposes. Only one sign per erf shall be permitted.
- (4) A sign consisting of a 1,5m x 1,5m-size board indicating the name of a guest house in a residential area may be affixed to the boundary wall or fence, on the entrance door of a dwelling unit, or to a wall in the entrance hall of a building used for a guest house within a residential area. Only one sign per erf shall be permitted.
- (5) A sign consisting of a 420mm x 300mm (A3-size) board indicating the name of a day mother or play group may be affixed to the boundary wall or fence, on the entrance door of a dwelling unit, or to a wall in the entrance hall of a building used for residential purposes. Only one sign per erf shall be permitted.
- (6) A sign consisting of a 1,5m x 1,5m-size board indicating the name of a Pre-school may be affixed to the boundary wall or fence, of the entrance door on a dwelling unit, or to a wall in the entrance hall of a building used for a pre-school within a residential area. Only one sign per erf shall be permitted.

18. SIGNS ON BUILDINGS USED FOR RESIDENTIAL AND BUSINESS PURPOSES

In the case of a building used for residential and business purposes within the Central Business District a sign may be displayed on that part of the building which is used for business purposes unless in conflict with subsection 3(1).

19. SIGNS ON AWNINGS

A sign containing only the name of a hotel, shop or restaurant may be displayed on an awning of approved material.

20. ADVERTISEMENT ON TEMPORARY BANNERS OR SIMILAR ITEMS

- (1) Subject to the provisions of section 4, no advertisement shall be displayed on any banner, streamer, flag, paper, paper maché, plastic sheet or other similar pliable material or on calico or other woven material, without the written permission of the Council, subject to such conditions as the Council may deem expedient.
- (2) The Council may, without notice, remove any advertisement contemplated in subsection 20(1) which is displayed in contravention of this section.
- (3) Every person to whom permission has been granted in terms of subsection 20(1) shall ensure that the following requirements are complied with:
 - (a) Not more than four (4) banners per identified road intersection shall be displayed in respect of one function or event;
 - (b) Not more than one banner per corner of the intersection shall be displayed;
 - (c) Every banner shall be attached to or suspended between poles or other supports on the site on which the function or event is to be held or on such other site as the Council may allow;
 - (d) Every banner shall be so attached so as not to interfere with or constitute a danger to passing vehicular or pedestrian traffic; and
 - (e) No banner shall be displayed for more than two weeks before the date of the function or event advertised nor shall any such advertisement be permitted to remain in position for more than three days after the conclusion of such function or event;
 - (f) No banner shall exceed a maximum size of 6m² and a maximum height of 1,5m.
- (4) Banners may be permitted with the written consent of the Council at the following intersections:
(Local street names to be inserted here)
- (5) Further intersections may be identified by means of a written application for approval by Council.
- (6) An "intersection" means all four corners of the intersection excluding the median.
- (7) No banner shall be permitted without the Council's sticker of approval appearing on such banner.

21. AERIAL SIGNS

- (1) The Council may, for the purpose of considering an application for approval in terms of section 2 of a sign to be displayed on a tethered balloon, have regard to:
 - (a) The period for which the balloon will be so used;
 - (b) The size of the balloon;
 - (c) The type of gas with which the balloon is to be filled;
 - (d) The strength of the anchorage and of the anchoring cable;
 - (e) The provision of a device by means of which the balloon will automatically so deflate as to sink slowly to the ground in the event of the failure or severance of the anchorage or anchoring cable;
 - (f) The possibility of interference with traffic;

- (g) Any requirement or condition prescribed by the Department of Civil Aviation, including the maximum permissible height to which the balloon must be restricted, and written permission with regard to subsections (a), (b), (c), (d) and (e) of section 21.
- (2) With the exception of moored airships, aerial signs shall be displayed in daylight hours only.
- (3) No sign shall be displayed for a period exceeding two weeks in any calendar year.

22. TEMPORARY DIRECTION INDICATORS FOR SHOW HOUSES AND AUCTIONS

- (1) Temporary direction indicators to show houses, where the public and the prospective buyers are allowed to view a house and garden, will only be permitted over weekends.
- (2) Temporary direction indicators may only be displayed from 10:00 on Fridays and must be removed before 10:00 the following Monday morning.
- (3) Indicators can however, be displayed at the intersections in residential areas, 5m from such intersection, 2m from the edge of the curb, with a maximum height of 1m: provided that only one indicator (per direction) per estate agency be permitted.
- (4) If any temporary indicators are to be displayed during times other than those mentioned in subsection (2) above, a written application must be submitted to Council for consideration.
- (5) The authorization to allow the display of such indicators is delegated to the Director: Engineering Services or anyone who acts in this capacity.
- (6) The Council may, without prior notice to anybody, remove any temporary advertisement in respect of the sale or letting of movable property, or the execution of work or the rendering of services which is erected in contravention of this by-law, and the person who displayed the advertisement or permitted or allowed it to be displayed, will be responsible for the costs of removal.
- (7) Maximum size of temporary direction indicators shall be 600mm x 600mm.

23. TEMPORARY SIGNS FOR THE SALE OR LEASE OF SITES OR BUILDINGS

No person shall, without the written consent of the Council, display any temporary sign on any pavement for the sale or lease of sites or buildings, or permit such sign to be displayed. Such signs may be displayed within the site boundaries or in front of the stand. For this section a "temporary sign" shall:

- (a) not be longer than 600mm x 600mm and at its highest point shall not be higher than 2,5m above ground level within residential areas;
- (b) not be larger than 3,4m x 2,6m within business and industrial areas;
- (c) letters, figures or symbols to the specification of the advertiser.

24. TEMPORARY ADVERTISEMENTS (POSTERS)

- (1) A temporary advertisement may only be displayed on the structures erected in town for advertising purposes.

- (2) The name and address of the organization, authority, or person advertising on behalf of such organization, gathering or exhibition, must be clearly marked on such advertisement.
- (3) Temporary advertisements, which have the same meaning, may be displayed simultaneously on these structures specified by the Council from time to time.
- (4) A temporary advertisement as mentioned above must:
 - (a) not be larger than 600mm x 1m
 - (b) be placed in such a position that it would not obstruct the view of traffic or the movement of pedestrians;
 - (c) be removed within one (1) day after the intended time;
 - (d) not be fastened to trees with wire or nails;
 - (e) not be attached to any road traffic sign, substation or any structure belonging to the Council, excluding approved advertising structures;
 - (f) be attached to hard cardboard and may in no way be affixed to any object along the street, excluding approved advertising structures;
 - (g) anyone displaying an advertisement must pay a deposit to the Council. Should the advertiser not conform to the above, the deposit would be used to enable the Council to remove the advertisement. If the owner concerned removes the advertisements as prescribed, deposits would be refunded.
- (5) No temporary advertisements or posters shall be permitted without the approved Council's sticker appearing on such advertisements or posters.

25. ELECTION ADVERTISEMENT (PLACARD/POSTERS)

- (1) The prescribed deposit must be paid and would only be refunded after advertisements have been removed.
- (2) There is no restriction in respect of the number of posters and posters that may be displayed at any location in the municipal area, except as mentioned in subsections (3) and (4).
- (3) Election posters may be displayed as from nomination date to midnight of the second day after election day.
- (4) No posters shall be permitted on traffic signs.
- (5) Should the advertiser not remove the advertisements after the expiry date, the deposit would be used to enable the Council to remove the advertisements. If the party concerned removes the advertisements as prescribed, deposits would be refunded.

26. PAMPHLETS

- (1) The name, telephone number and address of the distributing company must appear on the pamphlet.
- (2) No one may distribute, place or display pamphlets on a street or permit such pamphlets to be placed, distributed or displayed without the explicit authorisation of the Council and unless the prescribed fees are paid, the Council will remove such pamphlets.

- (3) Pamphlets mentioned in subsection 26(2) may only be distributed in post boxes at residential dwelling units and parked vehicles.

27. SIGNS ON OR OVER STREETS

- (1) Every person owning, displaying or causing to be displayed a sign, which, or any part of which, overhangs, or is placed on any street shall, on being instructed by the Council to do so, remove it within 24 hours from the time of such longer period specified by the relevant official of the Council without any compensation.
- (2) No signs shall be positioned on a road island or road median with the exception of pole mounted, double-sided, internally illuminated sign that bear both the street name and advertising panels in the urban environment: provided that only a maximum of 4 (four) such street name advertisements may be displayed at intersections.
- (3) No signs shall be erected with in or suspended above a road reserve, with the following exceptions:
- (i) Signs relating to the sponsoring of projects specifically intended for road users and involving the provision of road services, the promotion of road safety or the management and conservation of road side environment;
 - (ii) Guide and information signs that have a distinctive white and brown or green colour and use symbols to a large extent: provided that:
 - (a) only one such sign be erected at the nearest significant intersection with a major arterial road;
 - (b) a further two such signs be erected at any two significant intersections nearest to the facility or institution;
 - (c) such signs shall comply with the specifications in terms of the Road Traffic Signs Manual and the National Road Traffic Act, (Act 93 of 1996);
 - (d) such signs shall be erected by the Traffic Department of the Council at the cost of the applicant.
 - (iii) Advertisements on self driven vehicles which are normally moving on land or water, including taxis, trains and delivery vehicles, but excluding aircraft, may be allowed within all road reserves: provided that such vehicle not be stationary for the purpose of advertising at one single location.
 - (iv) Project boards/signs that concern road construction may be allowed within all road reserves.
 - (v) Project boards that advertise contractors and consultant's involvement on a site where construction works are taking place may be allowed: provided within all road services other than arterial roads that such signs only be erected next to the actual development and only if sufficient space is not available on such a site;
 - (vi) Road Traffic Signs permitted in terms of sections 56 and 57 of the National Road Traffic Act (Act 93 of 1996).
- (4) Poster signs and advertisements on street furniture shall not exceed 2,2m² in area, provided that where poster signs or street furniture face in more than one direction, the total area shall not exceed 4,4m².
- (5) Poster structures and street furniture carrying advertisements shall not exceed a maximum height of 3m.

- (6) No signs, excluding signs permitted under section 22, are permitted within the sight triangle at intersections and the following dimensions shall be applicable:

ROAD CLASS	DIMENSION	LOCAL DITRIBUTOR	RESIDENTIAL ACCESS COLLECTOR	ALL OTHER ACCESS STREETS
Sight triangle (m) where lower order roads enter higher order roads	From stop road mark	4,5m	2,4m	2,4m
	From center of lower order road (sight line)	80-90m	45m	35m

28. MATERIALS FOR SIGNS, ADVERTISING HOARDING, SCREENS AND SUPPORTING STRUCTURES.

- (1) All iron or steel used in any sign, advertising hoarding and screen referred to in section 14 or as means of support for such sign, hoarding or screen shall be painted or otherwise effectively protected against corrosion.
- (2) No water-soluble adhesive tape or other similar material shall be used to display or secure any sign elsewhere than on an advertising hoarding.

29. DRAINAGE OF SIGNS

Measures shall be taken to prevent the entry of water into and the accumulation of water or moisture on or in any sign or any part of its supporting framework, brackets or other members.

30. POWER CABLES AND CONDUITS TO SIGNS

- (1) Every power cable and conduit containing electrical conductors for the operation of a sign shall be so positioned and fixed that it is not unsightly.
- (2) All electrical work referred to in this by-law shall comply with the Electricity Code of Practice SABS (0142)
- (3) No sign or advertising hoarding shall be connected to any electricity supply without the prior written permission of the Director; Electrical Engineering Services.

31. ERECTION AND MAINTENANCE OF SIGNS AND ADVERTISING HOARDINGS

- (1) The provisions of the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, (Act 103 of 1977), shall apply mutatis mutandis to every sign, advertising hoarding and its supporting structure.
- (2) The owner of any land or building on which a sign is displayed or on which any sign or advertising hoarding is erected or to which a sign is attached and the owner of any such sign or hoarding shall be jointly and severally responsible for the maintenance in a safe and proper condition and for the cleaning and the repainting of any such sign or hoarding.
- (3) If, in the opinion of the Council, any sign or advertising hoarding;
 - (a) is in a dangerous or unsafe condition or in a state of disrepair;

- (b) is detrimental to the environment or the amenity of the neighborhood;
- (c) obliterates other signs, natural features, architectural features or visual lines of historical interest;

The Council will serve a notice on an owner referred to in subsection 31(2) requiring him/her at his/her own cost, to remove the sign or hoarding or do other work specified in the notice within a period so specified.

- (4) The Council will, if in its opinion an emergency exists, instead of serving the notice in terms of subsection 31(3) or if such notice has not been complied with within the period specified therein, itself carry out or appoint someone to carry out the removal of the sign or advertising hoarding or do other work which it may deem necessary and may recover the cost thereof from the owner or owners referred to in subsection 31(2) jointly and severally.

32. MEASUREMENT OF SIGNS

Whenever the maximum permissible area of any sign is specified in this by-law, such area shall be deemed to be the area of the smallest notional rectangle within which such sign can be contained.

33. CHARGES

Every person who applies to the Council or authorised body for its approval or permission shall on making the application pay to the Council or authorised body the charge determined therefor and no application shall be considered until such charge has been paid.

34. DAMAGES TO PROPERTY OF THE COUNCIL

No person shall intentionally, in the course of erecting or removing any sign, advertising hoarding, poster or banner cause any damage to any tree, electric standard or service or other Council installation or property.

35. ENTRY AND INSPECTION

The Council shall be entitled, through its duly authorised officers, to enter into and upon any premises, at any reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of the provisions of this by-law.

36. OFFENCES

- (1) Any person who;
 - (a) contravenes or fails to comply with any provision of this by-law;
 - (b) contravenes or fails to comply with any requirement set out in a notice issued and served on him/her in terms of this by-law;
 - (c) contravenes or fails to comply with any condition imposed in terms of this by-law;

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding R_3000.00, in default of payment to imprisonment for a period not exceeding _6 months and in the case of a continuing offence to a fine not exceeding R1000.00 for every day during the continuing of such offence, and for a second or subsequent offence he/she shall be liable on conviction to a fine not exceeding R 10 000.00 or in default of payment, to imprisonment for a period not exceeding _18 months.

37. RESPONSIBLE PERSONS

- (1) If any person charged with an offence referred to in section 36, relating to any sign advertising hoarding or poster;
- (a) It shall be deemed that such person either displayed such sign, advertising hoarding or poster or caused or allowed it to be displayed;
 - (b) The owner of any land or building on which any sign, advertising hoarding or poster was displayed, shall be deemed to have displayed such sign, advertising hoarding or poster, or caused or allowed it to be displayed;
 - (c) Any person who was either alone or jointly, with any other person responsible for organizing, or was in control of any meeting, function or event to which a sign or poster relates, shall be deemed to have displayed every sign or poster displayed in connection with such meeting, function or even to have caused or allowed it to be displayed;
 - (d) Any person whose name appears on a sign, advertising hoarding or poster shall be deemed to have displayed such sign, advertising hoarding or poster or to have displayed, unless the contrary is proved.

38. REMOVAL OF SIGNS OR ADVERTISING HOARDINGS

- (1) If any sign or advertising hoarding is displayed so that in the opinion of the Council it is detrimental to the environment or to the amenities of the neighborhood, or otherwise in contravention of this by-law, the Council may serve a notice on or may instruct the owner of the sign or advertising hoarding to remove such sign or advertising hoarding or carry out such alteration thereto or do such other work as may be specified by the relevant official of the Council within a specified time.
- (2) If a person fails to comply with a request referred to in subsection 38(1), the Council will remove such a sign or advertising hoarding.
- (3) The Council shall in removing a sign or hoarding contemplated in subsection 38(1), not be required to compensate any person in respect of such sign or advertising hoarding, in any way for loss or damage resulting from this removal.
- (4) Any costs incurred by the Council in removing a sign or advertising hoarding, in terms of subsection 38(2) or in doing alterations or other works in terms of this section will be recovered from the person on whom the notice/instruction contemplated in subsection 38(1) was served. Or if a deposit has been paid in respect of such sign or hoarding the costs may be deducted from the deposit.
- (5) Notwithstanding the provisions of subsections (1), (2), (3) and (4) above, the Council itself shall, without serving any notice, carry out the removal of such sign or advertising hoarding.
- (6) Council shall charge poundage for such signs that were removed in terms of subsection 38(2).
- (7) Council shall destroy such signs that were removed in terms of subsection 38(2), within one week after such removal, should the owner of such sign failed to claim such sign or pay the poundage in terms of subsection 38(6).

39. SERVING OF NOTICES

Where any notice or other document is required by this by-law to be served on any person, it shall be deemed to have been properly served personally on him/her or on any member of his/her

household apparently over the age of sixteen years or at his/her place of residence or on any person employed by him/her at his/her place of business, or if sent by registered post to such person's residential or business address as it appears in the records of the Council, or if such person is a company, if served on an officer of that company at its registered office or sent by registered post to such office.

40. REPEAL OF BY-LAWS

The by-laws relating to matters contained in this by-law by the former Municipal Councils of Danielskuil, are hereby repealed.

KGATELOPEL LOCAL MUNICIPAL COUNCIL

CREDIT CONTROL BY-LAW

The Municipal Manager of the KGATELOPELE Local Municipal Council in terms of subsection 156(2) of the Constitution of the Republic of South Africa, Act, 1996 (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000), publishes the by-law as set forth hereafter as by-law made by the Council.

1. DEFINITIONS

For the purpose of this by-law, unless the context indicates otherwise, means-

"apparatus" includes a building, structure, pipe, pump, wire, cable, meter, machine or any fitting.

"Council" the KGATELOPELE Local Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

"credit control" all the functions relating to the collection of monies owed by ratepayers and users of municipal services.

"customer management" the focusing on the client's needs in a responsive and pro-active way to encourage payment, thereby limiting the need for enforcement.

"customer" any occupier of any premises to which the Council has agreed to supply or is actually supplying services, or if there is no occupier, then the owner of the premises.

"billing" proper formal notification (invoicing) on a statement to each customer of amounts levied for assessment rates and services and the net accumulated balance of the account.

"interest" constitutes a levy equal to service levies and is calculated at a rate determined by the Council on all service levies in arrears.

"municipal services" those services, rates and taxes reflected on the municipal account for which payments is required by Council.

"municipal account" shall include levies or charges in respect of the following services and/or taxes:

- (a) Electricity consumption
- (b) Water consumption
- (c) Refuse removal
- (d) Sewerage services
- (e) Rates and taxes charged in relation to the value of the premises
- (f) Interest

"municipal manager" a person appointed in terms of the Local Government Structures Act, (Act 117 of 1998).

"defaulter" those persons owing the Council in respect of taxes and/or services charges for a period of more than 45 (forty-five) days from date of account.

"occupier" any person who occupies any premises or part thereof, without regard to the title under which he or she occupies.

"owner" -

- (a) the person in whom from time to time is vested the legal title to the premises;
- (b) in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial, manager, liquidator or other legal representative;
- (c) in any case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of such premises or a building thereon;
- (d) in the case of premises for which a lease of 30 years or more 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), and without restricting the above the developer or the body corporate in respect of the common property, or
 - (ii) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;
- (f) any legal person including but not limited to:
 - (i) a company registered in terms of the Companies Act, 1973 (Act 61 of 1973), trust *inter vivos*, trust *mortis causa*, a Closed Corporation registered in terms of the Closed Corporation Act, 1984 (Act 69 of 1984), a Voluntary Association.
 - (ii) Any Department of State.
 - (iii) Any Council or Board established in terms of any legislation applicable to the Republic of South Africa.
 - (iv) Any Embassy or other foreign entity.

"premises" includes 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 (Act 8 of 1997) or in terms of the Deeds Registry Act, 47 of 1937; or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 95 of 1986, which is situated within the area of jurisdiction of the Council.

"Chief Financial Officer" a person appointed by the Council to manage, *inter alia*, the Council's financial administration and debt collection of the Council's debtors.

2. GENERAL PROVISIONS

(1) Notices and Documents

- (a) A notice or document issued by the Council in terms of this by-law shall be deemed to be duly issued if it is signed by an officer authorized by the Council.
- (b) If a notice is to be served on a person in terms of this by-law, such services shall be effected by:

- (i) delivering the notice to him or her personally or to his or her duly authorised agent;
 - (ii) by delivering the notice at his or her residence or place of employment to a person apparently not less than sixteen years of age and apparently residing or employed there;
- (c) if he or she has nominated an address for legal purposes, by delivering the notice to such an address;
- (d) registered or certified post addressed to his or her last known address;
- (e) in the event of a body corporate, by delivering it at the registered office or the business premises of such body corporate;
- (f) if service cannot be effected in terms of paragraphs (b) to (e) by affixing it to the principal door of entry to the premises, or placing it on a conspicuous place on the land to which it relates.

(2) Authentication of documents

- (a) Every order, notice of other document required authentication by the Council shall be sufficiently authenticated, if signed by the Municipal Manager or by a duly authorised officer of the Council; such authority being conferred by resolution of the Council or by a by-law or regulation.
- (b) Delivery of a copy shall be deemed to be delivery of the original.

(3) Full and final settlement of an amount

- (a) The appropriation on an account when the amount tendered is less than the levied amount will be allocated in the following order:
 - (i) Outstanding balances
 - (ii) Interest on outstanding account
 - (iii) Water
 - (iv) Assessment Rates, Sewerage and Refuse Removal
 - (v) Electricity
- (b) Where the exact amount due and payable to the Council has not been paid in full, any lesser amount tendered to and accepted by any Council employee, except the Chief Financial Officer and/or his/her fully authorised delegate, shall not be deemed to be in final settlement of such an amount.
- (c) The provisions in 2.3(a) above shall prevail notwithstanding the fact that such lesser payment was tendered and/or accepted in full settlement.
- (d) The Chief Financial Officer and/or his/her delegate shall consent to the acceptance of such a lesser amount in writing.

(4) Interest charges

Subject to the provisions of the Local Government Transition Act 1993 (Act 209 of 1993) or any other law relating to interest, the Council may by resolution charge and recover interest in respect of any amount due and payable to the Council.

(5) Prima Facie Evidence

A certificate reflecting the amount due and payable to the Council, under the hand of the Municipal Manager, or suitably qualified official authorised by the Municipal Manager, shall upon mere production thereof be accepted by any court of law as prima facie evidence of the indebtedness.

3. POWER OF COUNCIL TO RECOVER COSTS

(1) Dishonoured payments

Where any payment made to the Council is later dishonored by the bank, the Council may levy such costs and administration fees against an account of the defaulting debtor in terms of the Council's tariff provisions.

(2) Legal fees

All legal costs, including attorney-and-own-client costs incurred in the recovery of amounts in arrears shall be levied against the arrears account of the debtor.

(3) Cost to remind debtors of arrears

For any action taken in demanding payment from the debtor or reminding the debtor, by means of telephone, fax, email, letter or otherwise, that his/her payments are due, a penalty fee may be levied against the account of the debtor in terms of the Council's provisions.

(4) Disconnection fees

Where any service is disconnected as a result of non-compliance with this by-law by the customer, the Council shall be entitled to levy and recover the standard disconnection fee as determined by the Council from time to time from the user of the services.

(5) Accounts

The Council may-

- (a) consolidate any separate accounts of persons liable for payments to the municipality;
 - (b) credit any unspecified payment by such a person against any account of that persons;
- and

- (c) implement any of the debt collection and credit control measures provided for in this by-law in relation to any arrears on any of the accounts of such person.

4. SERVICE AGREEMENT

- (1) No supply of services shall be given unless and until application has been made and a service agreement, in the Council's prescribed form in the format or as close as possible to the format reflected in Schedules 1A (Household Consumers) and 1B (Business Consumers), has been entered into and a deposit as security equal to an amount and in the form of either cash or a bank guarantee as determined by the Council from time to time, has been paid in full.
- (2) Termination of the services agreement must be in writing to the other party of the intention to do so.

5. ARREARS COLLECTION

(1) Credit Control Policy

The Council shall have a written policy on credit control and debt collection, which provides for:

- (a) credit control procedures and mechanisms
- (b) debt collection procedures and mechanisms
- (c) provision for indigent debtors that is consistent with its rates and tariff policies and any national policy on indigents
- (d) interest on arrears
- (e) extensions of time for payment of accounts
- (f) termination of services or the restriction of the provision of services when payments are in arrears
- (g) in determining its policy the Council may differentiate between categories of persons, clients, debtors and owners as it may deem appropriate.

(2) Power to restrict or disconnect supply of services

- (a) The Council may, restrict or disconnect the supply of water and electricity, or discontinue any other service to any premises whenever a user of any service:
 - (i) fails to make full payment on the due date or fails to make acceptable arrangements for the repayment of any amount for services, rates or taxes;
 - (ii) fails to comply with a condition of supply imposed by the Council
 - (iii) obstructs the efficient supply of electricity, water or any other municipal services to another customer;
 - (iv) supplies such municipal service to a customer who is not entitled thereto or permits such service to continue;
 - (v) causes a situation which in the opinion of the Council is dangerous or a contravention of relevant legislation;
 - (vi) is placed under provisional sequestration, liquidation or judicial management, or commits an act of insolvency in terms of Act no 24 of 1936;
 - (vii) if an administration order is granted in terms of section 74 of the Magistrates Court Act, 1944 (Act 32 of 1944) in respect of such user.
- (b) The Council shall reconnect and or restore full levels of supply of any of the restricted or discontinued services only after the full amount outstanding and due, including the costs of such disconnection and reconnection, if any, have been paid in full or any other condition or conditions of the Council's Credit Control Policy as it may deem fit have been complied with.

- (c) The right of Council to restrict water to any premises or customer shall be subject to the provisions of section 4 of the Water Services Act, 108 of 1997.
- (d) The right to restrict, disconnect or terminate service due to non-payment for any other service or assessment rate shall be in respect of any service rendered by Council, and shall prevail notwithstanding the fact that the person who entered into agreement for supply of services with the Council and the owner are different entities or persons, as the case may be.

(3) Power of Entry and Inspection

- (a) A duly authorised representative of the Council may for any purpose related to the implementation or enforcement of this by-law, at all reasonable times or in an emergency at any time, enter premises, request information and carry out such inspection and examination as he or she may deem necessary, and for purposes of installing or repairing any meter or service connection for reticulation, or to disconnect, stop or restrict the provision of any service
- (b) If the Council considers it necessary that work be performed to enable an officer to perform a function referred to in (a) above properly and effectively, it may-
 - (i) by written notice require the owner or occupier of the premises at his or her own expense to do specified work within a specified period;
 - (ii) if in its opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done at the expense of the owner.
- (c) If the work referred to in (b) above is carried out for the sole purpose of establishing whether a contravention of this by-law has been committed and no such contravention has taken place, the Council shall bear the expense connected therewith together with that of restoring the premises to their former condition.

(4) Arrangements to pay outstanding and due amount in consecutive installments

- (a) A debtor may enter into a written agreement with the Council to repay any outstanding and due amount to the Council under the following conditions:
 - (i) the outstanding balance, costs and any interest thereon shall be paid in regular and consecutive monthly installments
 - (ii) the written agreement has to be signed on behalf of the Council by a duly authorised officer.
- (b) Should any dispute arise as to the amount owing by an owner in respect of municipal services the owner shall notwithstanding such dispute proceed to make regular minimum payments based on the calculation of the average municipal account for the preceding three months prior to the arising of the dispute and taking into account interest as well as the annual amendments of tariffs of the Council.

(5) Reconnection of services

The Chief Financial Officer shall authorise the reconnection of services or reinstatement of service delivery after satisfactory payment and/or arrangement has been made according to the Council's Credit Control Policy.

6. ASSESSMENT RATES

(1) Amount due for assessment rates

- (a) All assessment rates due by property owners are payable by the fixed date as determined by Council.
- (b) Joint owners of property shall be jointly and severally liable for payment of assessment rates.
- (c) Assessment rates may be levied as an annual single amount, or in equal monthly installments.
- (d) Payment of assessment rates may not be deferred beyond the fixed date by reason of an objection to the valuation roll.

(2) Claim on rental for assessment rates in arrears

The Council may apply to Court for the attachment of any rent, due in respect of ratable property, to cover in part or in full any amount outstanding in respect of assessment rates for a period longer than three months after the fixed date.

(3) Liability of company Directors for assessment rates

Where a company, closed corporation or a body corporate in terms of the Sectional Titles Act, 1986 is responsible for the payment of any arrears amount to the Council, the liability of such entity shall be extended to the directors or members thereof jointly and severally, as the case may be.

(4) Disposed of Council's property and payment of assessment rates

- (a) The Purchaser of Council property is liable for the payment of assessment rates on the property in respect of the financial year in which the Purchaser becomes the new owner.
- (b) In the event that the Council repossesses the property, any outstanding and due amount in respect of assessment rates shall be recovered from the Purchaser.

(5) Restraint on Transfer of property

- (a) A registrar of deeds or other registration officer of immovable property may not register the transfer of property except on production to that registration officer of a prescribed certificate-
 - (i) issued by the municipality in which that property is situated; and
 - (ii) which certifies that all amounts due in connection with that property for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the two years preceding the date of application for the certificate have been fully paid.

- (b) In the case of the transfer of immovable property by a trustee of an insolvent estate, the provisions of this section are subject to section 89 of the Insolvency Act, 1936 (Act No.24 of 1936).
- (c) An amount due for municipal service fees, surcharge on fees, property rates and other municipal taxes, levies and duties is a charge upon the property in connection with which the amount is owing and enjoys preference over any mortgage bond registered against the property.

(6) Assessment rates payable on municipal property

- (a) the lessee of municipal property is responsible for payment of any general assessment rates payable on the property for the duration of the lease, as if he is the owner of such property.
- (b) The Chief Financial Officer may elect to include the assessment rates in respect of a property in the rent payable by the lessee, in stead of billing it separately as in the case of owners of properties.

7. RELAXATION, WAIVER AND DIFFERENTIATION

- (1) The Council may differentiate between different categories of ratepayers, users of services, customers, debtors, taxes, services, service standards and other matters.
- (2) The Council may, in specific instance and for a particular owner or customer, relax or waive in writing the requirements of a provision of this by-law.
- (3) Any such differentiation or relaxation shall be upon such conditions as it may deem fit to impose, if it is of the opinion that the application or operation of that provision in that instance would be unreasonable.

8. REPORTING OF DEFAULTERS

The Council may in its discretion through a duly delegated officer report such persons that owe the Council monies to bodies that collate and retain such information. The information that would be included in such a report shall be the available personal information of the defaulter, or in the event of a legal person, the available statutory details, including information pertaining to the responsible officers of such legal person.

9. CONFLICTION OF BY-LAWS

If there is any conflict between this by-law and any other by-law of the Council this by-law will prevail.

10. OFFENCES

(1) A person who-

- (a) fails to give the access required by an officer in terms of this by-law;
- (b) obstructs or hinders an officer in the exercise of his or her powers or performance of functions or duties under this by-law;

- (c) interferes with Council equipment or services supplied;
- (d) tampers or breaks any seal on a meter or on any equipment belonging to the Council, or for any reason determined by the Chief Financial Officer causes a meter not to properly register the service used, shall be charged for usage, estimated by the Chief Financial Officer based on average usage.
- (e) fails refuses to give an officer such information as he or she may reasonably require for the purpose of exercising his or her powers or functions under this by-law or gives such an officer false or misleading information knowing it to be false or misleading;
- (f) contravenes or fails to comply with a provision of this by-law;
- (g) fails to comply with the terms of a notice served upon him or her in terms of this by-law;

shall be guilty of an offence and liable upon conviction to a period not exceeding 18 months of community service or a fine not exceeding R3000.00, or a combination of the aforementioned.

11. REPEAL OF COUNCIL CREDIT CONTROL BY-LAWS

The by-laws in regard to matters in this by-law by the former Municipal Councils of Danielskuil are hereby repealed.

KGATELOPELE LOCAL MUNICIPAL COUNCIL

ELECTRICITY BY-LAW

The Municipal Manager of the KGATELOPELE Local Municipal Council in terms of subsection 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000), publishes the by-law as set forth hereafter as by-law made by the Council.

Section

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Definitions

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

"approved" in relation to any article or practice, approved by the Council or the engineer as being suitable and satisfactory in respect of safety, design, performance, and the method of its application, regard being have to the recognised principles of electrical practice, and "approval" shall be interpreted accordingly;

"Chief Financial Officer" the officer in charge of the Financial Department or any other officer authorised to act on his/her behalf.

"consumer" any person who has entered into an agreement with the Council for the supply to him/her of electricity'

"consumer's agreement" an agreement as referred to in section 3;

"contractor" an electrical contractor or a permit holder in terms of the Act;

"Council" the KGATELOPELE Local Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

"delivered" also when left at the place of residence or business of the consumer by handing it to a person older than 16 years, present as occupier or visitor at such place of residence or business, or if placed in the letter box or such other place that is reasonable conspicuous at such place of residence or business and includes the fixing of a notice to the fence or gate of such place of residence or business.

"electrical installation", electrical installation as described in the Act;

"Engineer" the head of the Council's electricity undertaking or an official duly authorised by the Council;

"high-voltage enclosure" a chamber, compartment or other enclosure in which a transformer, switchgear or other electrical equipment is contained for operating at a voltage above 1 000 and the expression "high voltage" shall be interpreted accordingly;

"installation work" installation or installing work as described in the Act;

"low-voltage enclosure" and "enclosure for a special supply at low voltage" a chamber, compartment or other enclosure in which a transformer, switchgear or other electrical equipment is contained for operating at a voltage at or below 1 000 and the expression "low voltage" shall be interpreted accordingly;

"meter-reading period" the period extending from one reading of a meter to the next;

"meter cabinet" an enclosure intended for the accommodation of a meter, circuit breaker or other associated electrical equipment determined by the engineer and designed to operate at low voltage;

"occupier" any person in occupation of premises at any relevant time;

"Owner" -

(g) the person in whom from time to time is vested the legal title to the premises;

(h) in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial, manager, liquidator or other legal representative;

(i) in any case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of such premises or a building thereon;

(j) in the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof;

(k) in relation to-

- (viii) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act 1986, (Act 95 of 1986), and without restricting the above the developer or the body corporate in respect of the common property, or
- (ix) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

(l) any legal person including but not limited to:

- (v) a company registered in terms of the Companies Act, 1973 (Act 61 of 1973), trust *inter vivos*, trust *mortis causa*, a Closed Corporation registered in terms of the Closed Corporation Act, 1984 (Act 69 of 1984), a Voluntary Association.
- (vi) Any Department of State.
- (vii) Any Council or Board established in terms of any legislation applicable to the Republic of South Africa.
- (viii) Any Embassy or other foreign entity.

“points of consumption” point of consumption as described in the Act;

“point of supply” point of supply as described in the Act;

“premises” any land and any building, erection or structure, above or below the surface of any land and includes any aircraft, vehicle or vessel;

“service connection” the cable or conductor leading from the supply main to the point of supply of the electrical installation and includes any high voltage or other equipment connected to that cable or conductor, any meter; and any board, panel or other device to which the meter is fixed and all installation work and apparatus associated with the said equipment, meter or other device installed by the Council;

“service fuse” of “service circuit breaker” a fuse or service circuit breaker belonging to the Council and forming part of the electrical circuit of the service connection;

“skilled person” any person who in the opinion of the engineer is sufficiently skilled and qualified to execute, supervise and inspect work pertaining to high voltage regard being had to his/her experience and knowledge of electrical practice;

“special supply at low voltage” a supply of electricity exceeding 40 kVA at low voltage;

“supply” a supply of electricity from the supply main;

“supply main” any cable or wire forming that part of the Council’s electrical distribution system to which service connections may be connected;

“tariff” the tariff of charges as determined from time to time by Council.

“the Act” the Occupational Health and Safety Act, 1993 (Act 85 of 1993) whichever is in force, and the regulations promulgated thereunder;

Application for and Conditions of Supply

- 2.(1) Application for a supply shall be made to and in a form prescribed by the engineer.
- (2) The engineer may, before granting a supply, inspect the electrical installation to which an application relates with a view to establishing that such installation is safe and proper and complies with this by-law or other applicable legislation.

Consumer’s Agreement

- 3.(1) No supply shall be given an electrical installation unless and until the owner or occupier of the premises or some person acting on his/her behalf has completed a consumer’s agreement in a form prescribed by the Council.
- (2) The charge payable for the supply shall be in accordance with the tariff.
- (3) No person shall use a supply unless a consumer’s agreement as contemplated in subsection (1) has been concluded with the Council.
- (4) The Council may decide whether a consumer’s agreement shall be concluded by it with the owner or with the occupier of the premises or some person acting on his/her behalf.

- (5) No person shall, without first having obtained the engineer's permission in writing, lead electricity temporarily or permanently to any point of consumption or place not forming part of the electrical installation for which a supply has been agreed upon or given.

Termination of Consumer's Agreement

4. Subject to the provisions of subsections 7(6) and 12, any consumers agreement may be terminated by the consumer, his/her authorised representative, or by the Council on giving 7 days notice in writing calculated from the date of service thereof: Provided that if such notice purports to terminate an agreement on a Saturday, Sunday or public holiday, such termination shall only take effect on the next ensuing day which is not a Saturday, Sunday or public holiday.

Continuation of Supply to New Consumer

- 5.(1) The Council may, upon the termination of any consumer's agreement, enter into a new consumer's agreement with any prospective consumer providing for the continuation of the supply.
- (2) The consumer who is a party to the new consumer's agreement referred to in subsection (1) shall be liable to pay for the electricity consumed after a meter reading taken on the date of termination of the previous agreement.

Deposits

- 6.(1)(a) Except in the case of the Government of the Republic of South Africa, including the Province of the Northern Cape and Transnet, any other class of consumer approved by the Council, every applicant for a supply shall, before such supply is given, deposit with the Council a sum of money on the basis of the cost of the maximum consumption of electricity which the applicant is in the Chief Financial Officer's opinion likely to use during any two consecutive months: Provided that such sum shall not be less than is prescribed in the tariff.
- (b) Notwithstanding the foregoing provisions of this section the Chief Financial Officer may, in lieu of a deposit, accept from an applicant, a guarantee for an amount calculated in accordance with paragraph (a) and in the form prescribed by the Council, as security for the payment of any amount that may become due by the applicant for, or in respect of, the supply of electricity: Provided that no such guarantee shall be accepted unless the estimated monthly account in respect of the supply to the premises concerned amounts to at least R5 000-00.
- (2)(a) The Council may at any time when the deposit or guarantee is found to be inadequate for the purposes of subsection (1), require a consumer to increase the deposit made or guarantee furnished by him/her, in which event the consumer shall, within 30 days after being so required, deposit with the Council such additional sum or furnish such additional guarantee as the Council may require, failing which the Council may discontinue the supply.
- (b) An amount as determined by the Council from time to time by means of a Council resolution, shall be payable as a deposit for water consumption, when a pre-paid electricity meter is installed.
- (3) Any sum deposited by or on behalf of a consumer shall, on being claimed, be refunded within 30 days after the termination of the consumers' agreement after deducting any amount due by the consumer to the Council.

- (4)(a) Subject to the provisions of subsection (3), any person claiming a refund of a deposit or part thereof, shall either –
- (i) surrender the receipt which was issued for payment of the deposit; or
 - (ii) if such receipt is not available, sign a receipt prescribed by the Council for the refund to him/her of such deposit or part thereof and satisfy the Council that he/she is the person entitled to such refund.
- (b) If a deposit or part thereof has been refunded in accordance with paragraph (a), the Council shall be absolved from any further liability in respect thereof.
- (5) The consumer's agreement may contain a provision that any sum deposited by the consumer, a refund of which has not been so claimed within 1 year after either such agreement has been terminated or he/she has ceased for any reason to receive a supply in terms of such agreement, shall at the expiration of that period become forfeited to the Council.
- (6) Notwithstanding the provisions of subsection (5), the Council shall at any time pay –
- (a) to the person who paid the deposit on his/her satisfying the Council of his/her identity and the amount; or
 - (b) to any other person who has satisfied the Council that he/she is entitled to have the payment made to him/her, an amount equal to the forfeited deposit.
- (7) If a consumer applies to the Council for a supply of higher capacity than he/she is receiving, the Chief Financial Officer may require the consumer to make an increased deposit or furnish an increased guarantee in terms of subsections (1) and (2) before such supply is given.

Accounts

- 7 (1) The engineer shall, in respect of each scale of the tariff governing a supply, provide such number of meters as he/she deems necessary.
- (2) The Council may, during any meter reading period, render to the consumer a provisional account in respect of a part of such period (which part shall nearly as practically possible be a period of 30 days and the amount of such account shall be determined as provided in subsection (4) and shall as soon as possible after the meter reading at the end of such period render to consumer an account based on the actual measured consumption and demand during that period, giving credit to the consumer for any sum paid by him/her on a provisional account as aforesaid.
- (3) An account may be rendered for fixed charges in terms of the tariffs as and when they become due.
- (4) The amount of a provisional account referred to in subsection (2) shall be determined by the Council by reference to such previous consumption, on the same premises as would in his/her opinion, constitute a reasonable guide to the quantity of electricity consumed over the period covered by the provisional account: Provided that where there has been no such previous consumption the Council shall determine the amount of the said account by reference to such consumption on other similar premises which, in his/her opinion, affords reasonable guidance.
- (5) A consumer's decision to dispute an account shall not entitle him/her to defer payment beyond the due date stipulated in the account.

- (6) In the event of the Council not being able to gain access to a meter for 2 consecutive meter readings the Council may forthwith discontinue the supply of electricity in respect of the premises to which that meter relates.
- (7) When it appears that a consumer has been wrongly charged for electricity due to the application of a wrong tariff or on any other grounds other than inaccuracy of a meter, the Council shall make such enquiries and tests as it thinks necessary and shall if satisfied that the consumer has been wrongly charged, adjust his/her account accordingly or if not so satisfied, charge him/her if the Council's actions are the result of a complaint by the consumer, in addition the cost to itself of making such enquiries and tests.

Prepayment metering

- 8.(1) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.
- (2) Copies of preciously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.
- (3) When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer.
- (4) The Council shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use of the abuse of, prepayment meters and/or tokens.
- (5) Where a consumer is indebted to the Council for electricity consumed or for any other service supplied by the Council (including rates) or for any charges previously raised against him/her in connection with any service rendered, the Council may deduct a percentage from the amount tendered to offset the amount owing to the Council, as set out in the section agreement for the supply of electricity.
- (6) The Council may, at its discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.

Reading of Meters

- 9.(1) The amount of electricity supplied to any premises during any meter reading period shall be taken as the difference of the reading of the meter or meters thereon at the beginning and the end of such period and where maximum demand metering pertains, the demand shall also constitute a part of the meter reading.
- (2) The reading shown by a meter shall be prima facie proof of the electrical energy consumed and of the maximum demand during the meter reading period and an entry in the Council's books shall be prima facie proof that the meter showed the reading which the entry purports to record.

Testing Accuracy of meter

- 10. (1) If a consumer or owner has reason to believe that a meter is not registering correctly, he/she may give written notice to the Council that he/she requires the meter to be tested, such notice to be accompanied by the fee prescribed in the tariff for the testing of meters, and the Council shall as soon as possible thereafter subject the meter to the test.

- (2) The Council's finding as to the accuracy of a meter after the test referred to in subsection (1) has been carried out shall be final, and a meter shall be deemed to be registering correctly if it is shown by that test to be over- or under-registering by not more than an average of 5% when tested in accordance with the code of practice of the South African Bureau of Standards for the testing of electricity meters or in accordance with procedure laid down by Council.
- (3) The fee payable in terms of subsection (1) shall be refunded if the meter is shown by the test to be registering incorrectly.
- (4) The engineer shall, immediately before removing a meter for testing, take a reading of that meter and the current meter-reading period shall be terminated at the time of such reading.
- (5) If after testing a meter the Council is satisfied that it is not registering correctly, it shall render to the consumer a statement of account adjusted in accordance with the consumption ascertained to have been over- or under-registered in respect of the period of 3 months prior to the date of termination of the current meter reading period in terms of subsection (4) and an adjusted account so rendered shall be paid within 10 days of the date thereof.

Failure of meter to register correctly

- 11(1) When the Council is satisfied that a meter has ceased to register correctly the reading shown thereby shall be disregarded and the consumer –
 - (a) shall be charged in respect of the current meter reading period the same amount as he/she paid in respect of the corresponding period in the preceding year, subject to adjustment necessitated by any alteration to the electrical installation of the tariff; or
 - (b) if he/she was not in occupation of the premises during the corresponding period referred to in paragraph (a), shall be charged on the basis of his/her consumption during the 3 months preceding the last date on which the meter was found to be registering correctly; or
 - (c) if he/she was not in occupation of the premises during the whole of the period referred to in paragraph (b), shall be charged on the basis of his/her consumption during the 3 months following the date from which the meter was again registering correctly.
- (2) If it can be established that the meter had been registering incorrectly for a longer period than the meter reading period referred to in subsection (1), the consumer may be charged with the amount determined in accordance with the said subsection or for a longer period: Provided that no amount shall be so charged in respect of a period in excess of 12 months prior to the date on which the meter was found to be registering incorrectly.

Disconnection of Supply

- 12(1) When any charges due to the Council for or in connection with electricity supplied are in arrear, the Council may at any time without notice, disconnect the supply to the electrical installation concerned or any part thereof until such charges together with the reconnection fee laid down in the tariff are fully paid. **Provided that electricity was unlawfully restored, the Council may terminate electricity supply by means of removal of the supply cable.**
- (2) When conditions are found to exist in an electrical installation which in the opinion of the Council constitute a danger or potential danger to person or property or interfere with the supply to any other consumer, the Council may at any time without notice, disconnect the supply to that installation or any part thereof until such conditions have been remedied or removed.

- (3) The Council may without notice temporarily discontinue the supply to any electrical installation for the purpose of affecting repairs or making inspections or tests or for any other purpose connected with its supply main or other works.
- (4) The Council shall, on application by a consumer in a form prescribed by the engineer, disconnect the supply and shall reconnect it on payment of the fee prescribed in the tariff.

Unauthorised connection

- 13(1) No person other than an employee of the Council authorised thereto shall connect or reconnect or attempt to connect or reconnect any electrical installation with the service connection or the supply main.
- (2) If the supply to any electrical installation is disconnected in terms of subsection 12(1) or (2), the consumer concerned shall take all reasonable steps within his/her power to ensure that such supply is not reconnected in contravention of subsection (1).
- (3) If such supply is nevertheless so reconnected after it has been disconnected by the Council the consumer concerned shall forthwith take all reasonable steps within his/her power to ensure that no electricity is consumed on the premises concerned and shall, in addition, forthwith notify the Chief Financial Officer of such reconnection.
- (4) If the consumer contemplated in subsection (2) or (3) is not in occupation of the premises concerned, then the occupier of those premises shall comply with the provisions of the mentioned subsections.
- (5) In any prosecution for a contravention of or failure to comply with subsection (2) or (3) or both, or of any or both of those subsections read with subsection (4), any contravention or failure to comply, whether intentional or negligent, shall be sufficient to constitute an offence and, unless the contrary is proved, it shall be deemed that –
 - (a) reasonable steps contemplated in subsections (2) and (3) were not taken; and
 - (b) such contravention or failure was due to an intentional act or omission of the person charged.

Fraudulent use

- 14(1) A supply for which a charge is laid down in the tariff and which is measured by a meter or set of meters shall not be used for any purpose for which a higher charge is laid down.
- (2) Unless the Council has granted permission in writing no electricity supplied by it shall be used unless it has first passed through the meter connected to the electrical installation.

Resale of electricity

- 15. Where a person resells electricity supplied by the Council –
 - (a) such electricity shall, in respect of each purchaser, be metered through a sub-meter which, and the installation of which, has been approved by the Council.

- (b) the Council shall not be held liable for any inaccuracy or other defect in any sub-meter whether or not the Council has approved such sub-meter or the installation thereof;
- (c) The charge made by such seller shall not exceed the tariff which would have been payable had the purchaser been a consumer of the Council; and
- (d) The conditions of resale shall not be less favourable to the purchaser than the terms on which the Council itself supplies electricity and every such purchaser shall be entitled to require the seller to furnish him/her with all such accounts, documents and other information as may be necessary to enable the purchaser to ascertain whether the accounts rendered to him/her for electricity supplied are correct.

Installation diagram and specifications

16. The Council may require a contractor to submit to him/her for approval a wiring diagram and specifications covering any proposed construction of, alteration, extension or repair to any electrical installation, and where the Council requires such a diagram and specifications the proposed work shall not be commenced until they have been submitted and approved.

Inspection and test

- 17(1) The engineer may, at any reasonable time or in case of emergency at any time, enter any premises and inspect or test any part of the service connection or electrical installation thereon for any purpose including the purpose of ascertaining whether a breach of this by-law or other applicable legislation has been or is being committed and the owner or contractor, when called upon to do so, shall remove any earth, bricks, stone, woodwork, or other work obstructing or covering any part of the electrical installation.
- (2) Before any test or inspection in terms of this section is carried out the owner of the occupier shall be informed of the purpose thereof and if it is established that a breach of this by-law has been committed, the Council shall, notwithstanding the provisions of subsection (3), not be liable to restore and make good in terms thereof.
- (3) The Council shall, save as is provided in subsection (2), restore and make good any disturbance of, damage to, or interference with, the premises occasioned by any inspection or test made in terms of subsection (1).
- (4) While any electrical installation is in the course of construction, alteration, extension or repair the engineer may inspect and test any part of the work as often as he/she deems necessary, and if any work which the engineer requires to inspect or test has been covered up the engineer may require the contractor or the owner of the premises at no cost to the Council to uncover that work, to expose any joints or wires and to remove any fittings, castings, trapdoors, floor boards, materials or other obstructions whatsoever, and any work or reinstatement rendered necessary shall likewise be carried out at no cost to the Council.
- (5) Every reasonable facility to carry out tests and inspections shall be afforded to the engineer by the contractor, the owner and the occupier of the premises and the aforesaid facilities shall in the case of a contractor include the provision of suitable ladders.
- (6) Where cables or conduits of an electrical installation are laid underground the trenches containing them shall be left open until the work has been inspected and approved,

- (7) Any contractor shall give the engineer at least 3 working days notice in a form prescribed in the Act that he/she requires the engineer to carry out an inspection or test of any electrical installation.
- (8)
 - (a) After receipt of notice in terms of subsection (7), the engineer shall forthwith make such inspection and test.
 - (b) Should an electrical installation require resetting according to regulation C177 (4) of the Act, such a retest is subject to the payment of a charge laid down in the tariff.

Liability of Council and Contractor

- 18(1) Neither the engineer's approval of an electrical installation after making any inspection or test thereof nor the granting by him/her of permission to connect the installation to the supply shall be taken as constituting for any purpose any guarantee by the Council that the work has been properly executed or the materials used in it are sound or suitable for the purpose or any warranty whatsoever or as relieving the contractor from liability, whether civil or criminal, for executing the work improperly or for using faulty material therein.
- (2) The Council shall not be under any liability in respect of any installation or other work or for any loss or damage caused by fire or other accident arising wholly or partly from the condition of an electrical installation.

Service Connections

- 19(1) The owner of the premises concerned shall make application for the installation or reinstatement of a service connection in a form prescribed by the engineer.
- (2) A service connection shall be installed at the expense of the owner and the cost thereof as determined by the Council shall be paid to the Council before supply is authorised.
- (3) Every part of the service connection shall remain the property of the Council.
- (4) Notwithstanding that the service connection to an approved electrical installation may already have been completed the Council may in its absolute discretion refuse to supply electricity to that installation until all sums due to the Council by the same consumer in respect of that or any other service connection, whether or not on the same premises, have been paid.
- (5) No owner shall be entitled to require more than one service connection for a supply for any premises even if it comprises or occupies more than one stand. The Council may, however, subject to such conditions as he/she thinks fit to impose upon the owner, provide more than one service connection to a premises and where more than one service connection is so provided it shall be unlawful to interconnect them.
- (6) The applicant for a service connection shall, before work on its installation is commenced, furnish the Council with such indemnity as it may specify.
- (7) The Council may, notwithstanding any indemnity given in terms of subsection (6), refuse to install a service connection until he/she is satisfied that no person is entitled to object to such installation.

Sealed apparatus

20. Where any seal of lock has been placed by the Council on any meter, service fuse, service circuit breaker or other similar apparatus or cabinet or room in which such apparatus is accommodated whether or not belonging to the Council, no person other than an authorised employee of the Council shall for any reason whatsoever remove, break, deface or otherwise interfere, with any such seal or lock.

Tampering

21. No person shall in any manner or for any reason whatsoever paint, deface, tamper or interfere with any service connection and only an authorised employee of the Council may make any adjustment or repair thereto.

Liability for damage to service connection

- 22(1) The owner of the premises or the consumer shall be liable to make good to the Council any damage that may occur to the service connection or any part thereof or to any other Council apparatus on the premises, unless such owner or consumer can prove negligence on the part of the Council.
- (2) If any damage occurs to the cable or any other part of a service connection the consumer shall inform the Council as soon as he/she becomes aware of that fact and the Council or a person authorised by Council shall repair the damage.

Type of supply

23. The Council may in any particular case determine whether the supply shall be high or low voltage and the type of such supply.

Meter cabinets

24. Before a low voltage supply is given, the applicant or owner shall, if required to do so by the Council at no expense to the Council and in a position approved by the Council provide a cabinet of approved design and construction for the accommodation of the Council's service connection.

High voltage electrical installations

- 25(1) All the apparatus used in connection with a high voltage electrical installation shall be of approved design and construction.
- (2) Before any work is commenced in connection with a new high voltage electrical installation or for the extension of an existing high voltage installation, a site plan and a drawing showing in detail to the Council's satisfaction the particulars and layout of all electrical apparatus which it is proposed to install together with full technical information concerning the apparatus shall be submitted to the Council and no work as aforesaid shall be commenced until the proposed installation or extension has been approved.
- (3) No person other than a skilled person shall undertake the installation, repair, alteration, extension, examination or operation of or touch or do anything in connection with high voltage apparatus.

- (4) Notwithstanding any approval previously given by him/her the Council may at any reasonable time and in case of emergency at all times inspect any high voltage apparatus and subject it to such tests as may be deemed necessary and may, if such apparatus be found defective, disconnect the supply to the premises until the defect has been rectified to the Council's satisfaction.
- (5) The owner of the consumer shall be liable to the Council for the cost of carrying out any of the test referred to in subsection (4) if any defect in the high voltage or the low voltage electrical installation is revealed thereby.
- (6) Notwithstanding anything contained in section 25 no high voltage apparatus which has been newly installed, altered or extended shall be connected to the supply without the permission in writing of the Council, which permission shall not be given unless and until every requirement of this section has been complied with.

Enclosures for supply equipment

- 26(1) Where required by the Council, an owner shall at no expense to the Council provide and maintain an approved enclosure for accommodating the Council's and consumer's supply equipment in a position determined by the Council.
- (2) No person shall enter the enclosure accommodating the Council's supply equipment or touch or interfere with any apparatus therein, unless authorised thereto by the Council.
- (3) Every low voltage enclosure associated with a high voltage enclosure and every enclosure for a special supply at low voltage shall be kept locked by the consumer and a key thereto shall, if required by the Council, be deposited with him/her or provision made for the fitting of an independent lock by the Council who shall be entitled to access to the enclosure at all times.
- (4) The consumer or owner of premises shall at all time provide and maintain safe and convenient access to a low voltage enclosure or an enclosure for a special supply at low voltage and such enclosure shall at all times be kept clean and tidy by the consumer to the satisfaction of the Council and shall be used for no other purpose save the accommodation of equipment and apparatus associated with the supply.
- (5) The consumer or owner of the premises shall at all times provide and maintain safe and convenient access to a high voltage enclosure, such access to be direct to that part of the enclosure into which the high voltage supply is led and not through the low voltage enclosure or through any door or gate the lock of which is controlled by the consumer or the owner of the premises.
- (6) The Council may use any enclosure for supply equipment in connection with a supply to consumers on premises other than those on which that enclosure is situated.

Permanently connected appliances

- 27. Appliances permanently connected to an electrical installation shall be approved.

Surge diverters

- 28. Every electrical installation connected to an overhead supply main shall be provided with one or more approved surge diverters in positions determined by the Council.

Position of cooking appliances

29. No heating or cooking appliance shall be installed, placed or nursed below any meter belonging to the Council.

Provision of circuit breakers

30. When required by the Council, the owner shall supply and install 1 or more approved supply circuit breakers in a manner and position as determined by the Council.

Maintenance of installation

- 31.(1) Any electrical installation on any premises connected with the supply shall at all times be maintained by the owner or consumer in good working order and condition to the satisfaction of the Council.
- (2) The Council may require a consumer who takes a multiphase supply, to distribute his/her electrical load, as approved by the Council, over the supply phases and may install such devices in the relevant service connection as he/she may deem necessary to ensure that this requirement is complied with.

Control apparatus

32. The Council shall have the right to install a control relay on any water heater, space heater of the storage type or any other apparatus and thereafter at any time to switch off the said apparatus during periods of stress or peak load for such length of time as it may deem necessary.

Obstructing employees

33. No person shall wilfully –
- (a) hinder, obstruct or interfere with any employee of the Council in the performance of any duty relating to this by-law; or
 - (b) refuse to give such information as the Council may reasonable require; or
 - (c) give to the Council any information which to his/her knowledge is false or misleading.

Irregular supply

34. The Council shall not be liable for the consequences to the consumer or any other person of any stoppage, failure, variation, surge or other deficiency of electricity from whatsoever cause.

Owner's and consumer's liability

- 35(1) The owner and the consumer shall be jointly and severally liable for compliance with any financial obligation, except as provided in subsection (2), or other requirement imposed upon them in the alternative by this by-law.
- (2) The liability for compliance with any financial obligation in respect of the consumption of electricity, shall be the sole responsibility of the consumer.

Notice

- 36(1) Any notice or other document to be issued by the Council in terms of this by-law shall be deemed to have so issued of it is signed by an authorised official of the Council.

- (2) Where the by-law require that a notice or other document be served on a person, it shall be deemed to be properly so served if delivered at the person's place of residence or business or if send per registered mail to such person's last known resident or business address recorded in the Chief Financial Officer's records.

Offences and penalties

- 37(1) Any person contravening or failing to comply with any provision of this by-law shall be guilty of an offence and shall on conviction thereof be liable to a fine not exceeding R10 000.00 or imprisonment for a period not exceeding 24 months.
- (2) The occupier or, if there be no occupier, the owner of any premises supplied with electricity, on which a breach of this by-law is committed, shall be deemed to be guilty of that breach unless he/she proves that he/she did not know and could not by the exercise of reasonable diligence have known that it was being or was likely to be summated that it was committed by some other person over whose acts he/she has no control.
- (3) Any person who contravenes the provisions of section 13 and who is in consequence not charged for electricity which has been consumed or is charged for such electricity at a rate lower than that at which he/she should properly have been charged shall, notwithstanding any penalty which may be imposed in terms of this section, be liable to pay to the Council the sum which would have been paid to it had the said offence not been committed, and such sum shall be calculated in terms of the highest charge which could have been made according to the tariff applicable from the date when the contravention first took place.
- (4) Any person who use electricity on a premises or allow electricity to be use in contradiction with subsection 12(3) shall reimburse the Council for such use at the tariff prescribed for the use of electricity as applicable.

Repeal of by-laws

38. The Electricity by-laws of the former municipal Councils of Danielskuil are hereby repealed.

KGATELOPELE LOCAL MUNICIPAL COUNCIL

STREET TRADING BY-LAW

The Municipal Manager of the KGATELOPELE Local Municipal Council in terms of subsection 156(2) of the Constitution of the Republic of South Africa Act 1996 (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000), publishes the by-law as set forth hereafter as by-law made by the Council.

1. DEFINITIONS

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

"authorised official" an official of the Council authorised to implement the provisions of the by-law and "officer" shall have a corresponding meaning;

"building" normal brick structures and includes informal structures such as "shanties or movable such as caravans;

"Council" the KGATELOPELE Local Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

"foodstuff" any article or substance [except a drug as defined in the Drugs and Drug Trafficking Act, (Act 140 of 1992)], ordinarily eaten or drunk by persons or purporting to be suitable, or manufactured or sold, for human consumption, and includes any part or ingredient of any such article or substance, or any substance used or intended or destined to be used as a part or ingredient of any such article or substance;

"heritage site" a place declared to be a national or provincial heritage site in terms of the National Heritage Resources Act, 1999 (Act 25 of 1999);

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

"goods" any transferable interest but excludes any living thing and hazardous substances;

"litter" any waste materials and includes any container or other matter which has been discarded, abandoned or left behind by a person trading or his/her customers;

"pavement" a sidewalk or that portion of a road reserved for the use of pedestrians;

"nuisance" any action or behavior by anyone which constitutes a disturbance or causes discomfort to anyone;

"perishables" milk, meat fish, crustaceans, fruit and vegetables as well as products which require special storage facilities;

"premier" the Member of the Executive Council who is charged with the responsibility of the administration of the Business Act (Act No. 71 of 1991);

"prohibited area" any place declared or to be declared under subsection 6A(2) of the Act by resolution of the Council to be an area in which street trading may be prohibited;

"property" in relation to a person carrying on the business of street trading, means any article, receptacle, vehicle or structure used or intended to be used in connection with such business, and includes goods in which he/she trades;

"public building" a building occupied solely by the State or the Council or any organs or state;

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

(a) in connection with any subdivision or layout of land into erven, lots of plots, been provided, reserved or set apart for use by the public or the owner or occupiers of such erven, lots of plots, whether or not it is shown on a general plan, plan of subdivision or diagram;

- (b) at any time been dedicated to the public;
- (c) been used without interruption by the public for a period at least 30 years expiring after 31 December 1959; or
- (d) at any time been declared or rendered such by a Council or other competent authority;

"public road" any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes-

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

"restricted area" any place declared under subsection 6A(2) of the Act by resolution of the Council to be an area in which street trading may be restricted;

"street trader" a person that is mobile and sells goods for own profit whether such goods are the product of his/her own labour or not;

"sell" alienation for value and includes supply to and also-

- (a) exchange or hire;
- (b) store, expose, offer or prepare for sale, and "sale has a corresponding meaning;

"services" includes any advantage or gain for consideration or reward;

"the Act" the Business Act, 1991 (act No. 71 of 1991);

"trade" the lawful sale of goods or services in a public road or public place, and "trading" has a corresponding meaning;

"verge" a verge as defined in section 1 of the National Road Traffic Act, 1993 (Act No. 93 of 1996), and any word or expression to which a meaning has been assigned in the Business Act, 1991 (Act No, 71 of 1991).

- (2) For the purpose of this by-law a single act of selling in a public place shall constitute trading.

2. RIGHT TO TRADE

Subject to the provisions of sections 3 and 4 and any other law, street trading is permitted except in so far as such trading is restricted or prohibited by sections 5 to 13 inclusive, provided further that no person who is not a South African resident shall be entitled to operate as a street trader unless he/she is in possession of a valid work permit authorising such street trading.

3. GENERAL CONDUCT OF STREET TRADERS

A person shall -

- (a) not place his/her property on a verge or public place except for the purpose of commencing to trade;
- (b) ensure that his/her property does not cover an area of a public road, public place or pavement which is greater in extent than three square meters (3m²) unless written permission for a greater area is obtained from the Council ;
- (c) not trade on pavements narrower than 2,5m

- (d) not place or stack his/her property in such a manner that it constitutes a danger to any person or property or is likely to injure any person or damage property;
- (e) not erect any structure for the purpose of providing shelter or sleep overnight at the place of business without the prior written approval of the Council provided that where approval is given for a shelter to protect goods he/she shall not erect an unsightly structure from which to conduct business;
- (f) not obstruct access to a fire hydrant or area demarcated solely for the use of emergency vehicles and/or services;
- (g) on concluding business for the day, remove his/her property, except any permanent structure permitted by the Council, to a place which is not part of a public road or public place;
- (h) on request by an employee or agent of the Council or any supplier of telecommunication or electricity or other services, move his/her property so as to permit the carrying out of any work in relation to a public road, place or any such service;
- (i) not attached any object or goods by any means to any building structure, pavement, tree, parking meter, lamp post, electricity pole, telephone booth, post box, traffic sign, fence, bench or any other street furniture in or on a public road or public place;
- (j) not make an open fire at a place of trading or in circumstances where it could harm a person or damage a building or vehicle;
- (k) not store his/her property in manhole or storm water drain, bus shelter, public toilet or tree;
- (l) not sell his/her goods in a street by constantly using megaphones, radios, loudspeakers, or constantly shouting or singing in a manner which shall constitute a nuisance or disturbance in the area;
- (m) not commence street trading unless he/she registers with the Council and pay such fees or costs for services reasonably required including the costs of leasing any trading space or structure provided by the Council.

4. CLEANLINESS

(1) A Person trading shall-

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

(2) The Council shall-

- (a) ensure that the site on which the street traders are trading are cleaned and sanitised on a regular basis;
- (b) provide receptacles on the sites in order to facilitate the disposal of litter by the street traders; and
- (c) ensure that the receptacles are emptied on a regular basis in order to facilitate clean trading sites.

5. OBSTRUCTION OF PEDESTRIANS

No person shall trade at a place where such trading-

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

6. OBSTRUCTION OF VEHICULAR TRAFFIC

No person shall trade at a place where such trading-

- (a) cause an obstruction on a roadway;
- (b) limits access to parking or loading bays or other facilities for vehicular traffic;
- (c) obscures any road traffic sign or any marking, notice or sign displayed or made in terms of this or any other by-law; or
- (d) interferes in any way with any vehicle that may be parked alongside such place;
- (e) obscures or impedes the view of any user of the road, any traffic sign or any other road user.

7. TRADING RESTRICTED TO SPECIFIED HOURS IN CERTAIN PLACES

No person shall trade-

- (a) on a verge contiguous to any place of worship, national monument or public building; or
- (b) in a restricted area, which is specified in Schedule A, compiled according to the consultation process outlined in subsections 6A(2)(a) to (j) of the Act, outside the hours so specified in relation to each garden, park, verge or area.

8. TRADING RESTRICTED TO SPECIFIED GOODS OR SERVICES IN CERTAIN PLACES

No person shall trade-

- (a) on a verge contiguous to any place of worship, national monument or public building;
- (b) in a restricted area, which is specified in Schedule B, compiled according to the consultation process outlined in subsections 6A(2)(a) to (j) of the Act, other than the goods or services so specified in relation to each such garden, park, verge or area; or
- (c) on a verge contiguous to that part of a building in which business is being carried on by a person other than a department store or supermarket or other large supplier of many different lines of goods of the same nature as or of a similar nature to goods being sold by the first-mentioned person without the consent of the second-mentioned person.

9. TRADING RESTRICTED TO DEMARCATED STANDS OR AREAS IN CERTAIN PLACES

No person shall trade-

- (a) on a verge contiguous to any place of worship, national monument or public building; or
- (b) in a restricted area, which is specified in Schedule C, compiled according to the consultation process outlined in subsections 6A(2)(a) to (j) of the Act outside a stand or area set apart for trading purposes as contemplated in subsection 6A(3)(b) of the Act.

10. NO TRADING IN STANDS OR AREAS WHICH HAVE BEEN LET EXCEPT BY THE LESSEE

If the Council has let or otherwise allocated any stand or area set apart or otherwise established for street trading purposes, as contemplated in subsection 6A(3)(c) of the Act, no person may trade in such area if he/she is not in possession of proof that he/she has hired such stand or area from the Council of that it has otherwise been allocated to him/her.

11. NO TRADING NEAR CERTAIN PUBLIC BUILDINGS, PLACES OF WORSHIP AND NATIONAL MONUMENTS

No person shall trade on a verge contiguous to any place of worship, national monument or public building which is specified in Schedule D, compiled according to the consultation process outlined in subsections 6A(2)(a) to (j) of the Act, unless he/she obtains written consent from the Council, which consent shall not be unreasonably withheld.

12. NO TRADING IN PROHIBITED AREA

No person shall trade in any prohibited area, prohibited for that purpose by the Council.

13. TRADING NEAR RESIDENTIAL BUILDINGS

No person shall, outside an area specified in Schedule E, compiled according to the consultation process outlined in subsections 6A(a) to (j) of the Act, trade in that half of a public road contiguous to a building used exclusively for residential purpose if-

- (a) the owner, person in control or occupier of any part of the building facing onto such road has objected thereto in writing; and
- (b) the fact that such objection was made has been made known in writing to the first mentioned person by an authorised official.

14. SIGNS INDICATING RESTRICTIONS AND AREA

The Council may-

- (a) by resolution, after consultation with all interested parties, prescribed signs, markings or other devices approved by the Premier indicating-
 - (i) specified hours, places, goods or services in respect of which street trading is restricted;
 - (ii) the location or boundaries of a restricted area;
 - (iii) the boundaries of a stand or area set apart for the purpose of the carrying on of the business of street trading under subsection 6A(3)(b) of the Act;
 - (iv) the fact that any such stand or area has been let or otherwise allocated;
 - (v) any restrictions or prohibition against trading in terms of this by-law; and

- (vi) the location of boundaries of a prohibited area; and
- (b) display any such sign, marking or device in such a position and manner as will indicate the restrictions or the location or boundaries of the area of stand concerned.

15. REMOVAL AND IMPOUNDMENT

- (1) An officer may remove and impound any goods, articles, receptacle, vehicle or structure-
 - (a) which he/she reasonable suspects is being used or has been used in or in connection with street trading; and
 - (b) which he/she finds at a place where street trading is restricted or prohibited in terms of sections 5 to 13 inclusive and which, in his/her opinion, constitutes an infringement of any such section; or
 - (c) which constitutes an infringement of subsection 3(d) hereof.
- (2) Any officer acting in terms of these provisions shall-
 - (a) except in the case of goods which have been left or abandoned, issue forthwith to the person carrying on the business of street trader a detailed receipt for any property so removed and where the property will be impounded and the procedure for reclaiming such property; and
 - (b) forthwith deliver any such property to the Council .
- (3) Any property removed and impounded as contemplated by subsection 6A of the Act-
 - (a) may, in the case of perishable property, be sold or destroyed by the Council concerned within a reasonable time after the impoundment thereof, provided that such property shall subject to the provisions of 15 (4) hereunder, at any time prior to the disposal thereof, be returned to the owner on request and proof ownership by such owner to the Council concerned provided such perishables are still fit for human consumption;
 - (b) shall, subject to the provisions of 15(4) hereunder, in the case of property other than perishable property, be returned to the owner thereof on request and proof of ownership by such owner to the Council concerned within a period of one month of the date of impoundment.
- (4) The Council concerned shall be entitled to keep to property concerned until all reasonable expenses have been paid to it, failing which the property may be sold by public auction upon 14 days notice being given to the owner or in the case of perishable goods either be sold or destroyed by such Council
- (5) In case of a sale of impounded property by a Council, the proceeds of such sale less the reasonable expenses incurred by such Council in connection with the removal, impoundment and/or disposal of such property, shall be paid to the person who was the owner of such property when such property was impounded. If such owner fails to claim the said proceeds within three months of the date on which such property was sold, such proceeds shall be forfeited to such Council and shall be paid onto a special fund created by such Council dedicated to the development of the informal sector and matters ancillary thereto.
- (6) In the event of the proceeds of any sale of property contemplated by this provision not being sufficient to defray the reasonable expenses incurred by the Council

in connection with such removal, impoundment and/or disposal.

16. OFFENCES

Any person who-

- (a) Contravenes or fails to comply with any provision of this by-law;
- (b) ignores, disregards or disobeys any notice, sign or marking displayed or erected for purpose of this by-law;
- (c) contravenes or fails to comply with any approval or conditions granted or imposed in term this by-law;
- (d) fails to comply with a written instruction to move or remove his/her property;
- (e) deliberately furnishes false or misleading information to an officer or an employee of the Council ; or
- (f) threatens, resists, interferes with or obstructs an officer or employee of the Council the performance of his/her powers, duties or functions under this by-law; shall be guilty of an offence.

17. PENALTIES

Any person who is guilty of an offence in terms of this by-law shall on conviction be liable to a fine not exceeding R 3000.00 or to imprisonment for a period not exceeding six months.

18. VICARIOUS RESPONSIBILITY OF PERSONS CARRYING ON BUSINESS

When an employee of a person conducting the business of street trading does or omits to do anything which would be an offence in terms of this by-law for that person to do or omit to do, that person shall be deemed himself/herself to have done or omitted to do the act, unless he/she satisfies the court that-

- (a) he/she neither connived at nor permitted the act or omission by the employee concerned;
- (b) he/she took all reasonable steps to prevent the act or omission; and
- (c) an act or omission, whether lawful or unlawful, of the nature charged on no condition or under no circumstances fell within the scope of the authority or employment of the employer concerned, and the fact that the said person issued instructions whereby an act or omission that nature is prohibited shall not in itself be sufficient proof that he/she took all reasonable steps to prevent the act or omission.

19. VICARIOUS RESPONSIBILITY OF EMPLOYEES

When a person carrying on the business of street trading is by virtue of section 18 liable for an act of omission by an employee of that person, that employee shall also be liable as if he/she was the person carrying on the business concerned.

20. APPEALS

- (1) Any person who feels him/herself aggrieved by the decision of the Council may appeal against such decision to an appeal committee in accordance with the provisions set out herein.
- (2) Any person who feels him/herself aggrieved by a decision of the Council shall notify the Council of his/her intention to appeal the decision in writing within 10 days of having received notification of the Council 's decision.

21. CONSTITUTION OF AN APPEAL COMMITTEE

- (1) The member of the Executive Council of Economic Affairs may, with the concurrence of the Council, representatives of the informal traders and any other interested person, designate persons as members and alternate members of the Appeal Committee.
- (2) The Appeal Committee shall consist of a maximum of 7(seven) members with at least 1(one) member from the relevant sector.
- (3) The members of the Appeal Committee shall appoint a member to act as a Chairperson and Deputy Chairperson respectively.
- (4) When the chairperson is unable to perform the function of Chairperson, the Deputy Chairperson shall perform the function of Chairperson
- (5) If the Chairperson is of the opinion that a particular person is able to assist the Appeal Committee, he/she may co-opt that person for that purpose.
- (6) A person so co-opted shall not be entitled to vote at any meetings of the Committee.
- (7) The chairperson shall notify the aggrieved person of the date, time and place of the meeting of the Appeal Committee at which his/her presence is required within 10 days of receipt of one Notice of Appeal.
- (8) The aggrieved person who has received notice in terms of provision 21 (7) shall personally appear at the meeting or appoint a legal representative or any other person to appear on his/her behalf.
- (9) An authorised official or a legal representative may represent the Council concerned.

22. PROCEDURE AT APPEAL MEETINGS

- (1) The Chairperson shall determine the procedure of the meeting, provided-
 - (a) such procedures adhere to the *audi alteram partem* principle; and
 - (b) all parties are advised seven days prior to the hearing and the procedures to be observed.
- (2) All members shall be present at the meeting of the Appeal Committee.
- (3) Any person present at the meeting may-
 - (a) be called upon by the Chairperson to give evidence;
 - (b) be called upon by the Chairperson to produce to the Committee any document or any other property which is in his/her possession or under his/her control; or
 - (c) be questioned by the Committee on the matter before it.

- (4) The Appeal Committee shall review the decision of the Council and make a finding having regard to the following considerations;
- (a) Whether the decision of the Council was fair and equitable in the circumstances;
 - (b) The effect of the decision on the ability to trade of the aggrieved person; and
 - (c) Whether alternative measures may be adopted to facilitate the continued business of the aggrieved person.
- (5) A decision of the Committee shall be taken by a majority of votes of the members present at the meeting and in the event of an equality of votes, the Chairperson shall have a casting vote in addition to his/her deliberative vote.
- (6) The Appeal Committee may after consideration by it of the evidence presented-
- (a) refuse the appeal;
 - (b) uphold the appeal; or
 - (c) take such other steps as it may think fit.
- (7) The Appeal Committee shall as soon as it is practicable-
- (a) notify the aggrieved person of its decision in writing; and
 - (b) furnish the aggrieved person with written reasons for its decision.

23. REPEAL OF BY-LAWS

The by-laws of the former Municipal Councils of Danielskuil relating to matters contained in this by-law, are hereby repealed.

SCHEDULE A

PLACES WITH RESTRICTED TRADING HOURS

<u>PLACES</u>	<u>TRADING HOURS</u>
A. Gardens and parks.	
B. Verges contiguous to the following: places of worship, national monuments and public buildings.	
C. Restricted areas: (With number and date of notice of declaration thereof).	

With regard to A, B and C above, the hours determined by Council after receiving specific applications.

SCHEDULE B

PLACES WHERE GOODS OR SERVICES ARE RESTRICTED

<u>PLACES</u>	<u>PERMITTED GOODS OR SERVICES</u>
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- A. Gardens and parks.
- B. Verges contiguous to the following: places of worship, national monuments and public buildings.
- C. Restricted areas:
(With number and date of notice of declaration thereof).

With regard to A, B and C above, the goods or services determined by Council from time to time.

SCHEDULE C

PLACES WHERE TRADING IS TRSTRICITED TO DEMARCATED STANDS AND AREAS

PLACES

- A. Gardens and parks.
- B. Verges contiguous to the following: places of worship, national monuments and public buildings.
- C. Restricted areas:
(With number and date of notice of declaration thereof).

SCHEDULE D

VERGES WHERE TRADING IS PROHIBITED

THE VERGES CONTIGUOUS TO THE FOLLOWING:

- A. Public Buildings.
- B. Places of worship.
- C. National monuments.

SCHEDULE E

AREAS EXCLUDED FROM RESTRICTION ON TRADING NEAR RESIDENTIAL BUILDINGS

- A. Townships and portions of townships.
- B. Public roads and portions of public roads.

KGATELOPELE LOCAL MUNICIPAL COUNCIL

STANDING ORDERS BY-LAW

The Municipal Manager of the KGATELOPELE Local Municipal Council in terms of subsection 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000), publishes the by-law as set forth hereafter as by-law made by the Council.

1. Definitions

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

"act" means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)

"budget" means the estimate of the revenue and expenditure of the Council drawn up and presented by the Executive Committee in terms of national legislation.

"chairperson of the Council" means the Mayor of the Council as contemplated in sections 36 and 37 of the Act.

"Council" means the KGATELOPELE Local Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

"mayor" shall also mean the person presiding at Executive Committee meetings as contemplated in section 49 of the Act, as well as where a Deputy Mayor is elected, the Deputy Mayor acting in the Mayor's stead.

"meeting" means a meeting of the Council or the Executive Committee, as the case may be.

"member" means a member of the Council or the Executive Committee as the case may be.

"motion" means a motion introduced in writing in terms of section 21 or 50;

"municipal manager" means a person as contemplated in section 82 of the Act.

"proposal" means any proposal with the exception of a motion, moved and seconded during a meeting of the Council or a committee thereof, or any successor legislation thereto and any other word or expression to which a meaning has been assigned in the Act or the Ordinance, shall have that meaning.

2. Removal of persons from Council chamber

- (1) The chairperson may at any time during a meeting, if for the maintenance of order he/she deems it necessary, direct the removal of any person other than a member from the Council chamber or order the gallery to be cleared.
- (2) Any person who refuses to carry out any order or direction given in terms of this action or who willfully resists the carrying out thereof shall be guilty of an offence.

3. Signing of attendance register and wearing of robe during meetings

Every member attending a meeting shall-

- (a) sign his/her name in the attendance registers; and
- (b) wear a robe if the Council so resolves which robe is provided for that purpose.

4. Adjournment in event of no quorum

If at the expiration of thirty minutes after the hour at which a meeting is appointed to be held a quorum has not assembled, no meeting shall take place unless the members present agree to allow further time not exceeding an additional ten minutes in order to enable a quorum to assemble. The members present may at any time after the expiry of the ten minutes aforesaid, by a majority of votes, request the Municipal Manager to convene a meeting at a convenient time, notice of which shall be given in terms of the Act, and the provisions of section 7 of these rules shall apply *mutatis mutandis*.

5. Count out of members

If during any meeting, the attention of the chairperson is directed to the number of members present, such members shall be counted and, if it is found that there is no quorum, the chairperson shall cause this fact to be recorded in the minutes and the call bell to be rung for at least one minute and, if after an interval of five minutes a quorum has not yet assembled, the members present may by a majority of votes resolve to adjourn the meeting. If no such resolution be taken and after an interval of ten minutes there be no quorum, the meeting shall be considered adjourned until a time to be determined by the Municipal Manager.

6. Notice of adjourned meeting

When a meeting is adjourned, notice of the adjourned meeting shall be served in terms of the Act unless a proposal fixing of the date and hour of such an adjourned meeting is adopted by at least three quarter of the members present (fractions to be reduced to the lowest member).

7. Adjourned meeting

Subject to the provisions of section 8 no business shall be transacted at an adjourned meeting except such as specified in the notice of the meeting, which is adjourned.

8. Business limited by notice

Subject to the provisions of subsection 50(1) no matter not specified in the notice of a meeting shall be transacted at that meeting save an urgent report of the Executive Committee.

9. Order of business of meeting

(1) The order of business of an ordinary meeting shall be as follows:

- (a) Opening
- (b) Acceptance of notice of the meeting as read.
- (c) Applications for leave of absence.

- (d) Official notices-
 - by the Chairperson;
 - by members of the Council;
 - by the Municipal Manager.
 - (e) Chairperson's unopposed proposals.
 - (f) Confirmation of minutes of previous meetings.
 - (g) Questions of which notice has been given.
 - (h) Motions or proposals referred from previous meetings.
 - (i) Report of the Executive Committee.
 - (j) New motions.
 - (k) Petitions
 - (l) Closure
- (2) After the matters referred to in paragraphs (a) to (f) of subsection (1) have been considered, the Council may at its discretion change the order of the other business appearing on the agenda.

10. Minutes of meeting

- (1) Unless the minutes of a meeting are confirmed at the same meeting, the minutes shall be taken as read with a view to confirmation, provided a copy thereof has been served on each member in the manner as provided in the Act.
- (2) No motion proposal or discussion shall be allowed on the minutes, except as to their accuracy.

11. Question by members

- (1) A member may put a question at a meeting-
- (a) on a matter arising out of or connected with any item of the report of the executive committee when such item has been called or during discussion thereon;
 - (b) concerning the general work of the Council not arising out of or connected with any item of the report of the Executive Committee: Provided that such question may only be asked if at least seven days prior notice in writing has been lodged with the Town Secretary, who shall forthwith furnish a copy thereof to the chairperson and the chairperson of the Executive Committee.
- (2) A question on a matter which in the opinion of the chairperson is of urgent public importance shall only be asked at a meeting after notice in writing thereon in duplicate has been lodged with the Town Secretary at least ten minutes before the commencement of the meeting, and the Town Secretary shall immediately furnish a copy thereof to the chairperson and the chairperson of the Executive Committee.
- (3) Any person put in terms of this section shall be replied to by or on behalf of the chairperson of the Executive Committee.
- (4) After a member's question has been replied to he/she may ask for elucidation thereof and the question whether it has been decisively or fully replied to shall not be debated except with the consent of the chairperson.
- (5) The chairperson may disallow a question if he/she is of the opinion that it is out of order or not put clearly.

12. Reporting to Executive Committee

- (1) A report of departmental head shall be directed to the Municipal Manager who must submit it to the Executive Committee/ Mayor.
- (2) The Municipal Manager may refer a report back to a departmental head for factual amendment or amplification and he/she may, if he/she deems it necessary, comment on and make a recommendation in respect of any report contemplated in subsection 12(1).

13. Composition of a report of Executive Committee

- (1) A report submitted by the Executive Committee in terms of the Act, read with subsections 160(6) (a) to (c) of the Constitution of the Republic of South Africa (Act 108 of 1996), shall first contain the matters in respect of which recommendations are made (hereinafter referred to as "the first part") and thereafter those matters which have in terms of the Act had been delegated to-
 - (a) the Executive Committee; (hereinafter referred to as the "second part") and
 - (b) committees contemplated in section 79 of the Act, (hereinafter referred to as the "third part", fourth part, etc., on a numerical basis).
- (2) Unless any item is submitted to the Council for information only, every item of the first shall contain a recommendation which may be adopted by the Council.

14. Report shall be delivered

A report of the Executive Committee/Mayor with the exception of a report accepted by the chairperson as a matter of urgency, shall be delivered in the manner provided in for in the Act.

15. Moving report

- (1) The chairperson of the Executive Committee or member called upon by him/her to do so, shall submit a report of the Executive Committee, and in doing so, shall move-

"That the report be considered"

- (2) A proposal referred to in subsection (1) shall not be discussed, and if the Council accepts such proposal, the chairman shall put the recommendations contained in the first part of the report seriatim, unless for a good cause he/she sees fit to vary the order.
- (3) When a recommendation referred to in subsection (2) is accepted, such recommendation shall become a resolution of the Council.
- (4) At the conclusion of the first part of the report referred to in subsection (2), the chairperson shall permit discussion of the second and ensuing parts of the report: Provided but-
 - (a) such discussion shall be limited-
 - (i) One hour in respect of the matters contemplated in subsection 13(1) and
 - (ii) thirty minutes per part in respect of the matters contemplated in subsection(1)(b)

- (b) a member, excluding the chairperson of the Executive Committee, shall not, unless permitted by the Council speak for more than ten minutes, and when a member is permitted to speak for more than ten minutes, the Council shall decide on the period of time;
- (c) during such discussion no other proposal shall be submitted, except a proposal that the Executive Committee or a committee contemplated in subsection 13(1)(b), as the case may be, be requested to reconsider its decision;
- (d) a member may during such discussion request that his/her opposition to any resolution in such second part, and the reason therefore, be recorded, whereupon the Town Secretary shall record or have such opposition recorded.

16. Recommendations of Executive Committee shall be regarded as proposals

It shall be deemed that the member who has made a proposal in terms of section 15 moves each recommendation contained in the report and that such proposal has been seconded.

17. Withdrawal or amendment of recommendation

The member who has made a proposal in terms of section 15 may withdraw or amend any recommendation contained in a report with the consent of the Council.

18. Reply to debate

- (1) The chairperson of the Executive Committee or the member who has made a proposal in terms of section 15 shall reply to and close the debate on any item in a report of the Executive Committee, without introducing new matters.
- (2) Notwithstanding the provisions of subsection (1) the chairperson or the member therein mentioned may make an explanatory statement or an announcement prior to the consideration of any particular item contained in the report of the Executive Committee or during the discussion of such a report.

19. Deputation

- (1)
 - (a) A deputation desiring an interview with the Council shall submit a memorandum setting out the representations it wishes to make.
 - (b) The Town Secretary shall place the memorandum before the Executive Committee which may receive the deputation and deal with the matter raised in the memorandum in terms of the power delegated to it: Provided that the Executive Committee may dispense with the necessity of submitting a memorandum.
 - (c) If the Executive Committee is of the opinion that the matter is one which should be placed before the Council, it shall so report to the Council and, if the Council so orders, an interview shall be granted to the deputation.

- (3) A deputation shall not exceed three in number and only one member thereof shall be at liberty to speak except in reply to a question of a member. The matter shall not be further considered until the deputation has withdrawn.

20. Petition

A petition may be presented by a member, but when presenting it, he/she shall not deliver a speech or comment thereon to the Council. Such a petition will be referred to the Executive Committee who will report to Council in that regard.

21. Form of giving notice of motion

- (1) Every notice of motion shall be in writing and such motion shall be signed by the member submitting it.
- (2) A motion shall be given to the Administration Officer who shall enter it in a book to be kept for the purposed of his/her office, which book shall be open to the inspection of any member, and the Administration Officer shall without delay furnish each member with a copy of the motion.
- (3) At the request of the member who gave notice of the motion, the Administration Officer shall acknowledge receipt thereof in writing.
- (4) Unless a notice of motion is received at least ten days before a meeting, it shall not be specified in the notice of such meeting.
- (5) Every motion shall be relevant to some question relating to the administration or conditions in the municipality.
- (6) The member who introduces a motion may reply: Provided that when a proposal in terms of subsection 43(1)(b), (c), (d), (e), (f) or (g) is carried in respect of such motion, such member may reply for not more than ten minutes.

22. Order of motions

Every motion shall on receipt be dated and numbered and shall be entered by the Council Secretary upon the agenda in the order in which it is received except in the case of notice of an amendment which shall be entered immediately after such notice of motion, irrespective of the time upon which notice of motion to amend is received.

23. Limitation of notices

No member shall have more than one motion other than a deferred motion upon the agenda paper and no member shall move more than six motions, which includes a motion contemplated in subsection 50(1), in any year.

24. Motion to rescind any resolution passed within the preceding three months

- (1) When a member proposes a motion in terms of provisions of section 21 which-

- (a) is aimed at the revocation or amendment of a resolution of the Council taken within the preceding three months, or
 - (b) has the same purport as a motion which has been negative within the preceding three months such motion shall be placed on the agenda only if the notice of such motions is signed by three members in addition to the member who proposes such motion.
- (2) A motion similar to the one which was disposed of in terms of subsection (1), shall not again be proposed by a member before the expiry of six months after such disposal.
- (3) Notwithstanding the provisions of subsection (1) and (2), the Council may at any time rescind or amend a resolution in pursuance of a recommendation of the Executive Committee contained in a report in accordance with section 15.

25. Procedure in respect of putting of motions

- (1) When motions come up for discussion, the chairperson shall read out the number of each and the name of the mover and shall ascertain which motions are unopposed.
- (2) An unopposed motion shall be carried immediately and without discussion.
- (3) If there is an opposed motion, the chairperson shall call for a seconded and he/she shall thereafter in turn put each such seconded motion.
- (4) A member who seconded a motion may subsequently speak upon such motion unless a proposal in terms of subsection 43(1)(b), (c), (d), (e), (f) or (g) in respect of such motion has been made and carried before the seconded has spoken.
- (5) A motion which is not put by the proposer thereof, or which is not seconded, shall lapse.

26. Irregular motions or proposals

The chairperson shall disallow a motion or proposal-

- (a) which in his/her opinion-
 - (i) might lead to the discussion of a matter already contained in the agenda or which is not relevant to some question relating to the administration or conditions in the municipality; or
 - (ii) advances argument, expresses an opinion or contains unnecessary factual, incriminating, derogatory or improper allegations;
- (b) In respect thereof-
 - (i) the Council has no jurisdiction; or
 - (ii) a decision by a judicial or quasi-judicial body is pending; or
- (c) which, if carried, will be in conflict with the provisions contained in these Standing Orders or of any other law, or will be unenforceable.

27. Matter serves before Council by way of proposal

- (1) Subject to the provisions of subsections 15(2) and 16, a matter shall not be deemed to be put to the Council for a decision unless a proposal on such matter has been made and duly seconded.

- (2) The provisions of subsection 25(4) shall apply *mutatis mutandis* to a member seconding a proposal.

28. Provisions relating to the consideration of the budget

Notwithstanding anything to the contrary contained herein, the following provisions shall apply when the Council considers the budget:

- (a) A proposal, which will have the effect that estimated revenue or expenditure of the Council is increased or decreased, shall not be put, before the debate on the budget has been closed.
- (b) After the debate on the budget has been closed, the chairperson shall put every proposal contemplated in paragraph (a) *seriatim*.
- (c) If any such proposal is accepted, the budget shall not be deemed to be amended in accordance with that resolution and the meeting shall be postponed to a date and time determined by the chairperson, unless the chairperson of the Executive Committee or a member of that committee designated by him/her, decides that such postponement is not necessary.
- (d) If, in terms of paragraph (c), it is decided that a postponement of the meeting is not necessary, the budget shall be deemed to have been amended in accordance with a resolution contemplated in that paragraph.
- (e) After a postponement contemplated in paragraph (c), the Executive Committee shall investigate the implication of every such resolution and shall report to the Council thereon at the resumption of the meeting.
- (f) After the Executive Committee has reported in terms of paragraph (e), the chairperson shall-
 - (i) allow a debate thereon;
 - (ii) thereafter again put every proposal contemplated in paragraph (c) and if any such proposal is accepted, the budget shall be amended in accordance with that resolution.

29. Reference to Executive Committee of proposal affecting budget

A motion or proposal, other than a proposal contemplated in section 16, which will have the effect that the approved budget is increased or decreased shall not be accepted before the Executive Committee has reported thereon.

30. Reference to the Executive Committee of motion or proposal affecting by-law or law

A motion or proposal, other than a recommendation of the Executive Committee, affecting the making or amendment of a by-law or law shall, before the Council adopts a resolution thereon, be submitted to the Executive Committee to report thereon.

31. Withdrawal or amendment of motion or proposal

- (1) A mover may withdraw or amend a motion or proposal with the Council's permission, and only the mover shall be allowed to explain his request for such permission.

- (2) After permission has been requested in this way, no further discussion shall be held on the respective motion or proposal and the permission requested shall be granted or refused without further discussion.

32. Addressing the meeting

A member may sit when speaking and shall address the chairperson.

33. Precedence of chairperson

Whenever the chairperson speaks, any member then speaking or offering to speak shall sit down, and the members are to be silent so that the chairperson may be heard without interruption.

34. Length of speeches

- (1) Subject to the provisions of sections 15 and 43, a member may not speak for longer than ten minutes: Provided that-
- (a) A member who submits a motion may speak for a period not exceeding fifteen minutes when elucidating his/her motion; and
 - (b) The Council may permit a speech to be continued for a further period or periods of five minutes.
- (2) The Council may waive the provisions of subsection (1) in regard to a statement made with the consent of the Council by the chairperson or other member of the Executive Committee in relation to any matter arising from a report.
- (3) A member participating in any debate may during the course of his/her speech refer to notes but he/she shall not be permitted to read his/her speech. The chairperson may require a member reading his/her speech to discontinue his/her speech.
- (4) The provisions of this section shall not apply to-
- (a) the chairperson of the Executive Committee when he/she presents the budget and opens the debate thereon;
 - (b) the chairperson of the Executive Committee when he/she or a member of that committee designated by him/her delivers the budget speech, or replies to the debate in connection with the consideration of the budget;
 - (c) the chairperson of the Executive Committee when he/she closes the debate in connection with the consideration of the budget; and
 - (d) the person who in terms of subsection 18(1) replies to and closes the debate contemplated in that section.

35. Relevance

- (1) A member who speaks shall direct his/her speech strictly to the matter under discussion or to an explanation or on a point of order.
- (2) The chairperson shall not allow a discussion-

- (a) which will anticipate any matter on the agenda; or
- (b) on any matter in respect of which a decision by a judicial or quasi-judicial body is pending.

36. Irrelevance, repetition and breach of order

- (1) If in the opinion of the chairperson, a member-
 - (a) does not abide by the provisions of subsection 35(1) or is guilty of irrelevance or tedious repetition while he/she addresses the Council, the chairperson may direct him/her to abide by the said provisions or to discontinue such irrelevancies or tedious repetition;
 - (b) endeavours a discussion in breach of subsection 35(2), the chairperson shall direct him/her to cease that discussion;
 - (c) while he/she is in the Council chamber and irrespective of whether he/she addresses the Council-
 - (i) uses offensive or unbecoming language;
 - (ii) makes an incriminating, libelous or derogatory remark, allegation or insinuation in respect of another member or person;
 - (iii) breaches the order or disregards the authority of the chairperson; or
 - (iv) is improperly dressed.
- (2) If a member fails to comply with a direction contemplated in subsection (1), the chairperson may-
 - (a) in a case contemplated in subsections (1)(a) and (b), direct the member concerned to discontinue his/her speech; or
 - (b) in a case contemplated in paragraph (a) and subsection (1)(c), direct the member concerned to withdraw from the meeting for the further duration thereof.

37. Chairperson may have member removed

Should any member fail to comply with a direction given in terms of subsections 36(2)(a) and (b) the chairperson may call upon an officer to remove the member and to take steps to ensure that the member does not return to the meeting. Subsections 36(1)(c); 36(2) and 37 are *mutatis mutandis* applicable to members of the public.

38. Exclusion of members

- (1) The Council may exclude from meetings of the Council, for such period as it may fix but not exceeding forty-five days, a member who willfully disregards the authority of the chairperson or who willfully obstructs the business at any meeting. Provided that the member concerned may within 7 days from the Council meeting at which the exclusion decision was taken, direct an appeal in writing to the Mayor, who must convene a special Council meeting to consider the appeal within 7 days from date of receiving such appeal.
- (2) The Council at the said special meeting may confirm, reject or amend the original Council resolution.
- (3) In the considering of the appeal, the Council must comply with the rules of natural justice.
- (4) A proposal to exclude a member may be moved at any stage of the meeting.

39. Member to speak only once

- (1) Subject to any provisions to the contrary, or the prior approval of the chairperson, no member shall speak more than once of any motion or proposal and the chairperson's decision whether or not to allow the member to speak again, is final and shall not be open to discussion.
- (2) The provisions of subsection (1) shall not apply to a member of the Executive Committee when the Council considers the budget.

40. A point of order and personal explanation

- (1) Any member may rise to a point of order or explanation but such explanation shall be confined to the material content of his/her former speech.
- (2) Such a member shall be called upon to speak forthwith.

41. Chairperson's ruling on a question of order

The ruling of the chairperson on a point of order or on the admissibility of an explanation, shall be final and shall not be open to discussion.

42. Mode of voting

- (1) Every opposed motion or proposal shall be submitted to the Council by the chairperson who shall call upon the members to indicate by a show of hands, unless the Council decides otherwise, whether they are for or against it or abstained from it, and he/she shall thereupon declare the result of the voting.
- (2) After the chairperson has declared the result of the voting in accordance with subsection (1), a member may demand-
 - (a) that his/her vote be recorded against a decision, or
 - (b) a division by rising and putting such demand to the chairperson.
- (3) When a division has been duly demanded in accordance with subsection (2)(b), the chairperson shall accede thereto; the division bell shall be rung for at least one minute, whereupon every entrance to the Council chamber shall be closed, and no member shall leave or enter the Council chamber until the result of the division has been declared.
- (4) After the expiry of the period of time referred to in subsection (3), the chairperson shall again put the motion or proposal to the vote as provided in subsection (5) and thereafter declare the result of the division.
- (5) A division shall take place as follows: The Town Secretary shall read out the name of each member alphabetically. Each member shall indicate by means of a clearly audible "for" or "against" or "abstained" whether he/she votes in favour of or against or abstained on the motion

or proposal, and the Town Secretary shall record each such vote as well as the name of each absent member.

- (6) When a division takes place in accordance with the preceding provisions, every member present, including the chairperson, shall be obliged to record his/her vote for or against the motion or proposal or abstained.
- (7) A member demanding a division shall not leave the Council chamber before such division has been taken.
- (8) Should there be an equality of votes in respect of a motion or proposal on which voting takes place in accordance with subsection (1) of (4), and the chairperson refuses to record his/her second or casting vote as contemplated in the Act the matter under consideration shall be referred back to the Executive Committee.

43. Proposals which may be made

- (1) When a motion or proposal is under debate at a meeting, no further proposal shall be received except the following:
 - (a) That the motion or proposal be amended;
 - (b) That consideration of the question be postponed;
 - (c) That the meeting be adjourned;
 - (d) That the debate be adjourned;
 - (e) That the question be put;
 - (f) That the Council proceeds to the next business;
 - (g) That the question be referred back for further consideration;
 - (h) That, for the purpose of dealing with the matter, the Council resolves itself in committee in terms of section 54; and
 - (i) That the consideration of the matter be held over until the Council has dispatched all the other matters on the agenda;

Provided that the proposals referred to in paragraphs (b) to (g) may not be made to the Council until the mover of the motion or proposal under debate have spoken thereon: Provided further that a second proposal in terms of paragraph (b), (c), (d) (e) and (f) shall not be made within half-an-hour of a similar proposal under the same item unless, in the opinion of the chairperson, the circumstances are materially altered.

- (2) A member who has not participated in the debate upon or proposal may during that debate at the conclusion of any speech, move-
 - (a) that consideration of the question be postponed to any stated date; or
 - (b) that the meeting be now adjourned: Provided that the meeting shall not be adjourned until the debate on a motion or proposal has first been adjourned; or
 - (c) that the debate be adjourned.

- (3) A member who has made a proposal mentioned in subsection (2) may speak thereon for not more than five minutes and the seconder shall not be allowed to speak thereon.
- (4) Upon a proposal mentioned in subsection (2) being made, the mover of the question under debate may speak on such proposal for not more than five minutes and subsequently the proposal shall be put without further debate.

44. Consideration of a matter to be held over

A member who makes a proposal in terms of subsection 43(1)(i), may speak thereon for not more than three minutes, but the seconder shall not be allowed to speak thereon, and thereafter the proposal shall be put to the vote without further debate.

45. Amendment of a motion or proposal

- (1) An amendment which is moved shall be relevant to the motion or proposal on which it is moved.
- (2) Such amendment shall be reduced to writing, signed by the mover and handed to the chairperson.
- (3) An amendment shall be clearly stated to the meeting before it is put.
 - (a) Whenever an amendment upon a motion or proposal has been moved and seconded, no further amendment shall be moved until a resolution has been adopted upon which an amendment may be moved.
 - (b) If the amendment is carried, the amended motion or proposal shall take the place of the original motion or proposals and shall become the substantive motion or proposal upon which an amendment may be moved.
- (4) A member shall not move more than one amendment of a proposal or motion.
- (5) The mover of an amendment of a proposal or motion shall have no right to reply.

46. Postponement of consideration of question

If a motion is carried that the consideration of the question be postponed to a stated date, the motion or proposal shall be placed first among the motions or proposals to be contained in the report of that committee to the Council on the day in question.

47. Adjournment of meeting

No member shall at any meeting move or second more than one proposal for the adjournment of the meeting.

48. Adjournment of the debate

- (1) If the proposal that the debate be adjourned is carried, the Council shall deal with the next question appearing on the agenda and the question in respect of which the debate has been adjourned, shall be placed first on the list of motions or proposals of the next meeting and the discussion thereof shall be resumed at that meeting.
- (2) On resuming an adjourned debate, the member who moved its adjournment shall be entitled to speak first.
- (3) No member shall move or second more than one proposal for the adjournment of the same debate.

49. Putting on the question

- (1) Subject to the provisions of subsection 43(1), a member who has not participated in the debate on a motion or proposal during that debate may at the conclusion of a speech move that the question be now put.
- (2) Subject to the provisions of subsection (3), a proposal made in terms of subsection (1) shall not be open to discussion.
- (3) The mover of a question under debate may, when a proposal has been made in terms of subsection (1), speak on such a proposal for not more than five minutes and subsequently the proposal shall be put without further discussion.

50. The Council shall proceed to next business

- (1) Subject to the provisions of subsection 43(1) a member who has not participated in the debate on a motion or proposal during that debate may at the conclusion of a speech move that the Council do now proceed to the next matter.
- (2) Subject to the provisions of subsection (3), a proposal made in terms of subsection (1) shall not be open to discussion.
- (3) The mover of a question under discussion may, when a proposal has been made in terms of subsection (1), speak on such proposal for not more than five minutes, and subsequently the proposal shall be put without any further debate.
- (4) If a proposal made in terms of subsection (1) is carried, the question under discussion shall be dropped.

51. The question shall be referred back for further consideration

- (1) When a recommendation of the Executive Committee is before the Council, a member may move that the question be referred back to the Executive Committee for further consideration.
- (2) The mover of such a proposal shall have no right of reply.
- (3) Such a proposal shall not be put until the provisions of section 18 have been complied with.

- (4) If such a proposal is carried, the debate on the recommendation shall end and the Council shall proceed to the next matter.

52. Suspension of section 8

- (1) Notwithstanding anything to the contrary contained in these Standing Orders, but subject to the provisions for this section, a member may move at an ordinary meeting or an adjournment thereof, that the provisions of section 8 be suspended to enable him/her to propose a motion whereof notice could not be given in terms of section 21 owing to the urgency thereof.
- (2) The proposal and motion referred to in subsection (1) shall be reduced to writing, shall be signed by the proposer and at least one seconder and shall be handed to the chairperson at least ten minutes before the commencement of the meeting whereat it is proposed to move the proposal and motion, unless the chairperson allows a shorter period of time.
- (3) The chairperson shall disallow both if he/she could have disallowed such motion in terms of section 26.
- (4) Immediately before the report of the Executive Committee is submitted in terms of section 15, the chairperson shall make known that a proposal and motion in terms of subsection (1), if any, have been handed to him/her and whether he/she is disallowing or allowing them, and in the event of them being allowed, whether they shall be proposed before or after the dispatch of the report of the Executive Committee.
- (5) If the chairperson allows the proposal and motion in terms of subsection (4) the member concerned shall, when called upon to do so by the chairperson, read out the motion and after he/she has spoken on only the reason for the urgency of the consideration of that motion for not more than five minutes, which includes the reading of the motion, he/she shall propose that the provision of section 8 be suspended.
- (6) The seconder of the proposal and motion contemplated in subsection (1) shall not speak on them, except to formally second them.
- (7) The proposal to suspend shall be deemed to be carried if the members voting in favour thereof constitute a majority of the whole Council.
- (8) If the proposal to suspend is carried, the motion shall be deemed to be duly put and thereafter the debate thereon shall proceed in accordance with the provisions of these Standing Orders.

53. Interpretation of standing orders

- (1) (a) Any member may request the ruling of the chairperson as to the interpretation of the Standing Orders to be embodied in the minutes, and a register of such rulings shall be kept by the Council Secretary.
- (b) The chairperson shall sign the entry of each ruling given by himself/herself.
- (2) (a) A member who has made a request in terms of subsection (1), may during that meeting orally or within 5 days thereof in writing require the Council Secretary to submit the matter to the Executive Committee and in such event the Executive Committee shall consider the ruling and report thereon to the Council.

54. Discussion of matter in committee

- (1) When a member moves that the Council resolve itself in committee to consider a matter on the agenda, including a proposal in terms of subsection 52(1), he/she may speak on such proposal for not more than three minutes, but the seconder shall not speak thereon.
- (2) After a proposal contemplated in subsection (1) has been carried, the chairperson shall after consideration if it is reasonable and necessary to protect the rights of the person/subject under discussion, order the press, the public and every other person whose presence will in his/her opinion not be required during the discussion, to leave the Council chamber, and upon satisfying himself/herself that his/her order has been complied with, he/she shall put the matter concerned again.
- (3) A discussion of a matter in committee shall not suspend any other provisions of these standing orders.
- (4) If after the Council has dispatched the matters dealt with in committee, there still remain other matters on agenda, the chairperson shall allow the press, the public and others leave to re-enter the Council chamber.
- (5) Any decision by the Council to resolve itself in committee must be taken with due consideration of section 31 of the Act which requires a Council to conduct its business in an open manner and that it may close its sittings or authorise its committees to close their sittings only when it is reasonable and justifiable to do so in an open and democratic society after having regard to the nature of the business being conducted.

55. Quorum of the Council or the Council as committee

The quorum of the Council or the Council as committee shall be a majority of all the members of the Council.

56. Resignation of seat on committee

Any member of a committee who wishes to resign his/her seat on the committee, shall submit his/her resignation to the Municipal Manager in writing and thereafter such resignation may not be withdrawn.

57. Filling of a vacancy on a committee

Every vacancy on a committee, other than the Executive Committee, shall be notified by the Executive Committee to the Council not later than the second meeting after the meeting of the committee at which such vacancy is notified and the Council may fill the vacancy.

58. Filling of a vacancy on a committee during absence of a member

When any member who is not a member of the Executive Committee is granted leave of absence from a meeting of a committee, the Council may appoint another member to act during his/her absence on any committee on which the absent member serves.

59. Dates and times of Executive Committee Meetings

- (1) The Chairperson of the Executive Committee shall fix the dates, times and venues of meetings.
- (2) No meeting of the executive shall be held during a meeting of the Council without the Council's consent

60. Notice of Executive Committee meetings

- (1) The Municipal Manager or the Council Secretary shall issue a notice calling a meeting of the Executive Committee and specifying the business to be considered by that committee.
- (2) The notice shall be delivered to each member of that committee or left at his/her business or residential address at least twenty-four hours before the commencement of any ordinary meeting and should the notice accidentally not be so delivered or left, the validity of the meeting shall not be affected thereby.
- (3) Notice of any special meeting of the Executive Committee convened by the chairperson in terms of the Act, shall be given in writing under the hand of the Municipal Manager or the Town Secretary.
- (4) When the Executive Committee has failed to meet twice in any month in which an ordinary meeting of the Council is held, the Municipal Manager shall report the circumstances to the Council at its next meeting.

61. Attendance register for Executive Committee meetings

- (1) The Council Secretary shall keep an attendance register in which every member of the Executive Committee attending a meeting of that committee shall sign his/her name.
- (2) Any member who is not an Executive Committee member shall whenever he/she attend a meeting of that committee, enter his/her name in the attendance register and shall write after his/her name the words "no-member".

62. Participation in discussions at Executive Committee meeting

Any person requested or allowed by the Executive Committee to attend a meeting of such committee may, with the permission of the chairperson, speak thereat.

63. No quorum at Executive Committee meeting

If after expiration of thirty minutes after the time at which a meeting of the Executive Committee is due to commence there is no quorum, the meeting shall be held on a day and at an hour determined by the Municipal Manager.

64. Manner of voting at meetings of Executive Committee

The chairperson shall allow the members of the Executive Committee to vote by show of hands and any member of that committee then present and voting may call for a division in which event the provision of subsections 42(5), (6) and (7) shall apply *mutatis mutandis*: Provided that no provision hereof shall affect the right of any member to have his/her vote recorded against the resolution.

65. Approval of minutes of Executive Committee meeting

- (1) At any ordinary meeting of the Executive Committee, after considering applications for leave of absence, the minutes of any previous meeting of the committee not yet confirmed shall be read, approved with or without amendments and signed by the chairperson.
- (2) The minutes mentioned in subsection (1) may be taken as read if they have been open to inspection of the members of the committee not less than an hour prior to the commencement of the meeting: Provided that the minutes shall be read if a member so required unless the committee decides to defer consideration thereof until its next meeting: Provided further that if the minutes have been circulated in a manner as provided in the Act, it shall not be competent for any member to require them to be read unless a majority of the members present so resolves.

66. Minutes may be held over owing to pressure of work

The minutes of a meeting of the Executive Committee may owing to pressure of work or any other appropriate reason be held over for confirmation at any subsequent meeting.

67. Discussion of minutes of Executive Committee meeting

No proposal or discussion shall be allowed upon the minutes, except as to their accuracy.

68. Reports may be supplied to press

The Municipal Manager, may, on application being made to him/her by any registered newspaper, supply the agenda of the Council to a representative of such newspaper at the commencement of a meeting: Provided that the Executive Committee or the Mayor may instruct him/her not to supply any particular agenda or item in an agenda or to withhold it until the conclusion of the relative meeting.

69. Exclusion of members disclosing documents

- (1) A member who publishes or discloses or causes to be published or disclosed any document or record of the Council or of the proceedings of any committee of the Council, or of the proceedings of any committee of the Council, or of the Council in committee, relating to a matter referred to in

section 10 of the Code of Conduct for Councillors as annexed to the Act as Schedule 5 shall be guilty of a contravention of this subsection.

- (2) The Council may exclude for such period, but not exceeding 45 days, as it may determine, any member who in its opinion is guilty of a contravention of subsection (1). Provided that the appeal procedures contemplated in section 38 shall *mutatis mutandis* apply to the provisions for this section.
- (3) If a member attends any meeting despite a decision in terms of subsection (2) to exclude such member, the chairperson may call upon an officer to remove such member and to take steps to ensure that such member does not return to the meeting.

70. Return of attendance of meetings

- (1) The Town Secretary shall prepare annually a return of the number of Council meetings attended by each member and of the number of meetings of the Executive Committee contemplated in the act, attended by each member of such committees.
- (2) The Town Secretary shall include the return contemplated in subsection (1) in the agenda of the ordinary meeting to be held in January of each year.

71. Repeal of Standing Orders

The Standing Orders of the former Municipal Councils of Danielskuil, are hereby repealed

KGATELOPELE LOCAL MUNICIPAL COUNCIL

REFUSE (SOLID WASTE) AND SANITARY BY-LAW

The Municipal Manager of the KGATELOPELE Local Municipal Council in terms of subsection 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000), publishes the by-law as set forth hereafter as by-law made by the Council.

CHAPTER 1

Definitions

1. For the purposes of this by-law, unless the context otherwise indicates means—
 - “bin” a standard type of refuse bin with a capacity of 01m (cubic) or 85 litre as approved by the Council and which can be supplied by the Council. The bin may be constructed of galvanised iron, rubber or polythene;
 - “bin liner” a plastic bag approved by the Council which is placed inside a bin with a maximum capacity of 0,1m (cubic). These bags must be of a dark colour 950mm x 750mm in size of low density minimum 40 micrometer or 20 macro meter high density;
 - “builders refuse” refuse generated by demolition, excavation or building activities on premises;

“bulky garden refuse” such as tree-stumps, branches of trees, hedge-stumps and branches of hedges and any other grade refuse of quantities more than 2 m(cubic);

“bulky refuse” refuse which emanates from any premises, excluding industrial refuse, and which cannot by virtue of its mass, shape, size or quantity be conveniently accumulated or removed in a refuse bin with a bin liner;

“business refuse” refuse generated by the use of premises other than a private dwelling-house solely as a residence, but shall not include builders refuse, bulky refuse, domestic refuse or industrial refuse;

“contaminated animal carcasses, body parts and bedding” contaminated carcasses, body parts and bedding of animals that were intentionally exposed to pathogens in research, in the production of biologicals, or the *in vivo* testing of pharmaceuticals;

“contaminated sharps” discarded sharps (e.g. hypodermic needles, syringes, pasteur pipettes, broken glass, scalpel blades) which have come into contact with infectious agents during use in patient care or in medical, research or industrial laboratories.

“Council” the KGATELOPELE Local Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

“cultures and stocks of infectious agents and associated biologicals” specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals and live or attenuated vaccines and culture dishes and devices used to transfer, inoculate and mix cultures.

“domestic refuse” refuse normally generated by the use as a residence of a private dwelling-house, including flats, hospitals, schools, hostels, compounds, benevolent societies, churches and halls situated on private property and which can be easily removed without damaging the bin liner;

“dry industrial refuse” dry refuse generated as a result of manufacturing, maintenance, fabricating and dismantling activities and the activities of railway marshalling yards, but shall not include builders refuse, special industrial refuse or domestic refuse;

“garden refuse” refuse which is generated as a result of normal gardening activities such as grass cuttings, leaves, plants and flowers;

“human blood and blood products” waste such as serum, plasma and other blood components;

“infectious waste” waste capable of producing an infectious disease;

“isolations waste” waste generated by hospitalised patients isolated to protect others from communicable diseases;

“miscellaneous contaminated waste” waste from surgery and autopsy (e.g. soiled dressing, sponges, drapes, lavage tubes, drainage sets, under pads and gloves), contaminated laboratory waste (e.g. specimen containers, slides and cover slips, disposal gloves, laboratory coats and

aprons), dialysis unit waste (e.g. tubing filters, disposable sheets, towels, gloves, aprons and laboratory coats), and contaminated equipment (e.g. equipment used in patient care, medical and industrial laboratories, research and in the production and testing of certain pharmaceuticals).

"Occupier" any person who occupies any premises or part thereof, without regard to the title under which he or she occupies.

"Owner" -

- (m) the person in whom from time to time is vested the legal title to the premises;
- (n) in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial, manager, liquidator or other legal representative;
- (o) in any case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of such premises or a building thereon;
- (p) in the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof;
- (q) in relation to-
 - (x) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act 1986, (Act 95 of 1986), and without restricting the above the developer or the body corporate in respect of the common property, or
 - (xi) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;
- (r) any legal person including but not limited to:
 - (ix) a company registered in terms of the Companies Act, 1973 (Act 61 of 1973), trust *inter vivos*, trust *mortis causa*, a Closed Corporation registered in terms of the Closed Corporation Act, 1984 (Act 69 of 1984), a Voluntary Association.
 - (x) Any Department of State.
 - (xi) Any Council or Board established in terms of any legislation applicable to the Republic of South Africa.
 - (xii) Any Embassy or other foreign entity.

"pathological waste" waste consisting of tissues, organs, body parts and body fluids that are removed during surgery and autopsy.

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

- (e) in connection with any subdivision or layout of land into erven, lots of plots, been provided, reserved or set apart for use by the public or the owner or occupiers of such erven, lots of plots, whether or not it is shown on a general plan, plan of subdivision or diagram;
- (f) at any time been dedicated to the public;
- (g) been used without interruption by the public for a period at least 30 years expiring after 31 December 1959; or
- (d) at any time been declared or rendered such by a Council or other competent authority;

“special industrial refuse” refuse, consisting of a liquid or sludge, resulting from a process or the pre-treatment for disposal purposes of any industrial liquid waste, which in terms of the Council’s Drainage and plumbing by-law may not be discharged into a drain or sewer;

“tariff” the tariff of charges as determined from time to time by the Council.

Removal of refuse

2.

- (1) The Council shall provide a service for the collection and removal of business and house refuse from premises at the tariff charge.
- (2) The occupier of the premises on which business or domestic refuse is generated, shall avail himself of the Council’s service for the collection and removal of such refuse, except where special exemption is granted.
- (3) The owner of the premises in which the business or domestic refuse is generated, shall be liable to the Council for all charges in respect of the collection and removal of refuse from such premises.

Notice to Council

3. The occupier of the premises, or in the case of premises being occupied by more than one person, the owner of such premises, on which business refuse or domestic refuse is generated, shall within seven days after the commencement of the generation of such refuse notify the Council –

- (a) that the premises are being occupied;
- (b) whether business refuse or domestic refuse is being generated on the premises.

Provision of refuse bins

4. (1) The Council shall determine the type and number of containers required on a premises.
- (2) If a container is supplied by the Council, such container shall be supplied free of charge, or at ruling prices, or at a hiring tariff, as the Council may determine;
- (3) If required by the Council, the owner of a premises shall be responsible for the supply of the pre-determined number and type of containers.
- (4) The Council may deliver container units to premises if, having regard to the quantity of business refuse generated on the premises concerned, the suitability of such refuse for storage in bins, and the accessibility of the space provided by the owner of the premise in terms of section 5 to the Council’s refuse collection vehicles, if it considers container units more appropriate for the storage of the refuse than bins : Provided that container units shall not be delivered to the premises unless the space provided by the owner of the premises in terms of section 5 is accessible tot the Council’s refuse collection vehicles for container units.

Place of bins

5. (1) The owner of the premises shall provide adequate space on the premises for the storage of the bins delivered by the Council in terms of section 4 or for the equipment and containers mentioned in subsection 7(1).
- (2) The space provided in terms of sub section (1) shall –
- (a) be in such a position on the premises as will allow the storage of bins without their being visible from a street or public place;
 - (b) where domestic refuse is generated on the premises –
 - (i) be in such a position as will allow the collection and removal of refuse by the Council's employees without hindrance;
 - (ii) be not more than 20m from the entrance to the premises, used by the Council's employees;
 - (c) if required by the Council, be so located as to permit convenient access to and egress from such space for the Council's refuse collection vehicles;
 - (d) be sufficient to house any receptacle used in the sorting and storage of the refuse contemplated in subsections 6(1)(a)(i) and 7(9), as well as any such refuse not being stored in a receptacle : Provided that this requirement shall not apply in the case of buildings erected, or the building plans whereof have been approved, prior to the coming into operation of this by-law.
- (3) The occupier of the premises, or in the case of premises, being occupied by more than one person, the owner of such premises, shall place the bins delivered in terms of section 4 in the space provided in terms of subsection (1) and shall at all times keep them there.
- (4) Notwithstanding anything to the contrary in subsection (3) contained –
- (a) in the case of buildings erected, or buildings the building plans whereof have been approved, prior to the coming into operation of this by-law; and
 - (b) in the event of the Council, in its opinion being unable to collect and remove business refuse from the space provided in terms of subsection (1);

the Council may, having regard to the avoidance of nuisance and the convenience of collection of refuse, indicate a position within or outside the premises where the bins shall be placed for the collection and removal of such refuse and such bins shall then be placed in such position at such times and for such periods as the Council may prescribe.

Use and care of containers and bin liners

- 6.(1) Every occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises shall ensure that –
- (a) all the domestic or business refuse generated on the premises is placed and kept in such bin liners for removal by the Council: Provided that the provisions of this subsection shall not prevent any occupier, or owner, as the case may be –
 - (i) who has obtained the Council's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material

being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption;

- (ii) from utilising such domestic refuse as may be suitable for making compost.
- (b) no hot ash, unwrapped glass or other business or domestic refuse which may cause damage to bin liners or which may cause injury to the Council's employees while carrying out their duties in terms of this by-law, is placed in bin liners before he/she has taken such steps as may be necessary to avoid such damage or injury;
- (c) no material, including any liquid which, by reason of its mass or other characteristics, is likely to render such bin liners unreasonably difficult for the Council's employees to handle or carry, is placed in such bin liners;
- (d) every container on the premises is covered, save when refuse is being deposited therein or discharged therefrom, and that every container is kept in a clean and hygienic condition;
- (e) no person deposits refuse in any other place than in the containers provided for that purpose;
- (2) No container may be used for any purpose other than the storage of business, domestic or garden refuse and no fire shall be lit in such container.
- (3) In the event of a container having been delivered to premises in terms of subsection 4(4), the occupier of such premises shall, 24 hours before the container is likely to be filled to capacity, inform the Council thereof.
- (4) The owner of premises to which bins or container units have been delivered in terms of section 4 or 11, shall be liable to the Council for the loss thereof and for all damage caused thereto except for such loss or damage as may be caused by the employees of the Council.
- (5) Plastic bin liners with domestic or garden refuse, or both, shall be properly closed and be placed outside the property next to the fence and near the entrance or access road before 07h00 on the day determined by the Council for removal of refuse;

CHAPTER 2

Compaction of refuse

- 7.(1) Should the quantity of domestic or business refuse generated on premises be such that, in the opinion of the Council, the major portion of such refuse is compactable, or should the owner or occupier of premises wish to compact such refuse, such owner or occupier, as the case may be, shall increase the density of that portion of such refuse as is compactable by means of approved equipment designed to shred or compact refuse and shall put the refuse so treated into an approved plastic, paper or other disposable container or into a compaction unit container, and the provisions of section 4 shall not apply to such compactable refuse, but shall remain applicable to all other refuse.
- (2) The capacity of the plastic, paper or other disposable container referred to in subsection (1) shall not exceed 0,1m(cubic).

- (3) After the refuse, treated as contemplated in subsection (1) has been put into a plastic, paper or other disposable container, such container shall be placed in a container or container unit.
- (4) Insofar as the provisions of subsection (1) make the compaction of domestic or business refuse compulsory, such provisions shall not apply until a period of 6 months has elapsed from the date of the serving of a notice to this effect by the Council.
- (5) "Approved" for the purpose of subsection (1) shall mean approved by the Council, regard being had to the suitability of the equipment or container for the purpose for which it is to be used, as well as the reasonable requirements of the particular case from a public health, storage and refuse collection and removal point of view.
- (6) The containers mentioned in subsection (1) shall be supplied by the owner or the occupier, as the case may be.
- (7) If the container referred to in subsection (1) is made of steel, such container shall, after the collection thereof and after it has been emptied by the Council, be returned to the premises.
- (8) The Council shall remove and empty the containers referred to in subsection (1) at such intervals as the Council may deem necessary in the circumstances.
- (9) The provisions of this section shall not prevent any owner or occupier of premises, as the case may be, after having obtained the Council's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption.

CHAPTER 3

GARDEN AND BULKY GARDEN REFUSE AND OTHER BULKY REFUSE

Removal and disposal of garden and bulky refuse

- 8. (1) The occupier or, in the case of premises occupied by more than one person, the owner of premises on which garden or bulky garden or other bulky refuse is generated, shall ensure that such refuse be disposed of in terms of this Chapter within a reasonable time after the generation thereof.
- (2) Any person may remove and dispose of garden or bulky garden refuse or other bulky refuse.
- (3) Garden or bulky garden or other bulky refuse removed from the premises on which it was generated, shall be deposited on a site designated by the Council as a disposal site for such refuse.

The Council's special service

- 9. At the request of the owner of any occupier of any premises, the Council shall remove bulky garden and other refuse from premises, provided that the Council is able to do so with its refuse removal equipment. All such refuse shall be placed within 3 m of the boundary loading point, but not on the sidewalk.

Builders refuse*Responsibility for builders refuse*

10. (1) The owner of premises on which builders refuse is generated and the person engaged in the activity which causes such refuse to be generated shall ensure that –
- (a) such refuse be disposed of on the terms of section 12 within a reasonable time after the generation thereof;
 - (b) until such time as builders refuse is disposed of in terms of section 12 and subject to the provisions of subsection 12(2) such refuse together with the containers used for the storing or removal thereof, be kept on the premises on which it was generated.
- (2) Any person may operate a builders refuse removal service. Should the Council provide such a service it shall be done at the tariff charge.

Containers

11. (1) If containers or other receptacles used for the removal of builders refuse, bulky refuse or other waste material from premises can in the opinion of the Council not to be kept on the premises, such containers or other receptacles may with the written consent of the Council be placed in the roadway for the period of such consent.
- (2) Any consent given in terms of subsection (1) shall be subject to such conditions as the Council may deem necessary: Provided that in giving or refusing its consent or in laying down conditions the Council shall have regard to the convenience and safety of the public.
- (3) The written consent of the Council referred to in subsection (1) shall only be given on payment of the tariff charge for the period of such consent.
- (4) Every container or other receptacle used for the removal of builders refuse, shall –
- (a) have clearly marked on it the name and address or telephone number of the person in control of such container or other receptacle;
 - (b) be fitted with reflecting chevrons or reflectors which shall completely outline the front and the back thereof; and
 - (c) be covered at all times other than when actually receiving or being emptied of such refuse so that no displacement of its content or that nuisance can occur.

12. Disposal of builders refuse

- (1) Subject to the provisions of subsection (2) all builders refuse shall be deposited at the Council's refuse disposal sites after the person depositing the refuse has paid the tariff charge therefor.
- (2) For the purpose of reclamation of land, builders refuse may with the written consent of the Council be deposited at a place other than the Council's refuse disposal sites.
- (3) Any consent given in terms of subsection (2) shall be subject to such conditions as the Council may deem necessary: Provided that in giving or refusing its consent or in laying down conditions the Council shall have regard to –

- (a) the safety of the public;
- (b) the environment of the proposed disposal site;
- (c) the suitability of the area including the drainage thereof;
- (d) the expected manner and times of depositing of refuse at the site;
- (e) the levelling of the site;
- (f) the control of dust
- (g) other relevant factors.

CHAPTER 4

SPECIAL INDUSTRIAL REFUSE

Notification of generation of special industrial refuse

13. (1) The person engaged in the activity which causes special industrial refuse to be generated shall inform the Council of the composition thereof, the quantity generated, how it is stored and how and when it will be removed.
- (2) If so required by the Council, the notification referred to in subsection (1) shall be substantiated by an analysis certified by a qualified industrial chemist.
- (3) Subject to the provisions of this by-law the Council or any person duly authorised by the Council may enter premises at any reasonable time to ascertain whether special industrial refuse is generated on such premises and may take samples and test any refuse found on the premises to ascertain its composition.
- (4) Having notified the Council in terms of subsection (1), the person mentioned in subsection (1) shall notify the Council of any changes in the composition and quantity of the special industrial refuse occurring thereafter.

Storing of special industrial refuse.

14. (1) The person referred to in subsection 13(1) shall ensure that the special industrial refuse generated on the premises is kept and stored thereon in terms of subsection (2) until it is removed from the premises in terms of section 15.
- (2) Special industrial refuse stored on premises shall be stored in such manner that it cannot become a nuisance or pollute the environment.

- (3) If special industrial refuse is not stored in terms of subsection (2) on the premises on which it is generated, the Council may order the owner of the premises and the person and the referred to in subsection 13(1) to remove such refuse within a reasonable time and, if thereafter such refuse is not removed within such time, the Council may by itself or through a contractor remove it for the owner's expense.

Removal of special industrial refuse

15. (1) No person shall remove special industrial refuse from the premises on which it was generated without, or otherwise than in terms of, the written consent of the Council.
- (2) The Council may give its consent in terms of subsection (1), subject to such conditions as it may deem fit. In laying down conditions, the Council shall have regard to –
- (a) the composition of the special industrial refuse;
 - (b) the suitability of the vehicle and container to be used;
 - (c) the place where the refuse shall be dumped; and
 - (d) proof to the Council of such dumping.
- (3) The Council shall not give its consent in terms of subsection (1), unless it is satisfied that the person applying for such consent is competent and has the equipment to remove the special industrial refuse and to comply with the conditions laid down by the Council.
- (4) The person referred to in subsection 13(1) shall inform the Council, at such intervals as the Council may stipulate, having regard to the information to be given to the Council in terms of subsection 13(1), of the removal of special industrial refuse, the identity of the remover, the date of such removal, the quantity and the composition of the special industrial refuse removed.
- (5) Should any person be caught in the act of contravening the provisions of this section, such person shall dispose of the refuse removed by him/her as directed by the Council.

CHAPTER 5

DISPOSAL SITES

Conduct at disposal sites

16. (1) Any person who, for the purpose of disposing of refuse enters a refuse disposal site controlled by the Council shall –
- (a) enter the disposal site only at an authorised access point;
 - (b) give the Council all the particulars required in regard to the composition of the refuse; and
 - (c) follow all instruction given to him/her in regard to access to the actual disposal point, the place where and the manner in which the refuse should be deposited.
- (2) No person shall bring intoxicating liquor onto a disposal site controlled by the Council.

- (3) No person shall enter a disposal site controlled by the Council for any purpose other than the disposal of refuse in terms of this by-law and then only at such times as the Council may from time to time determine.

Ownership of refuse

17. (1) All refuse removed by the Council and all refuse disposal sites controlled by the Council shall be the property of the Council and no person who is not authorised by the Council to do so, remove or interfere therewith.
- (2) Only refuse which is generated on premises within the Council's area of jurisdiction may be disposed of on the Council's refuse disposal sites.

CHAPTER 6

LITTERING, DUMPING AND ANCILLARY MATTERS

Littering

- 18 (1) No person shall –
- (a) throw, let fall, deposit or spill any refuse into or onto any public place, vacant stand, vacant erf, stream or watercourse;
 - (b) sweep any refuse into a gutter on a public place;
 - (c) allow any persons under his/her control to do any of the acts referred to in paragraph (a) and (b).
- (2) For the purpose of this section a person shall be deemed to have allowed the acts referred to in subsection (1) of persons under his/her control, unless the contrary is proved.

Dumping

- 19 (1) Subject to any provisions to the contrary in this by-law contained, no person shall abandon anything or allow anything under his/her control to be abandoned at a place to which such things have been brought with the intention of abandoning it there.
- (2) Once it has been proved that such person left a thing or allowed a thing to be left at a place of which he/she is not the owner or occupier, he/she shall be deemed to have contravened the provisions of subsection (1), unless and until he/she proves the contrary.
- (3) Any person who contravenes the provisions of subsection (1), shall be guilty of an offence and liable, on conviction to a fine not exceeding R 3000.00 or to imprisonment for a period not exceeding 18 months or to both such fine and such imprisonment.

Abandoned things

- 20 Anything, other than a vehicle deemed to have been abandoned in terms of section 131 of the Road Traffic Act 1989 which is, in the light of such factors as the place where it is found, the period it has been lying at such place and the nature and condition of such thing, reasonably regarded by the

Council as having been abandoned, may be removed and disposed of by the Council as it may deem fit.

Liability of responsible person

- 21 (1) Where anything has been removed and disposed of by the Council in terms of section 20, the person responsible shall be liable to pay to the Council the tariff charge in respect of such removal and disposal.
- (2) For the purposes of subsection (1) the person responsible shall be –
- (a) the owner of the thing, and shall include any person who is entitled to be in possession of the thing by virtue of a hire purchase agreement or any agreement of lease at the time when it was abandoned or put in the place from where it was removed, unless he/she can prove that he/she was not concerned in and did not know if it's being abandoned or put in such place; or
 - (b) any person by whom it was put in the place aforesaid; or
 - (c) any person who knowingly permitted the putting of the thing in the place aforesaid.

CHAPTER 7

GENERAL PROVISIONS

Access to premises

- 22 (1) Where the Council provides a refuse collection service, the occupier of premises shall grant the Council access to the premises for the purpose of collecting and removing refuse and shall ensure that nothing obstructs, frustrates or hinders the Council in the carrying out of its service.
- (2) Where in the opinion of the Council the collection or removal of refuse from any premises is likely to result in damage to the premises or the Council's property, or injury to the refuse collectors or any other person, it may, as a condition of premises, require the owner or occupier to indemnify it in writing in respect of any such damage or injury or any claims arising out of either.

Accumulation of refuse

23. When any category of refuse defined in Chapter 1 of this by-law accumulates on premises so as to constitute of so as to render it likely that a nuisance will be created thereby, the Council may make a special removal of such refuse and the owner shall be liable in respect of such special removal to pay the tariff charge therefor.

CHAPTER 8

INFECTIOUS WASTE

Storage of infectious waste

24.

- (1) All infectious waste must be placed at the point of generation into a container approved by the Council.
- (2) The container used for the storage of sharp objects must be constructed of such a material that the object cannot pierce the container. The container must be fitted with a safe and hygienic lid, which must be sealed after use.
- (3) The container used for the disposal of other infectious waste must be constructed of a suitable material, preventing the leakage of the contents. The container must be fitted with a safe and hygienic lid, which must be sealed after use.
- (4) All containers must be adequately labelled and marked with the universal bio-hazardous waste symbol.

Transport of infectious waste

25. (1) All containers of infectious waste must be sealed at the point of generation.
- (2) The vehicle transporting infectious waste must be clearly marked indicating infectious waste in transit.
- (3) The vehicle used for the transport must be so designed that the drivers cab is separated from the load area. The load area must be enclosed with suitable sealable, lockable doors.
- (4) All loads being carried must be invoiced, indicating the premises from which the infectious waste was generated and the premises where the waste will be disposed of.

Removal and disposing of infectious waste

26. (1) The Council may remove infectious waste from the premises of generation and dispose thereof in a safe, sanitary and supervised manner, and the owner of such premises shall be liable to the Council for payment of the tariff charges in respect of such services.
- (2) Approved private contractors may remove and dispose of infectious waste after written consent has been granted to such contractor by the Council.
- (3) Infectious waste may be disposed of in an approved high temperature pollution free incinerator on the premises of origin after written consent has been granted by the Council.
- (4) The burning temperatures in the primary and secondary chambers of the incinerator to exceed 800 degrees C and 1 000 degrees C respectively and also have rapid cooling to prevent carcinogenic chemicals from entering the atmosphere.

CHAPTER 9**TARIFF CHARGES, PENALTIES AND REPEALING OF BY-LAW***Charges*

27. (1) Save where otherwise provided in this by-law, the person to whom any service mentioned in this by-law has been rendered by the Council shall be liable to the Council for the tariff charge in respect thereof.
- (2) Services rendered by the Council in respect of which a monthly tariff charge is prescribed, shall only be discontinued by the Council after receipt of a written notification from the owner or occupier of the premises to which the services are rendered that the generation of domestic or business refuse on the premises has ceased, or when it has become obvious to the Council that the generation of such refuse on the premises has ceased.
- (3) Monthly tariff charges shall be payable until receipt by the Council of the notice mentioned in subsection (2), or when it has become obvious to the Council that the generation of such refuse on the premises has ceased.
- (4) Any person who fails to pay the tariff charge in respect of services rendered by the Council shall be guilty of an offence.

Offences and penalties

28. (1) Any person who contravenes or fails to comply with any provision of this by-law, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R 10 000.00 or to imprisonment for a period not exceeding 24 months or to both such fine and imprisonment.
- (2) In the event of a continuing offence any person who contravenes or fails to comply with any provisions of this by-law, shall be deemed to be guilty of a separate offence for every 24 hours or part of such period during which the offence continues, and shall be liable as set out in subsection (1) in respect of each such separate offence.

Repeal of by-laws

29. (1) The by-laws of the former Municipal Councils of Danielskuil in regard to matters contained in this by-law, are hereby repealed.

KGATELOPELE LOCAL MUNICIPAL COUNCIL

BY-LAW REGARDING PUBLIC AMENITIES.

The Municipal Manager of the KGATELOPELE Local Municipal Council in terms of subsection 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000), publishes the by-law as set forth hereafter as by-law made by the Council.

1. Definitions

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

"Council" the KGATELOPELE Local Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

"notice" a clear and legible official notice drawn up by a Council in both official languages and displayed by order of the Council at every entrance to or at a conspicuous place at or on a public amenity and to which the Council shall make known provisions and directions adopted by it in terms of a by-law;

"public amenity"

- (a) any land, square, camping, site, swimming-bath, public resort, recreation site, nature reserve, zoological, botanical or other garden, park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, but excluding any public road or street;
- (b) any building, structure, hall room or office including any part thereof and any facility or apparatus therein, which is the property of, or is possessed, controlled or leased by a Council and to which the general public has access, whether on payment of admission fees or not;
- (c) also any public amenity contemplated in paragraphs (a) and (b), if it is lawfully controlled and managed in terms of an agreement by a person other than the Council;

2. Maximum number of visitors

- (1) A Council may determine the maximum number of visitors who may be present at a specific time in or at a public amenity: Provided that different numbers may so be determined for different public amenities.
- (2) The number contemplated in subsection (1) are made known by the Council by means of a notice

3. Admission to and residence in a public amenity

- (1) A public amenity is, subject to the provisions of these by-law, open to the public on the times determined by the Council concerned: Provided that different times may be determined in respect of different public amenities.
- (2) No visitor shall enter or leave a public amenity at a place other than that indicated for that purpose.
- (3) The times and places contemplated in subsections (1) and (2), shall be made known by the Council concerned by means of a notice.

4. Entrance fees

- (1) A visitor to a public amenity shall pay the entrance fees determined from time to time by the Council, and such entrance fees shall be made known by means of a notice.
- (2) Different entrance fees may so be determined in respect of visitors of different ages.

5. Nuisance

No person shall perform or permit any of the following acts to be performed in or at a public amenity-

- (a) the use of language or the performance of any other act with the purposed of disturbing the good order;
- (b) the firing of firearms, airguns, air pistols, fireworks or the use of sling-shots or catapults;
- (c) the burning of rubble or refuse;
- (d) the causing of unpleasant or offensive smells;
- (e) the production of smoke nuisance; or
- (f) the causing of disturbances by fighting, shouting, arguing, singing or the playing of musical instruments, or similar equipment.

6. Health matters

No person shall in or at a public amenity-

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

7. Structures

No person shall, without the written consent of the Council having first been obtained, erect or establish in or on a public amenity any structure, shelter or anything else, except a caravan or tent erected for camping purposes on a site specifically set aside therefor by notice: Provided that

application for such consent shall be made to the Council on a form provided for that purpose, at least 21 days before such erection.

8. Liquor and food

- (1) No person shall, contrary to a provision of a notice, bring into a public amenity any alcoholic or any other liquor or any food of whatever nature.
- (2) Subject to the provisions of subsection (1) no person shall on, in or at a public amenity, contrary to a provision of a notice, cook or prepare food of any kind whatsoever, except at places set aside for such purposes by notice: Provided that the preparation and cooking of food in or at a public amenity shall be done in a clean and sanitary manner so as not to give rise to excessive smoke or other nuisances or entail any danger to health: Provided further that no live animals, poultry or fish may be killed or skinned on, in or at a public amenity.

9. Animals

- (1) No person shall bring any live animal, bird, fish or poultry into a public amenity except in accordance with the directions of the Council: Provided that different directions may so be determined in respect of different public amenities and different types of animals, birds, fish and poultry.
- (2) The directions contemplated in subsection (1), shall be made known by means of a notice.

10. Loitering

No person leading the life of a loiterer or who lacks any determinable and legal refuge or who leads a lazy, debauched or disorderly existence or who habitually slops in a public street, public place or on a private place or who habitually begs for money or goods or persuades others to beg for money and goods on his behalf, may loiter or linger about in a public amenity.

11. Gatherings and processions

- (1) No person shall without the consent of the Council, or contrary to any condition which the Council may impose when granting such consent-
 - (a) arrange, present or attend any public entertainment;
 - (b) collect money or any other goods for charity or any other purpose from the general public;
 - (c) display or distribute any pamphlet, placard, painting, book, handbill or any other printed, written or painted work;
 - (d) arrange, hold, address or attend any meeting;
 - (e) arrange, hold or attend a public gathering or procession, exhibition or performance;
 - (f) conduct any trade, occupation or business;
 - (g) display, sell or rent out or present for sale or rent any wares or articles;
 - (h) hold or attend an auction;
 - (i) tell fortunes for compensation; in or at a public amenity.

- (2) For the purposes of this by-law "public gathering or procession" shall mean a procession or gathering of 12 or more persons.
- (3) Consent contemplated in subsection (1), shall be refused only if the Council is of opinion that-
- (a) it would give rise to;-
 - (i) public rioting;
 - (ii) the disturbance of public peace;
 - (iii) the committing of an offence;
 - (b) it would be detrimental to the public or the users of or visitors to the public amenity; or
 - (c) it would be detrimental to the public amenity.
- (4) Any person who requires the Council's written consent for any action contemplated in subsection (1), shall apply in writing to the Council at least 21 days before such action on the form provided for this purpose.

12. Safety and order

- (1) No person shall, subject to subsection (2), in or at a public amenity-
- (a) damage or disfigure anything within such amenity;
 - (b) use or try to use anything within such amenity for any purpose other than that for which it is designated or determined by notice;
 - (c) light a fire or barbecue meat, except at a place indicated for that purpose by notice;
 - (d) throw away any burning or smouldering object;
 - (e) throw or roll down any rock, stone or object from any mountain, koppie, slope or cliff;
 - (f) pull out, pick or damage any tree, plant, shrub, vegetation or flower;
 - (g) behave himself/herself in an improper, indecent, unruly, violent or unbecoming manner;
 - (h) cause a disturbance;
 - (i) wash, polish or repair a vehicle: Provided that the foregoing provision of this paragraph shall not be applicable to the emergency repair of a vehicle;
 - (j) walk, stand, sit or lie in a flower bed;
 - (k) kill, hurt, follow, disturb, ill treat or catch any animal, bird or fish or displace, disturb, destroy or remove any bird nests or eggs;
 - (l) walk, stand sit or lie on grass contrary to the provisions of a notice;
 - (m) lie on a bench or seating-place or use it in such a manner that other users or potential users find it impossible to make use thereof;
 - (n) play or sit on play park equipment, except if the person concerned is a child under the age of 13 years; or
 - (o) swim, walk or play, contrary to the provisions of a notice, in a fish-pond, fountain, stream or pond.
- (2) A Council may by way of notice and subject to such conditions as the Council deems necessary and mentioned in the notice authorise any of the actions contemplated in subsection (1).

13. Water

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

14. Laundry and crockery

No person may in or at a public amenity wash any crockery or laundry or hang out clothes, except at places indicated by notice for that purposes.

15. Vehicles

- (1) No person may bring into a public amenity any truck, bus, motorcar, motor cycle, motor tricycle, bicycle or any other vehicle, craft or aeroplane, whether driven by mechanical, animal, natural or human power, except in accordance with the directions of the Council concerned: Provided that different directions may be determined for different public amenities and for different such vehicles, craft or aeroplanes.
- (2) The Council may determine the speed limit applicable in a public amenity: Provided that different speed limits may be determined for different public amenities and for different such vehicles, craft and aeroplanes.
- (3) The directions contemplated in subsection (1) and the speed limit contemplated in subsection (2) shall be made known by the Council by way of notice.

16. Games

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

17. Improper or indecent behaviour

No person may in or at a public amenity-

- (a) perform an indecent act or conduct himself/herself improperly by exposure of his person or otherwise, or make improper gestures or incite or urge someone to perform a disorderly or indecent act;
- (b) use foul, lewd dirty or indecent language;
- (c) write paint, draw or in any way make a filthy or immoral figure, writing, drawing or representation;
- (d) defecate, urinate or undress, except in such building or on premises intended or indicated by notice for such purposed or enter or use a toilet facility intended or indicated as such by notice for members of the opposite sex.

18. Clothing

Visitors to or a user of a public amenity at all times shall be clothed decently in public.

19. Powers of a person in control

A person appointed by a Council to control a public amenity may-

- (a) at any time enter upon any place, land, premises or building and conduct an investigation thereat in order to determine whether the provisions of these by-law are complied with;
- (b) for the better exercising of any power or the performance of any function or duty assigned or granted to him/her, take along an interpreter who, while acting under the lawful order of such a person, shall have the same powers, functions and duties as such person.

20. Penalties

Any person who

- (a) contravenes or fails to comply with a provision of these by-law or a direction adopted by a Council under these by-law and which has been made known by notice, or of a condition imposed under such by-law, irrespective of whether such contravention or failure has been declared as an offence elsewhere in these by-law, or not;
- (b) deliberately obstructs, hampers or handicaps any person in the execution of any power or the performance of any duty or function in terms of any provision of these by-law; or
- (c) furnishes false, incorrect or misleading information when applying for permission from a Council in terms of a provision of a by-law,

shall be guilty of an offence and if found guilty shall be punishable with a fine of not exceeding R3000.00 or with imprisonment for a period not exceeding six months and, in the event of a continuing contravention, a fine not exceeding R1000.00 or with imprisonment not exceeding one month for each day that the contravention continued.

21. Repeal of By-laws

The by-laws of the former Municipal Councils of Danielskuil regarding matters of this by-law, are hereby repealed.

KGATELOPELE LOCAL MUNICIPAL COUNCIL

TARIFF POLICY BY-LAW

The Municipal Manager of the KGATELOPELE Local Municipal Council in terms of subsection 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000), publishes the by-law as set forth hereafter as by-law made by the Council.

1. Definitions

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

“Council” the KGATELOPELE Local Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of

section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

“cost to be recovered” – the cost of purchasing, the cost of changing the product to the delivered, capital cost, administrative and support systems cost.

“domestic consumers” – in regard to the electricity services, it includes private dwelling houses, residential flats, hostels if provided with a separate meter.

“bulk consumers” – in regard to the electricity service, it exclude domestic consumers and relates to any consumer whose electricity demand exceeds 100 KVA per month for an uninterrupted period of 12 months.

“commercial and general consumers” in regard to the electricity service, it excludes domestic consumers and relates to any consumer whose maximum electricity demand is less than 100 KVA per month for a period of 12 months.

“off-peak supply” – it is an electricity supply on written request to bulk consumers during off peak hours or contributed to the Council’s maximum demand whichever is the greatest.

“temporary consumers” includes builders, carnivals, fairs, amusement of any consumer of a temporary nature.

2. Cost of Services to be recovered

(1) Council shall levy charges for the delivery of services.

(2) The levied charges shall recover the cost to deliver the following services:

- (a) Electricity
- (b) Refuse removal
- (c) Sanitation/Sewerage, and
- (d) Water

3. Surpluses obtained

(1) The Council may obtain surpluses on the following services:

- (a) Electricity and water: 10%

- (b) Sanitation/Sewerage and Refuse Removal: 5%

4. **Services co-funded by property tax**

- (1) Council may charge regularity tariffs to recover cost to deliver the following services:

- (a) Libraries
- (b) Cemeteries
- (c) Nature Reserves
- (d) Recreational Resorts
- (e) Fire Services
- (f) Information Services

- (2) Council may adjust the service charges annually with the CPI on 30 April.

5. **Electricity services**

- (1) Council provided 50 units free to indigent households in terms of the indigent policy of Council.

- (2) Council may charge the following tariffs:

- (a) Basic charge differentiated amongst various consumers;

- (3) Council may charge the following tariffs:

- (a) Availability charges based on consumption, type of stands and nature of consumers.

- (b) Consumption charges per KWH.

- (i) Domestic Consumers
- (ii) Commercial and General consumers
- (iii) Bulk consumers
- (iv) Temporary consumers
- (v) Selected bulk consumers (up to 7% surcharge is applicable)

- (c) Consumption charges (per KVA demand)

- (i) Bulk consumers
- (ii) Off-peak hours
- (iii) Selective bulk consumer (a surcharge of 7% is applicable)

- (d) Special charges

- (i) Test of meter
- (ii) Special reading
- (iii) Connection fees

- (e) VAT is not included in the tariffs and must be added.

(4) Council may lower business tariffs in line with NER (National Electricity Regular) policy and incentive schemes of Council.

(5) All electrical supplies to be metered.

6. **Refuse Removal**

(1) Council subsidises refuse removal to the indigent households as determined in the indigent policy.

(2) Council may charge the following rates:

(a) Refuse removals to private dwellings, hospitals, churches, boarding houses, sport clubs, and charitable institutions: once a week per bin.

(b) Block of flats: per flat

(c) Removal from business premises, offices, industrial premises and government institutions: per bin

(i) Three times per week

(ii) Five times per week

(d) Compacted refuse: per removal

(i) Per 0.084 m³

(ii) Per container unit per m³

(e) Per mass container

(i) 1,1 m³ capacity

(ii) 5,5 m³ capacity

(iii) 4 m³ capacity

(iv) 750 litre capacity

(v) 600 litre capacity

(vi) 1,75 m³ capacity

(f) Medical waste: per removal

(g) Renting of mass containers

(i) 5,5 m³ per week

(ii) 5,5 m³ per month

(iii) 1,75 m³; 1,1 m³; 0,75 m³ and 0,6 m³: per month

(iv) 3 m³ and 3 m³: per month

(h) Vacuum tank services

(i) Special removals

(ii) Garden refuse

(iii) Building rubble or bulk refuse

(i) Removal of dead animals.

- (j) Cleaning premises of long grass, weeds, shrubs and accumulation of refuse.
- (k) Rending cleansing services out of town.
- (l) Sale of plastic bags.
- (m) All other services for which provision has not been made.
- (n) VAT is not included and should be added.

7. **Sanitation/Sewerage**

- (1) Council may grant a subsidy for the indigents as defined in the Indigent Policy.
- (2) Council shall apply the principle of equality for this service.
- (3) Council may charge the following tariffs:

- (a) Application fees (building plans)
- (b) Usage charges (operational charges) differentially
- (c) Availability charges
 - (i) Based on size of land
- (d) Work charges
 - (i) Sealing openings
 - (ii) Re-openings sealed
 - (iii) Removing blockages
 - (iv) Alterations to gullies
 - (v) Connection to sewer

- (4) VAT is not included and must be added.

8. **Water services**

- (1) 6 (six) Kl is provided free of charge for all households.
- (2) Council may charge the following tariffs:

- (a) Availability charges
- (b) Consumption charges

- (i) Metered supply

(aa) A sliding scale will be applicable to domestic consumers and will be as

follows:

0 – 6Kl

7- 10 Kl
11 – 40 Kl
Above 40 kl

(bb) With water restrictions an increased tariff may be charged on the following sliding scale:

0 – 6 Kl
7 – 10 Kl
11 – 40 Kl
41 – 100 Kl
Above 100 Kl

(c) Metered supply

(i) With water restrictions the sliding scale will be the same as mentioned in section 8.2.2.1.2.

(d) Metered supply: Businesses and industries

(i) The Council may charge a uniform tariff per Kl for businesses and industries.

(e) Charges for connections to the main.

(f) Charges for connection of water supply.

(g) Sundry charges:

- (i) Testing of meters
- (ii) Special readings
- (iii) Any other services not mentioned

(h) Filling of a swimming pool.

(i) VAT is not included and must be added.

9. Property tax

- (1) A subsidy is granted to indigent persons as defined in the indigent Policy. Council may charge property tax on the site value only.
- (2) The different entities are charged differently on their own valuation rolls.
- (3) Council shall compile a valuation roll for the whole area so that the whole area will be charged uniformly.
- (4) Council may allow discounts on the following categories:
 - (a) Pension is based on annual income;
 - (b) Grand-in-Aid to registered welfare organisations, welfare organisations which performs charitable work, institution for veterans, amateur sport grounds, Boy

Scouts or similar organisations and allowed institutions on defined in the Cultural Institutions Act, 1969.

- (5) Council may place a priority on property tax for collection of revenue not exceeding a 25% of the budgeted revenue.

KGATELOPELE LOCAL MUNICIPAL COUNCIL

BY-LAW REGARDING PROHIBITION AND CONTROL OVER THE DISCHARGE OF FIREWORKS.

The Municipal Manager of the KGATELOPELE Local Municipal Council in terms of subsection 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000), publishes the by-law as set forth hereafter as by-law made by the Council.

1. DEFINITIONS

In this by-law, unless the context proves otherwise means-

- (a) **"Act"** the Explosives Act, 1956 (Act no. 26 of 1956)
- (ii) **"Council"** the KGATELOPELE Local Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);
- (iii) **"fireworks"** firework composition and manufactured fireworks as defined in Divisions 1 and 2 in Regulation 1.10 and miscellaneous materials as defined in Regulation 1.11 issued in terms of the Act, as set out hereunder, as well as all new firework- and firework related inventions, developments and products obtained by any person in any way whatsoever or that enters the market in a legal or illegal way.

Division1: comprise firework composition, which term shall mean any chemical compound or mechanically mixed preparation of an explosive or inflammable nature that is used for the purpose of making manufactured fireworks and is not included in any other class of explosive, and also any star and any coloured fire composition that is not included in Division 2; and

Division2: comprise manufactured fireworks, which term shall mean an explosive of any class and any firework composition, when such explosive or composition is enclosed in a any case or contrivance or is otherwise manufacturer or adapted for the production of pyrotechnic effects or pyrotechnic signals or sound signals, such as flights of rockets, mines, rockets, serpents, shells, rocket distress signals. Very's signals, wheels and coloured fire compositions when such compositions are of a nature not liable to spontaneous combustion, and in a quantity not exceeding 500 grams enclosed in a substantially constructed, hermetically close metal case; and also

Manufactured fireworks that are not liable to explode violently and which do not contain their own means of ignition shall be classed as "Shop Goods", such as firework showers, flashlight powders, fountains, golden rain, gerbs, lawn lights, pin wheels, devil among tailors, Roman candles, sparklers, toy caps, volcanoes, Chinese crackers when the length does not exceed 80 millimeters, and mines, Jack-in-the-boxes and Feu de Joie, not exceeding 500 grams gross mass and rockets not exceeding 120 grams: and also

Miscellaneous materials not included in any of the other classes, which have been declared explosive, e.g. matches, Bengal matches, chlorates and ammonium nitrate.

- (iv) **"firework display"** fireworks discharged by any person or body for either religious of festivity celebration purposes for own pleasure or the pleasure of others;

- (v) **"licensed dealer"** a dealer who is in terms of section 4 of the Act licensed to deal in fireworks.
- (vi) **"municipal area"** the area under jurisdiction of the KGATELOPELE Local Municipal Council.
- (vii) **"Municipal Manager"** a person contemplated in section 82 of the Local Government: Municipal Structure Act, (Act 117 of 1998)

2. PROHIBITION OF KEEPING, STORAGE AND POSSESSION OF FIREWORKS

No Person shall keep, possesses or store any fireworks within the municipal area, save for-

- (i) a licensed dealer;
- (ii) a person who bona fide transports fireworks to an area where this by-law does not apply; or
- (iii) persons or bodies who obtained permission as envisaged in section 4; or
- (iv) religious group members after permission as envisaged in section 4 has been granted and the applicant supplied the Municipal Manager with a list containing the names of the heads of family which will participate in the religious celebration.

3. PROHIBITION OF USE AND DISCHARGE OF FIREWORKS

No person shall discharge or cause to be discharged any fireworks within the municipal area.

4. PERMISSION FOR DISCHARGE OF FIREWORKS

- (1) Notwithstanding the provision in subsection (3) the Municipal Manager may grant permission for the discharge of fireworks and he/she may, besides the conditions imposed in section 7, impose in terms of section 8 any further conditions he/she deems necessary.
- (2) Persons or bodies who wish to discharge fireworks for religious - or festive celebration purposes, shall acquire prior permission from the Municipal Manager.
- (3) Permission is subject to strict compliance with the conditions imposed in section 7 and such other conditions as the Municipal Manager determine in terms of section 8

5. APPLICATION FOR PERMISSION

Application for permission to discharge fireworks for religious or festive celebration purposes shall be made to the Municipal Manager in writing 30 days prior to the envisaged date and shall set forth-

- (a) The name of the person or organisation sponsoring the display together with the names of the persons actually in charge of the firing of the display who shall be at least 18 years of age and competent for the work;
- (b) The occasion to be celebrated;
- (c) The date and time of day at which the display is to be held;
- (d) The exact location planned for the display;
- (e) A description setting forth the age and qualifications of persons who shall be in charge of the actual discharging of the fireworks;
- (f) The numbers and kinds of fireworks to be discharged and the value of the display;

- (g) The manner and place of storage of such fireworks prior to the display; and
- (h) A site plan of the grounds on which the display is to be held showing-
 - (i) The point at which the fireworks are to be discharged, which shall be at least 100m from the nearest building, road or railway, and at least 20m from the nearest upper surface telephone-, telegraph-, or powerline, tree or other overhead obstruction;
 - (ii) The direction in which aerial fireworks, if any, are to be fired;
 - (iii) The area to be kept clear of persons which shall extend at least 50m from the front and the sides of the point at which the fireworks are to be discharged;
 - (iv) The area to be kept clear on which falling residue from aerial fireworks is expected to drop, which shall extend for at least 100m to the rear of the firing point; and
 - (v) The location of all buildings and roads within 200m of the firing site and all trees, telegraph or telephones lines or other overhead obstructions at or adjacent to the firing site.

6. GRANTING OF PERMISSION

- (1) After receipt of an application as envisaged in subsection 5(a), the Municipal Manager shall, in his/her sole discretion approve or disapprove of the application.
- (2) In the event of the Municipal Manager disapproving of the application, he/she shall furnish written reasons for such disapproval and grant the applicant at least two days to improve his/her application.
- (3) In the event of the Municipal Manager approving the application, he/she shall if applicable, supply civil aviation with a copy of the application for permission and the conditions imposed.

7. CONDITIONS

- (1)
 - (a) The Municipal Manager shall oversee or render assistance at the display and his/her instructions must be complied with by any person present at the display.
 - (b) Costs incurred for overseeing or rendering assistance at the display shall be born by the applicant. Costs shall be as determined from time to time.
- (2) The display may not start before and may not continue after the prior determined time.
- (3) Safety distances in accordance with the size of the display and the area where it shall occur, shall be strictly adhered to.
- (4) The area where the display occurs shall be kept free of all flammable and combustible material.
- (5) No person shall willfully enter upon or remain in that area reserved for receiving falling residue from aerial fireworks.
- (6) No unauthorised person shall willfully proceed beyond the area demarcated by the organisers of the display for spectators.

8. ADDITIONAL CONDITIONS

- (1) The Municipal Manager may-
- (a) with due observance of the information in the application envisaged in section 5, impose conditions he/she deems necessary additional to those referred to in section 7;
 - (b) indicate another area or venue than the one applied for from where the fireworks should be discharged;
 - (c) summons the applicant to give prior written notice to persons who may be affected by the display or to place an advertisement in the newspaper or newspapers as instructed by the Municipal Manager or to give both such written notice and place an advertisement; and
 - (d) affix on the site plan the position of emergency vehicles, the access and exit routes to and from the area where the discharge occurs which emergency vehicles shall use, the situation of fire hydrant ends, water ends and other fire fighting equipment that should be kept free from obstruction.

9. PENALTIES

Any person who contravenes a provision of sections 2, 3, 7 or 8 shall be guilty of an offence and on conviction be liable to a fine not exceeding R 3000.00 or imprisonment for a period not exceeding SIX months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and, in case of a continuing offence, to an additional fine not exceeding R 3000.00 or additional imprisonment for a period not exceeding SIX months or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued.

10. REPEAL OF BY-LAWS

The by-laws of the former Municipal Councils of Danielskuil related to matters contained in this by-law, are hereby repealed.

KGATELOPELE MUNICIPALITY

The Municipal Manager of the KGATELOPELE Local Municipal Council in terms of subsection 156(2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000), publishes the by-law as set forth hereafter as by-law made by the Council.

THE IMPOUNDMENT OF ANIMALS**Purpose of By-law**

To achieve a safe and healthy environment for the benefit of residents within the municipality's area of jurisdiction.

To provide for procedures, methods and practices to regulate the impoundment of animals.

Definitions

1. In this by-law, words used in the masculine gender include the feminine; the singular includes the plural and *vice versa*; the Afrikaans text shall prevail in the event of an inconsistency between the different texts; and unless the context otherwise indicates:—

"animal" means any equine, bovine, sheep, goat, pig, fowl, ostrich, dog, cat or other domestic animal or bird, or any wild animal, wild bird or reptile which is in captivity or under the control of any person;

"cattle" means bulls, cows, oxen, heifers, steers and calves;

"goat" means an adult male or female goat, a wether and a kid;

"horse" means a stallion, mare, gelding, colt, filly, donkey and mule, "municipality" means the municipality of Kgatelopele established in terms of section 12 of the local Government : Municipal Structure Act, 1998 (Act 117 of 1998), and includes any political structure, political office bearer, councilor, duly authorised agent thereof or any employee thereof acting in connection with this by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political office bearer, councilor, agent or employee,

"Occupant" means any person in actual occupation of land or entitled as owner to occupy land,

"Owner", in relation to an animal, includes any person having possession, charge, custody or control of such animal,

"Pound" means a fenced-off area consisting of one or more camps under the control of a pound master, Which was created for the housing and care of stray animals which are astray, lost or at large,

"Pound master" means a person who may be either-

(a) A part-time or full-time employee of a municipality, or

(b) Appointed under a service-delivery agreement to keep and operate a pound,

"Sheep" means a ram, an ewe, a wether and a lamb,

"Stallion" means a male horse, donkey or mule not castrated or partially castrated,

"Proprietor" means any owner, lessee, or occupant of land,

"Stock inspector" means a person competent and qualified to inspect stock and who has been appointed by the Department of Agriculture for this purpose,

"veterinary surgeon" means a person who is qualified as such in accordance with the provision of the veterinary and para- veterinary professions Act, 1982 (Act 19 of 1982).

Impoundment for trespassing

2. Any person may impound an animal found abandoned upon any street, road reserve or other public place.

Pound to which animal are to be sent

1. Any proprietor upon whose land any animals are found trespassing may send such animals to such pound as is nearest by a passable road or thoroughfare to the land trespassed upon, or such other pound designated by the municipality.

Offer by owner before impoundment of animals

2. The owner of any animals liable to impoundment for trespassing may, before the animals are removed from the property trespassed upon, offer to the person complaining of the trespassing a sum of money in compensation of the damage suffered by him. Such offer shall be made to the complainant himself or to his servant or agent charged with the duty of taking the animals to the pound.

Receiving of animals by pound master

- 5.(1) It shall be the duty of every pound master to receive into his charge all animals brought to his pound, during such hour as the municipality may determine, by the proprietor, or by any person authorized in writing thereto by such proprietor or caretaker, to be impounded for having been found trespassing upon the land of such proprietor.
- (2) Any pound master who unreasonably refuses or fails to receive animals brought to his pound as aforesaid shall be guilty of an offence and shall, be liable for any damage caused to the owner of the said animals, or to any other person, by reason of such refusal or failure, provided that, if any animal suffering from any contagious disease is brought to the pound, such animal shall be kept separate from all other impounded animals and the pound master cause such animals to be put down under the provisions of section 8.

Receipt for Impounded Animals

6. Every pound master shall give the person delivery animals into his charge a written receipt, indicating the number and description of the animals so delivered, and specifying the trespassing for which the said animals, as reported, are to be impounded.

Number of Enclosures

7. Every pound master shall maintain in good repair and, as far as possible, free from all infection, not less than five separate enclosures for-
 - (a) Ostriches and horses;
 - (b) Cattle
 - (c) Sheep, goats and pigs
 - (d) Canine; and
 - (e) Feline;

Provided that municipality may in regard to any pound in its area permission to the pound master to maintain a smaller number of enclosures thereon.

Putting down of Dangerous or Contagious Animals

8. A pound master may cause any impounded animal suffering from a contagious disease, or which may prove dangerous to human life or other animals impounded to be put down, provided that no such animal shall be put down unless a veterinary surgeon has examined it and has agreed with the pound master as to the necessity for it being put down.

Notice of Impounded Animals

9. Every pound master who knows the name of the owner of any animal impounded in his pound shall forthwith give written notice to such owner that the said animal has been impounded.

Keeping of Pound Register

10. (1) Every pound master shall keep a pound register with the following particulars-
- (a) The date when, and the cause for which, all animals received by him are impounded;
 - (b) The number and description of such animals;
 - (c) The name and residence of the person impounding such animals, and the name residence of the owner or supposed owner;
 - (d) The date and particulars of the release of sale of the animals, as the case may be; and
 - (e) Any other matters which he may be directed by the municipality to ascertain and record.
- (2) The entries under subsection (1) (a), (b) and (c) shall be made at the time the animals are impounded and the entries under subsection (1) (d) and (e) shall be made as soon as the pound master obtains the necessary information; provided that no entry shall be made after a dispute has arisen.
- (3) In case of the death of injury of any impounded animal, the pound master shall enter in his pound register a description of such animal and cause of its death of injury.

Inspection of and Extract from Pound Register

11. Every pound register shall be kept at the pound or any other approved place and shall at all reasonable times be open for inspection, free of charge, to any authorized officer of the municipality, veterinary surgeon, stock inspector, and any member of the police service of the public.

Submission of Pound Register after Pound Sale

12. Every pound master shall within a fortnight after the date of each pound sale submit to the municipality a copy of all entries in his pound register made since the date of the preceding submission. The municipality shall preserve all such copies for inspection by any person desirous of seeing them.

Inspection of Pound Register at Place of Sale

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

Pound Master's Fees

- 14.(1) The municipality may fix fees and charges or tariffs for the keeping of animals in a pound and may, in determining such fees and charges or tariffs, distinguish between different kinds of animals and provide for the keeping and feeding of animals in separate enclosures.

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

Fees Payable

15. (1) The fees and charges or tariffs determined by the municipality in terms of section 14 shall be paid to be the pound master by the owner of the animals impounded, and the said fees and charges or tariffs, together with any costs which the pound master may have incurred and such animals may be detained by the pound master in security of payment of the said fees and charges or tariffs, provided that-
- (a) If the value of the animals impounded is in excess of the total amount due thereon, as determined in terms of this by-law, and if the owner is unable to pay the said amount, the pound master shall detain only so many of the said animals as may be sufficient to secure the total amount due for all the animals, and shall deliver the remainder of the animals to the said owner;
- (b) Any pound master who retains any greater number of such animals than is reasonably necessary to secure such amount shall be liable to the owner for any damage sustained by him on account of such retention.
- (2) If the pound master is an official of the municipality, he shall pay fees and charges or tariffs received by him in terms of this by-law into revenue of the municipality.
- (3) No pound master shall release any impounded animal until the prescribed and charges or tariffs have been paid to him.

Notice if Sale

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

Auctioneer

- 17.(1) Every sale of impounded stock shall-
- (a) Be conducted by the pound master or some other person duly authorized thereto by the municipality concerned; and
 - (b) Commence at a time and be held on a day to be fixed by the auctioneer.
- (2) No person conducting a pound sale shall have any direct or interest in any purchase at any sale so held by him.

Sale OF Animal

18. At every such sale-
- (1) No animal shall be put for sale unless impounded for least two weeks;
 - (2) All animals, except sheep and goats shall be sold individually;
 - (3) Sheep and goats shall be sold in lots of not more than ten, and sheep and goats, or sheep or goats with different marks or brands shall in no circumstances be sold together in the same lot;
 - (4) Animal shall be sold for cash, and the proceeds, less the amount of the pound fees and other fees, charges or tariffs payable in respect of such animals shall forthwith upon receipt, be handed by the pound master to the municipality, to be paid to the owners of the animals sold according to their respective rights, provided that-
- (a) If in any particular case the animals sold do not realize sufficient to yield the sum of pound fees and other fees, charges or tariffs as aforesaid, the proceeds shall first be utilized for the payment of the compensation due to the pound master, and if the said proceeds are insufficient to cover such compensation, the balance of compensation shall be paid to the pound master by the municipality;
 - (b) Any money, being the proceeds of the sale of any impounded animal as aforesaid, which remains in the hands of the municipality for a period of twelve months without being claimed by the owner of such animal, shall become the property of such municipality;
 - (c) It shall be competent for the municipality to make good to any pound master any loss which he may incur in the keeping of animals where the selling price does not cover the cost incurred;
 - (d) It shall be competent for any pound master, after compliance with the procedures prescribed by section 8 relating to diseased animals, to cause any aged or otherwise permanently unfit animal presented at the pound to be put down;
 - (e) If any animal dies in the pound and the owner cannot be traced, the expenses of burying the carcass shall be borne by the municipality;
 - (f) The municipality or an authorized officer may fix a reserve price for any animal offered for sale;
 - (g) The auctioneer may withdraw any animal from the sale if the highest bid received is in his opinion not satisfactory, irrespective of whether or not a reserve price has been fixed by the municipality.

Illegal Impounding and Penalties

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

Recovery of Loss IN Respect of Impoundment of animals from Area of another Municipality

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

Use, Detention and Ill-treatment of Animals

- 20 No person shall furiously drive, worry or ill-treat any animal found trespassing.

Offence and Penalties

22. Any person who—
- (1) Contravenes or fails to comply with a provision of this by-law, whether or not such contravention or failure has been declared an offence elsewhere in this by-law;
 - (2) Deliberately obstructs, hampers or handicaps any person in the exercise of any power or the performance of any duty or function in terms of any provision of this by-law; or
 - (3) Furnished false, incorrect or misleading information shall be guilty of an offence and liable upon conviction to—
 - (a) A fine or imprisonment or either such fine or imprisonment or to both such fine and such imprisonment; and
 - (b) In the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or both such additional fine and imprisonment for each day on which such offence is continued; and
 - (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention.
23. The impounding of animals of the former Municipal Councils of Danielskuil are hereby repealed

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