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KWAZULU-NATAL PROVINSIE
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MUNICIPAL NOTICES

No. 33**20 June 2008**

The Council of Big 5 False Bay Municipality has in terms of Section 156 of the Constitution, 1996 Act no 108 of 1960, read in conjunction with section 11 of the Local Government Systems act, 2000 (act No 32 of 2000), read together with section 6A(1) of the Businesses Act (Act No 71 of 1991), hereby publishes Street Trading By-Laws which shall come into operation on the date of publication of this notice.

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CHAPTER 1: DEFINITIONS

1. Definitions

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

"approval" means approval by an authorized official and "approve" has a corresponding meaning;

"authorised official" means an official of the Council to whom it has delegated a duty, function or power under this bylaw, in relation to the exercise or performance of that duty, function or power and includes any employee acting under the control and direction of such official;

"Council" means the Council of the Big 5 False Bay Municipality and in relations to the exercise of a power, the performance of a duty or the carrying out of a function includes any committee or official of the Council to whom such power, duty or function has been delegated;

"demarcated stand" means stand demarcated by Council for the purposes of street trading in terms of section 6(A)(3)(b) of the Act;

"goods" means any movable property used in connection with street trading and, without limiting the generality of the foregoing, includes products for sale, display tables, stands, receptacles, vehicles, structures or animals;

"public place" means a public place as defined in section 1 of the Local Authorities Ordinance No. 25 of 1974;

"public road" means a public road as defined in section 1 of the National Road Traffic Act No. 93 of 1996;

"roadway" means a roadway as defined in section 1 of the National Road Traffic Act No. 93 of 1996 but excludes a public place;

"sidewalk" means a sidewalk as defined in section 1 of the National Road Traffic Act No. 93 of 1996;

"street trader" means a person who sells, barter, exchanges, hires out, displays, exposes, offers or prepares for sale, barter, exchange or hire any goods or who provides or offers any service for reward as a street vendor, hawker or pedlar in a public road or in a public place, but does not include any person who sells newspapers only;

"the Act" means the Businesses Act No. 71 of 1991 and includes the regulations made there under; and

"verge" means a verge as defined in section 1 of the Road National Traffic Act No. 93 of 1996.

CHAPTER 2: PROHIBITIONS

2. Prohibition

No street trader shall carry on undertake street trading –

- (1) on a verge contiguous to -
 - (i) a building belonging to or occupied solely by the state or the Council;
 - (ii) a church or other place of worship, or
 - (iii) a building declared to be a national monument in terms of the National Monuments Act No. 28 of 1969;
- (2) on any verge contiguous to a building in which business is being carried on by any person who sells goods of the same nature as, or of similar nature to, goods being sold by the street trader or who offers services of the same

- nature as, or of a similar nature to, a service offered by the street trader concerned without the consent of such person;
- (3) on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control or any occupier of the building objects thereto;
- (4) at any place where the carrying on of such business causes an obstruction to-
- (a) the entrance to or exit from a building, or
 - (b) a fire hydrant;
- (5) in any declared area identified as such in terms of section 6A (2) of the Act in respect of which the carrying on of the business of street trader has been --
- (a) prohibited by the Council, or
 - (b) restricted by the Council, unless such business is carried on in accordance with such restrictions;
- (6) at any place which has been set apart and demarcated as stands or areas by the Council in terms of section 6A (3) (b) of the Act for the purposes of the carrying on of the business of street trader, unless such business is carried on in accordance with -
- (a) an agreement with the Council, or
 - (b) the allocation by the Council to the street trader of any area or stand;
and
- (7) in any public garden or park except with prior written consent of the Council.

CHAPTER 3: RESTRICTIONS

3. Restrictions

No person engaging in street trading shall -

- (1) sleep overnight at the business site;
- (2) erect any permanent structure in a public place or public road for the purpose of providing shelter, or
- (3) place or store any goods in such a manner or position as to constitute a danger to any person;
- (4) carry on such business in such a manner as to-
 - (a) create a nuisance;
 - (b) damage or deface any public road or public place or any public or private property; or
 - (c) create a traffic hazard;
- (5) obstruct access to a service or to service works of the Council or of the State or any statutory body;
- (6) interfere with the ability of persons using a sidewalk to view the goods displayed behind a shop display window or obscure such goods from view;
- (7) obstruct access to a pedestrian arcade or mall;
- (8) carry on such business in a place or area in contravention of any restriction imposed by Council resolution in terms of section 6A(2)(a) of the Act;
- (9) place or store his or her goods on or in a building, without the consent of the owner, lawful occupier, or person in control of such building or property;

- (10) attach any of his or her goods by any means to the building structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or a public road or public place;
- (11) make an open fire on a public road or public place;
- (12) interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop displayed window, or obscure such goods from view;
- (13) obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic; and
- (14) obstruct or inhibit the use of street furniture and any other facility designed for the use of the general public.

CHAPTER 4: GENERAL DUTIES OF STREET TRADERS

4. Cleanliness

Every street trader shall-

- (1) keep the area used by him or her for the purposes of street trading, as well as any goods used by him or her, in a clean and sanitary condition;
- (2) at the request of any authorised official of the Council, move or remove his or her goods so as to permit the cleansing of the area where he or she is trading, or for the purpose of effecting Council services;
- (3) if his or her activities involve the cooking or other preparation of food, take steps to ensure that no fat, oil or other substance drops or overflows onto the surface of a sidewalk or splashes against a building or other structure; and

- (4) not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter.

5. Display of goods

A street trader shall ensure that any structure, container, surface or other object used by him or her for the preparation, display, storage or transportation of goods-

- (1) is maintained in a good state of repair and in a clean and sanitary condition;
and
- (2) is not so placed or stored so as to constitute a danger to any person.

CHAPTER 5: REMOVAL AND IMPOUNDMENT

6. Removal and impoundment

- (1) An inspector may remove and impound any goods -
 - (a) which he reasonably suspects are being used or intended to be used or have been used in or connection with the carrying on of the business of a street trader, and
 - (b) which he finds at a place where the carrying on of such business is prohibited or restricted in terms of these bylaws,

whether or not such goods are in the possessions or under the control of any person at the time of such removal and impoundment.

- (2) An inspector removing and impounding any goods shall -
 - (a) except in the case of goods which appear to have been abandoned or in respect of which the owner or person having control thereof cannot be found, issue to the owner or person having control of such goods a receipt for the removal and impoundment thereof and stating-

- (i) the place where the goods shall be kept;
 - (ii) the amount payable in respect of expenses incurred by the Council in impounding and removing the goods; and
 - (iii) the date on or after which the goods will be sold or destroyed unless claimed; and
- (b) forthwith place such goods in safe custody.
- (3) Neither the Council nor any inspector, officer or employee of the Council shall be liable for any loss or theft of or damage to any goods removed and impounded in terms of these bylaws

7. Disposal of impounded goods

- (1) Any goods impounded in terms of these by-laws shall be dealt with as follows -
- (a) if the goods are claimed, the street trader shall pay the expenses incurred by the Council for impoundment; and
 - (b) if the goods are not claimed within the period specified on the receipt issued in terms of these by-laws, the goods shall be sold to defray expenses incurred by Council in impounding and removing the goods.
- (2) In the event that the goods-
- (a) are not capable of being sold, they shall be destroyed after the period specified on the receipt issued in terms of these by-laws;
 - (b) any perishable goods may be sold or destroyed as soon as may be necessary.
- (3) If the proceeds contemplated by this section are insufficient to pay expenses incurred by Council, the owner shall be liable for any excess.

CHAPTER 6: GENERAL OFFENCES AND PENALTIES

8. General offences and penalties

- (1) Any person who-
- (a) contravenes any provision of these by-laws;
 - (b) ignores, disregards or disobeys any notice, sign or marking displayed or erected for the purposes of these by-laws;
 - (c) for the purposes of these by-laws, makes a false statement knowing it to be false or deliberately furnishes false or misleading information to an authorised official; or
 - (d) threatens, resists, interferes with or obstructs an authorised official, officer or employee of the Council in the performance of his or her powers, duties or functions under these by-laws,

shall be liable on conviction to a fine not exceeding R 1000-00 or imprisonment for a period not exceeding three months.

CHAPTER 7: GENERAL PROVISIONS

Repeal of existing By-laws

9. The Council's existing Street trading. By-laws are hereby repealed.

Short title and commencement

10. These by-laws shall be called the Beaches By-laws, 2006. and shall come into operation on date of promulgation

No. 34**20 June 2008**

The Council of Big 5 False Bay Municipality has in terms of section 156 of the Constitution, 1996 (Act No 108 of 1996), read in conjunction with section 11 of the local Government Systems Act, 2000 (Act No 32 of 2000), hereby publishes Outdoor advertising bylaws which By-laws shall come into operation on the date of publication of this notice.

The Big 5 False Bay Municipality

OUTDOOR ADVERTISING BY-LAWS

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CHAPTER 1

DEFINITIONS

Definitions

1. In this Bylaw, unless the context otherwise indicates

"Advertisement" means any visible representation of a word, name, object or of an abbreviation of a word or name, or of any sign or symbol which is not intended solely for illumination or as a warning against any danger;

"Authorized official" means any official of the Council who has been authorised by the Council to administer, implement or enforce the provisions of these bylaws;

"building control officer" means any person appointed or deemed to be appointed as a building control officer by the Council in terms of section 5 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

"Council" means the Council of the Big 5 False Bay Municipality or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

"display" means, in relation to an advertisement, to display the advertisement within public view;

"flat sign-board-board" means any sign-board affixed to a wall and which at no point projects more than 230 mm from the surface of the wall;

"ground sign-board" means any sign which is affixed to the ground and is not attached to a building;

"projecting sign-board" means any sign-board affixed to a wall and which at any point projects more than 230 mm from the surface of the wall;

"roof" means any roof of a building but does not include that portion of a roof which is the roof of a verandah or balcony;

“sign-board” means any structure or device used or intended or adapted for the display thereon of an advertisement;

“sky sign-board” means any sign-board affixed to a roof or the top of a parapet of a roof; and

“wall” means any external wall of a building, but does not include a parapet balustrade or railing of a verandah or balcony.

CHAPTER 2

APPLICATION

Application of regulations

2. (1) Subject to the provisions of sub-section (2), this Bylaw shall apply to all advertisements displayed or to be displayed within the area of jurisdiction of the Council.
- (2) The following categories of advertisements shall be exempted from the provisions of this Bylaw:
 - (a) an advertisement, commonly referred to as builders' or contractors' boards, displayed within the boundaries of any erf during the course of building operations including plumbing, electrical wiring, painting and renovations;
 - (b) an advertisement relating to the immediate sale of newspaper within the public road; provided the advertisement does not obstruct vehicular or pedestrian traffic or the lines of sight of drivers or pedestrians;
 - (c) an advertisement required to be displayed by law;
 - (d) an advertisement displayed on any vehicle which is being used on a public road; provided that the main purpose for which that vehicle is being used is not to display such advertisement;
 - (e) an advertisement affixed to or painted on any part of any building other than a dwelling-house which indicates only the following:
 - (i) the name or address of such building;
 - (ii) the name of the occupier or owner thereof;
 - (iii) a general description of the type of

business lawfully carried on in such building;

- (iv) the hours of attendance or business; and
- (v) the telephone number of such business;

provided that such advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m² in area and does not project more than 100 mm from the surface to which it is affixed;

- (f) an advertisement affixed to or painted on any part of any building used as a dwelling-house which merely indicates -

- (i) the name or address of the dwelling-house; and
- (ii) the name of the owner or occupier the dwelling house;

provided that such advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m² in area and does not project more than 100 mm from the surface to which it is attached;

- (g) an advertisement designed solely for the issuing of any direction, request or warning to any person entering upon an erf or premises on the erf; provided that such advertisement is displayed within the boundaries of the erf and provided that the advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m² in area;
- (h) an advertisement advertising the sale or lease of any erf, or the fact that such erf has been sold; provided that such advertisement is displayed within the boundaries of the erf and provided that the advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m² in area; and
- (i) an advertisement displayed from the interior of any building enclosed by walls, windows and doors.

CHAPTER 3

TYPES OF ADVERTISEMENTS

Temporary and portable advertisements

- 3. (1) Any advertisement -

- (a) intended to be displayed solely for or in connection with a particular event including but not limited to an election or referendum; or
- (b) displayed on any sign-board intended or adapted to be carried or conveyed,

shall only be displayed with the prior written consent of the authorised official and subject to the requirements of sub-section (2) and any other conditions which the authorised official may impose.

- (2) Any advertisement displayed in terms of subsection (1) shall –
 - (a) not exceed 0,8 m² in area; and
 - (b) not be displayed for longer than 14 days before or after the event.
- (3) Every application for permission in terms of sub-section (1) shall be accompanied by a fee and a deposit prescribed by the Council, the deposit being refundable when all advertisements concerned have been removed to the satisfaction of the authorised official.
- (4) Any person who, having displayed or caused to be displayed any advertisement in respect of which approval has been given under sub-section (1), fails to remove it or cause it to be removed within the relevant time, shall be guilty of an offence and the authorised official shall be entitled to remove any such advertisement and deduct from any deposit made in terms of sub-section (6) the sum of R50.00 in respect of each and every advertisement so removed; provided that any excess shall be a civil debt due to the Council; provided further that when any advertisement is so removed in terms of these regulations the Council shall be entitled to destroy any such advertisement without giving notice to anyone, after a period of 14 days from the date of such removal.
- (5) Any person who displays or causes, permits or suffers to be displayed any advertisement referred to in sub-section (1) shall be presumed to be the displayer until it is proved to the contrary.

Display of permanent advertisements prohibited

- 4. No person shall display or cause to be displayed any permanent advertisement, in the area of jurisdiction of the Council unless any such advertisement was approved in writing by the Council and is displayed in accordance with this Bylaw.

Application for display of permanent advertisements

- 5. (1) Any person intending to erect, alter or display any permanent advertisement for

which the prior written permission of the Council is required, shall apply for such permission to the Council on the prescribed application form attached to this By-law as Schedule 2. Such form shall be signed by the applicant and by the owner (if he or she is not also the applicant) of the site upon which such advertisement is or is to be located.

- (2) An application referred to in sub-section (1) shall be accompanied by -
- (a) a full specification showing the dimensions of such sign, its location or proposed location on a building or other supporting structure, the materials of construction, the name and address of the manufacturer, and where applicable, the number of electric lights and electrical details in regard thereto;
 - (b) a drawing indicating –
 - (i) the position of such sign on the site at a scale of not less than 1: 50;
 - (ii) the full text of the advertisement;
 - (iii) the colour of the material;
 - (iv) the construction;
 - (v) the overall dimensions;
 - (vi) the method of attachment, suspension or support; and
 - (vii) any other details required by the Council;
 - (c) in the case of ground signs, information in regard to all calculations upon which such size is based;
 - (d) the prescribed application fee R.
- (3) The Council may refuse or grant such application subject to such conditions as it may think proper.

Consideration of application of display of permanent advertisements

6. (1) The Council may grant, on such conditions as it may determine, or refuse an application referred to in section 5, but the Council shall not grant an application

if it is of the opinion that, having regard to –

- (a) the design;
- (b) colour;
- (c) other characteristics of the advertisement in question;
- (d) its proposed position in relation to the building or premises upon or in which it is to be displayed; and
- (e) the neighboring properties,

such advertisement will detract from or disfigure the appearance of the building or premises concerned or neighboring properties, or otherwise be unsightly.

Sign-boards affixed to buildings

7. (1) The following sign-boards and no others may, subject to the provisions of this By-law, be affixed to buildings:
- (a) flat sign-board-boards;
 - (b) projecting sign-boards, and
 - (c) sky sign-boards
- (2) No flat sign-board-board shall -
- (a) extend above the top or beyond either side of the wall to which it is affixed;
 - (b) project in any part more than 100 mm from the wall to which it is affixed;
 - (c) exceed 15% of the height of the building to the eaves or 15% of the area of the wall to which it is affixed.
- (3) No projecting sign-board shall -
- (a) be affixed otherwise than at right angles to the road line;

- (b) be affixed at a clear height of less than 2,5 m;
- (c) exceed 225 mm in thickness;
- (d) extend beyond the top of the wall to which it is affixed;
- (e) project in any part more than 1,5 m from the wall to which it is affixed;
- (f) extend over or nearer than 1,2 m to any overhead electricity wires or cables; or
- (g) be affixed otherwise than in a vertical plane.

Advertisement painted on buildings

8. (1) Only the following types of advertisements may be painted on buildings:
- (a) advertisements painted on the walls of buildings; and
 - (b) advertisements painted on the roofs of buildings used in connection with industry or a manufacturing process.
- (2) No advertisement painted on a wall of a building shall exceed 15% of the height of the building from the ground to the eaves or 15% of the area of the wall on which it is painted.
- (3) An advertisement painted on the roof of a building shall contain only the name (or an abbreviation thereof) of the person, firm, company, society or association occupying such building.

Ground sign-boards

9. Every ground sign-board shall -
- (1) be supported by poles or standards or pylons the bases of which are firmly embedded and fixed in the ground and which are entirely self-supporting, rigid and inflexible;
 - (2) not exceed 2 m x 0,3 m (300 mm);
 - (3) not extend or project beyond the road line; and
 - (4) not exceed 6,5m in height.

Flashing advertisements

10. The Council shall only approve flashing illuminated advertisements if it is of the opinion

that, having regard to the proposed position and characteristic of the advertisement, the display of the advertisement will not be likely to distract or disturb persons using any public road or to create the conditions contemplated in section 11(2).

General prohibitions relating to advertisements

11. (1) No person shall display any advertisement so as to obstruct any fire escape or the means of egress to a fire escape or to obstruct or interfere with any window or opening required for ventilation purposes.
- (2) No person shall display any advertisement –
- (a) in a position which obscures, obstructs or otherwise interferes with any road traffic sign or is likely to so obscure, obstruct or otherwise interfere;
 - (b) which is illuminated and contains the colours, red, green or amber or any one or more of such colours, unless such sign has a clear height of 6 m or unless such sign is more than 15 m (measured horizontally) from the vertical line of the road line at the corner of a public road; or
 - (c) which is of such intense illumination so as to disturb the residents or occupants of adjacent or nearby residential buildings.
12. (a) Directional signs may not be erected on road reserves other than on directional signboard frames erected by the Council, and on payment of the prescribed fee. Such directional signs shall be either 2m long and 0,3 (300 mm) high or 1 m long and 0,3m (300 mm) high and be constructed to the satisfaction of the Council.
- (b) A directional signboard frame shall not exceed 4m in height from ground level save with the express approval of the Council in writing.

Construction of sign-boards

13. (1) Every sign-board shall be neatly and properly constructed and finished in a workmanlike manner to the satisfaction of the building control officer.
- (2) (a) Every sign-board attached to a building or wall shall be rigidly and securely attached thereto so that it is safe and that movement in any direction is prevented.

- (b) The method of attachment shall be such that it is capable of effectively securing, supporting and maintaining not less than twice the mass of the sign-board in question with the addition of any force to which the sign may be subjected.
 - (c) The use of nails or staples for the purpose of the anchorage and support of a sign-board is prohibited.
- (3) Every projecting sign-board shall, unless the building control officer otherwise approves, have not less than four supports –
 - (a) which shall be of metal;
 - (b) any two of which shall be capable of supporting the mass of the sign-board;
 - (c) the designed strength of which acting together shall be calculated on a mass equal to twice the mass of the sign-board with a superimposed horizontal wind pressure of 1,5 kPa; and
 - (d) which shall be neatly constructed as an integral part of the design of the sign-board or otherwise concealed from view.
- (4)
 - (a) All sign-boards which are attached to brickwork, masonry or concrete shall be securely and effectively attached thereto by means of bolts securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side.
 - (b) Such bolts shall be of such a size and strength as will ensure effective compliance with sub-section (2) or (3).
- (5) Every illuminated sign-board and every sign-board in which electricity is used shall -
 - (a) be constructed of a material which is not combustible;
 - (b) be provided with an external switch in an accessible position approved by the building control officer whereby the electricity supply to such sign-board may be switched off; and
 - (c) be wired and constructed to the satisfaction of the building control officer.
- (6) All exposed metalwork of a sign-board shall be painted or otherwise treated to prevent rust, decay and insect attack and thereafter painted.

Maintenance of permanent advertisements

14. The person having possession or control of any permanent advertisement shall, while such advertisement is displayed, at all times maintain such advertisement, including any sign-board on which it is displayed, in good repair and safe condition.

Alterations of and additions to permanent advertisements

15. (1) Any person wishing to alter or add to any permanent advertisement, including any sign-board on which it is displayed, shall first apply to the Council in writing for its approval.
- (2) An application referred to in sub-section (1) shall specify the nature and extent of the proposed alteration or addition.
- (3) A person who has applied in terms of sub-section (2) for the Council's approval shall furnish such additional particulars in connection with his application as the Council may require.

Removal of permanent advertisements

16. (1) When there is displayed a permanent advertisement -
- (a) for which no approval was granted under section 4; or
- (b) which is displayed in contravention of this By-law,
- the Council may, by notice in writing, direct the person having possession or control of the advertisement to remove it or to effect such alterations as may be prescribed in the notice, and to effect such removal or alteration within such period (which shall be not less than fourteen days as from the date on which the notice was given) as may be specified in the notice.
- (2) If a person to whom a notice has been given in terms of subsection (1) fails to comply with a direction contained in that notice within the period therein specified, the Council may, at any time after the expiration of that period, through the agency of any person authorised thereto by the Council, enter upon the land upon which the advertisement to which the notice relates and remove the advertisement or effect the alterations prescribed in the notice.
- (3) The Council may recover the expenses which it incurred by any action taken under subsection (2) from any person to whom the notice in question was given.

Delegation of Council's powers

- 17 (1) The Council may by resolution delegate to the building control officer any power

conferred upon it by this Bylaw on such conditions as the Council may determine.

- (2) Any delegation under sub-section (1) shall not prevent the exercise of the relevant power by the Council itself.

CHAPTER 4

GENERAL PROVISIONS

Offences

18. Any person who contravenes any provision of these by-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R20 000 or imprisonment for a period not exceeding 2 years.

Repeal of existing By-laws

19. The Council's existing advertising by-laws are hereby repealed.

Short title and commencement

20. These by-laws shall be called the Outdoor Advertising By-laws, 2007, and shall come into operation on 31 March 2007

No. 35**20 June 2008**

The Council of the Big 5 False Bay Municipality has in terms of section 156 of the Constitution, 1996 (Act no 108 of 1996), read in conjunction with section 11 of the Local government Systems Act, 2000 (Act no 32 of 2000) , hereby publishes Keeping of animals By-laws which shall come into operation on the date of this publication.

Big 5 False Bay Municipality

KEEPING OF ANIMALS BY-LAWS

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CHAPTER 1

DEFINITIONS

Definitions

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

“aviary” means an enclosure used for the keeping of birds, other than poultry but does not include a portable cage;

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

“COUNCIL” means the Big 5 False Bay Municipality

“cattery” means premises in or upon which –

- (a) boarding facilities for cats are provided; or
- (b) cats are bred for commercial purposes;

“enclosure” in relation to animals, means any kraal, pen, paddock, cage or other fenced or enclosed area erected to confine an animal from escaping or roaming freely on the remainder of the premises;

“keeper” means –

- (a) in relation to any animal, the owner of the animal or any other person responsible for feeding and caring for the animal; and
- (b) in relation to a battery system, cattery, kennels, pet parlour or pet shop means the person who owns the business which it forms part of or the person in charge of the premises in which the animals are kept;

“kennels” means premises in or upon which –

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

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

“pet” means a tame animal kept in a household for companionship or amusement;

“pet parlour” means any premises where beauty treatment is given to pets by washing, drying, brushing, clipping, trimming or by attending to their nails or teeth;

“pet shop” means any premises where the business of keeping and selling pets is carried out;

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

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

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

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

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

“stable” means any building or structure used to accommodate livestock other than poultry; and

“wild animal” means an animal of a species that is not generally domesticated and without limitation includes all animals indigenous to South Africa other than domesticated guinea-fowls.

CHAPTER 2

GENERAL PROVISIONS RELATING TO THE KEEPING OF ANIMALS

Application of by-laws

2. These by-laws, with the exception of section 28, do not apply to -
 - (1) any agricultural show where animals are kept on a temporary basis;
or
 - (2) any laboratory where animals are lawfully kept for research purposes.

CHAPTER 3

KEEPING OF CATTLE, HORSES, MULES AND DONKEYS

Requirements for premises

- 3.(1) No person may keep any cattle, horse, mule or donkey in a stable or other enclosure that does not comply with the following requirements:
 - (a) every wall and partition of the enclosure must be constructed of brick, stone, concrete or other durable material;
 - (b) the internal wall surfaces of the enclosure must be constructed of smooth brick or other durable surface brought to a smooth finish;
 - (c) the height of the walls to the wall plates of the enclosure must -
 - (i) if the roof is a pitched roof be 2,4 metres;
 - (ii) if the roof is a flat roof be 2,7 metres;
 - (iii) if the roof is a lean to roof be a mean height of 3 metres with a minimum of 2,4 metres on the lowest side;
 - (iv) in the case of a stable which has an opening along the entire length of one of it's long sides be not less than 2 metres;

- (d) the enclosure must have a floor area of at least 9m² for each head of cattle, horse, mule or donkey accommodated in it;
- (e) lighting and ventilation must be provided by openings or glazed opening windows or louvers totalling at least 0,3m² for each animal to be accommodated in it except in the case of an enclosure open along the entire length of one of it's long sides;
- (f) the lowest point of every opening, window or louvers must be at least 1,8 metres above floor level;
- (g) the floor of the enclosure must be constructed of concrete or other durable and impervious material brought to a smooth finish graded to a channel;
- (h) no enclosure may be situated within -
 - (i) 15 metres of the boundary of any land, property, dwelling or other structure used for human habitation; or
 - (ii) 50 metres of any water resource or water supply intended or used for human consumption;
- (i) there must be a water supply adequate for drinking and cleaning purposes next to every enclosure.

Duties of keepers of cattle, horses, mules and donkeys

4. Any person who keeps any cattle, horse, mule or donkey must -

- (1) maintain the premises, and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair;
- (2) provide portable manure storage receptacles of an impervious material and with close fitting lids;
- (3) keep every manure storage receptacle on a platform constructed of concrete or other durable and impervious material near the enclosure;

- (4) if there is so much manure and bedding that storage receptacles are impractical, provide a manure heap complying with the following requirements:
 - (a) the heap must be enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish; and
 - (b) the floor must be of smoothly finished concrete that is inclined so that it drains to a water channel along the full length of the open side, which is at least 150 mm in diameter and is kept filled with water;
- (5) remove all the manure from the enclosure at least once every 24 hours and place it in the manure storage receptacles or heap until it is removed from the premises;
- (6) remove the contents of the manure storage receptacles or heap from the premises at least once every second day and dispose of the manure in a way which will not create a public health nuisance;
- (7) remove all bedding from the enclosure at least once a week and store it in the manure receptacles or heap until it is removed from the premises; and
- (9) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids.

CHAPTER 4

KEEPING OF GOATS AND SHEEP

Requirements for premises

- 5.(1) No person may keep sheep or goats in an enclosure that does not comply with the following requirements-
 - (a) a minimum overall floor area must be 30m²;
 - (b) at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it;
 - (c) every wall must be constructed of brick, stone, concrete or other durable material;
 - (d) every wall must be at least 2 metres in height and have a smooth internal finish;

- (e) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel;
 - (f) at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it with an overall minimum floor area of 6m²; and
 - (g) lighting and ventilation openings totalling at least 0,15m² per goat or sheep must be provided.
- (2) No person may keep sheep or goats in an enclosure within –
- (a) 15 metres of any boundary of any land, dwelling, building or other structure used for human habitation; or
 - (b) 50 metres of any water resource or water supply intended or used for human consumption.
- (3) Every person must provide a water supply adequate for drinking and cleaning purposes situated next to or in every enclosure used to accommodate sheep or goats.

Duties of keeper of goats and sheep

6. Any person who keeps goats or sheep must -
- (1) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair;
 - (2) provide portable manure storage receptacles of an impervious material and with close fitting lids;
 - (3) keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned;
 - (4) remove all manure from the enclosure, building or shed at least once every seven days and place it in the manure storage receptacles;
 - (5) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way that will not create a public health nuisance; and

- (6) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.

CHAPTER 5

KEEPING OF POULTRY

Application

7. The provisions of sections 10(4) to (7) inclusive and 11(5), do not apply to the persons keeping ten or less poultry.

Permit requirements for poultry

8. No person may keep more than 10 poultry birds on an erf in a proclaimed township or 100 poultry birds on premises zoned for agriculture except in terms of a permit issued by the Council.

Requirements for premises

9. No person may keep poultry in premises that do not comply with the following requirements:
 - (1) In relation to a poultry house –
 - (a) every wall must be constructed of brick, stone, concrete or other impervious material brought to a smooth internal surface;
 - (b) the floor must be constructed of concrete or other impervious material brought to a smooth finish;
 - (c) the upper floor of a two or more storey structure must be constructed of an impervious and easily cleanable material;
 - (d) the minimum floor area must be –
 - (i) 0,20 m² for each grown fowl, duck, muscovy duck or guinea fowl;
 - (ii) 0,5 m² for each grown goose, turkey, peacock; and

- (iii) 0, 14 m² for each grown pigeon;
 - (e) the minimum aggregate floor area must be 4m²;
- (2) in relation to a poultry run, the run must be enclosed with wire mesh or other durable material;
- (3) in relation to buildings or structure housing a battery system -
 - (a) every wall, if provided, must be at least 2,4m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface;
 - (b) if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building;
 - (c) the floor must be constructed of concrete or other impervious material brought to a smooth finish and if required by the environmental health officer, the floor surface must be graded and drained by means of a channel;
 - (d) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its edges;
 - (e) the cages of the battery system must be made of an impervious material; and
 - (f) if required by an environmental health officer, a tray of an impervious material must be fitted under every cage for the collection of manure;
- (4) a water supply adequate for drinking and cleaning must be provided in or next to every poultry hutch or building or structure housing a battery system;
- (5) no poultry house, poultry run, or building or structure housing a battery system may be constructed within 3 metres of -
 - (a) any dwelling, other building or structure used for human habitation;

- (b) any place where foodstuffs are stored or prepared for human consumption; or
 - (c) the nearest boundary of any land;
- (6) feed must be stored in an adequate rodent-proof storeroom;
- (7) adequate washing facilities must be provided for the cleaning of the cages;
- (8) if required by an environmental health officer due to the amount of manure stored on the premises awaiting removal, a storage area complying with the following requirements must be provided:
- (a) a roofed platform constructed of concrete or other impervious material;
 - (b) the platform's outside edges must have a minimum curb of 100 mm high;
 - (c) the platform must be graded and drained; and
 - (d) the roof of the platform must extend a minimum of 1 metre beyond the edges of the base of the platform.

Duties of keeper of poultry

10. Any person who keeps poultry must -

- (1) ensure that all poultry is kept within the poultry house, poultry run or building or structure housing a battery system;
- (2) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the poultry in a clean, sanitary condition and in good repair;
- (3) maintain the premises free from offensive odours and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from pests;
- (4) ensure that the poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;

- (5) provide portable manure storage receptacles of an impervious material and with close fitting lids and keep the manure storage receptacles on a platform;
- (6) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every four days from a building or structure housing a battery system;
- (7) place the manure and other waste matter in manure storage receptacles;
- (8) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way which will not create a public health nuisance; and
- (9) take adequate measures to keep the premises free of flies, cockroaches and rodents to prevent offensive odours arising from the keeping of poultry on the premises.

CHAPTER 6

KEEPING OF RABBITS

Application

11. The provisions of sections 14(2) to (4) inclusive and 15(4) to (6) inclusive, do not apply to persons keeping ten or less rabbits.

Permit requirements for rabbits

12. No person may keep more than 5 adult rabbits on an erf in a proclaimed township or 20 adult rabbits on premises zoned for agriculture except in terms of a permit.

Requirements for the premises

13. No person may keep rabbits in premises that do not comply with the following requirements:
 - (1) in relation to a rabbit hutch -
 - (a) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;

- (b) the floor surface must be –
 - (i) constructed of concrete or other impervious material brought to a smooth finish;
 - (ii) situated at least 150 mm above ground level; and
 - (iii) graded to a channel, if required by an environmental health officer;
 - (c) adequate ventilation must be provided;
- (2) any rabbit run must be enclosed with wire mesh or other durable material and constructed in a way that prevents the escape of rabbits from the run;
- (3) in relation to a building or structure housing a battery system -
- (a) any wall must –
 - (i) be a minimum of least 2,4 metres high;
 - (ii) be constructed of concrete, stone, brick or other durable material;
 - (iii) must have a smooth internal surface;
 - (b) if walls are provided, the building must be ventilated and lighted by means of natural openings or windows of an area equal to not less than 15% of the floor area of the building;
 - (c) the floor must be constructed of concrete or other impervious material brought to a smooth finish, and if required by an environmental health officer, the floor surface must be graded to a channel drained in terms of section 27;
 - (d) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its outside edges; and
 - (e) every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure;

- (4) a water supply adequate for drinking and cleaning purposes must be provided in or next to every rabbit hutch or building or structure housing a battery system;
- (5) no person may erect a rabbit hutch, rabbit run or building or structure housing a battery system within five metres of –
 - (a) any dwelling, building or other structure used for human habitation;
 - (b) any place where foodstuffs are stored or prepared for human consumption; or
 - (c) nearest boundary of any land;
- (6) an adequate rodent-proof storeroom must be provided for the storage of feed; and
- (7) adequate washing facilities must be provided for the cleaning of the cages.

Duties of keeper of rabbits

14. Any person who keeps rabbits must -

- (1) keep all rabbits within the rabbit hutch, rabbit run or building or structure housing a battery system;
- (2) maintain the premises and any equipment, apparatus, container or receptacles used in connection with keeping rabbits, in a clean, sanitary condition and in good repair;
- (3) maintain the premises free from offensive odours and every rabbit hutch, rabbit run building or structure housing a battery system and all cages clean and free from pests;
- (4) provide portable manure storage receptacles of an impervious material with close-fitting lids; and every receptacle shall be kept on a platform;
- (5) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system, at least once every 48 hours;

- (6) keep the manure and waste in manure storage receptacles until it is removed from the premises; and
- (7) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a way which will not create a public health nuisance.

CHAPTER 7

KEEPING OF BIRDS OTHER THAN POULTRY

Requirements for the premises

15. No person may keep any bird, other than poultry, in an aviary that does not comply with the following requirements:
 - (1) the aviary must be constructed of durable rodent-proof materials;
 - (2) adequate access must be provided for cleaning purposes;
 - (3) if the aviary is constructed above ground level, its base must be constructed of an impervious and durable material and must be situated a minimum of 300 mm above ground level;
 - (4) the aviary may not be situated within three metres of any building or structure, boundary fence or boundary wall; and
 - (5) a water supply adequate for drinking and cleaning purposes must be situated in or next to every aviary.

Duties of keeper of an aviary

16. Any person who keep birds in an aviary must -
 - (1) ensure that the aviary and the premises are kept in a clean condition and free from pests;
 - (2) provide and use rodent-proof facilities for the storage of bird food;and

- (3) ensure that the birds do not disturb the comfort, convenience, peace or quiet of the public.

CHAPTER 8

DOG KENNELS AND CATTERIES

Requirements for the premises

17. No person may use premises as kennels or a cattery unless the premises comply with the following requirements:
 - (1) every dog or cat must be kept in an enclosure that complies with the following requirements:
 - (a) the enclosure must be constructed of impervious materials and must provide adequate access for cleaning purposes;
 - (b) the floor must be constructed of concrete or other impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending the full width of the floor, which channel must be graded and drained into a gully connected to the Council's sewer by means of a pipe 100 mm in diameter; and
 - (c) a curb 150 mm high must be provided along the edge of the channel, referred to in subsection (b), to prevent any storm water runoff entering the channel;
 - (2) subject to subsection (4), every enclosure referred to in subsection (a), must be situated in a roofed shelter that complies with the following requirements:
 - (a) every wall must be made of brick, stone, concrete or other impervious material;
 - (b) the internal surface of every wall must have a smooth internal surface;
 - (c) the floor must be made of concrete or other impervious material brought to a smooth finish; and
 - (3) every shelter must have adequate access for cleaning and eliminating pests;

- (4) a dog kennel that complies with the following requirements may be provided instead of the shelter contemplated in subsection (2):
 - (a) the kennel must be constructed of moulded asbestos or other similar material;
 - (b) the kennel must be movable;
 - (c) the kennel must be placed on a base constructed of concrete or other impervious material with an easily cleanable finish; and
 - (d) a sleeping board, which will enable the dog to keep dry, must be provided in any kennel that does not have a waterproof base;
- (5) a concrete apron extending at least one metre wide around the edges of the enclosure must be provided;
- (6) the apron must be graded and drained in a way that drains storm water away from the enclosure;
- (7) a potable water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the enclosure;
- (8) any cages in which cats are kept must be constructed of durable impervious material and in a manner that they may be easily cleaned;
- (9) any shelter, enclosure or kennel may not be situated within five metres of any –
 - (a) dwelling or other building or structure used for human habitation;
 - (b) place where food is stored and prepared for human consumption; or
 - (c) the boundary of the premises.

Food preparation area

18. Any keeper of kennels or a cattery who is instructed by an environmental health officer to provide a food preparation area, must provide a separate room or roofed area for the preparation of food that complies with the following requirements:

- (1) the floor of the room or roofed area must be constructed of concrete or other impervious material brought to a smooth finish;
- (2) the internal wall surfaces of the room or roofed area must be smooth and easily cleanable;
- (3) adequate washing facilities for food bowls and utensils must be provided; and
- (4) a rodent-proof storeroom must be provided for the storage of food.

Duties of a keeper kennels or catteries

19. Any person operating a kennel or cattery must –

- (1) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
- (2) provide portable storage receptacles, of an impervious material with close fitting lids, for the storage of dog and cat faeces;
- (3) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in subsection (2);
- (4) remove the contents of the storage receptacles from the premises at least twice every seven days and dispose of it in a manner that will not create a public health nuisance;
- (5) store all loose food in receptacles, with close fitting lids, in the food store;
- (6) provide adequate refrigeration facilities to store perishable foods on the premises;
- (7) provide adequate separate refuse receptacles, with close fitting lids, on the premises for refuse other than faeces;
- (8) keep any sick dog or cat isolated from any other animals; and

- (9) maintain the premises free from offensive odours and every enclosure, shelter, kennel, cage or food store clean and free from pests.

CHAPTER 9

PET SHOPS AND PET PARLOURS

Requirements for premises

20. No person may operate a pet shop or pet parlour in or on any premises that does not comply with the following requirements:
- (1) all walls, including any partition, must –
 - (a) be constructed of brick, concrete or other impervious material;
 - (b) have a smooth and easily cleanable internal surface; and
 - (c) be painted with a washable paint or other adequate finish;
 - (2) all floor surfaces must be constructed of concrete or other impervious material brought to a smooth finish;
 - (3) all ceilings must be dust proof and easily cleanable;
 - (4) at least one wash hand basin, with a supply of running hot and cold potable water, must be provided for employees and the ratio of wash hand basins to persons employed on the premises must not be less than 1:15;
 - (5) the wash hand basins, referred to in subsection (4), must be drained;
 - (6) adequate storage facilities must be provided;
 - (7) facilities for the washing of cages, trays and other equipment must be provided in the form of either –
 - (a) a curbed and roofed over platform with a minimum surface area of 1,5 m², raised at least 100 mm above the floor and constructed of concrete or other impervious material brought to a smooth finish, which platform must be provided with a supply of running potable water; or

- (b) a stainless steel sink or trough of adequate size with a drainage board and provided with a supply of running potable water;
- (8) the platform, sink or trough referred to in subsection (7) must be drained;
- (9) any wall surface within 0,5 metres of the platform, sink or trough referred to in subsection (7), must be permanently covered with waterproof material to a minimum height of 1,4 metres above the floor;
- (10) a clearly designated changeroom must be provided if more than six persons are employed on the premises and every change room must –
 - (a) have a floor area providing at least 0,5 m² for each employee;
 - (b) have a minimum overall floor area of 6m² and width of two metres; and
 - (c) be equipped with an adequate metal locker for each employee;
- (11) where no changeroom is required in terms of subsection (10), each employee must be provided with an adequate metal locker;
- (12) for the purposes of washing, clipping or grooming of pets –
 - (a) a bathroom fitted with a bath, or similar fitting, and a wash hand basin supplied with running potable water must be provided;
 - (b) a clipping and grooming room fitted with impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids, for the storage of cut hair pending removal, must be provided;
 - (c) at least 50 % of the floor area of the rooms referred to in subsections (a) and (b) must unobstructed; and
 - (d) the floors of the rooms referred to in subsections (a) and (b) must be graded to a drainage channel;
- (13) all buildings, including storage areas, must be rodent-proof; and

- (14) the premises may not have direct internal access with any room or place-
- (a) used for human habitation;
 - (b) where clothing is stored or sold; or
 - (c) where food is prepared, stored or sold for human consumption.

Duties of pet shop or pet parlour keeper

21. Any keeper of a pet shop or pet parlour must –

- (1) provide cages for housing the pets complying with the following requirements:
 - (a) the cages must be constructed of metal or other impervious material and fitted with a removable metal floor-tray to facilitate cleaning;
 - (b) the exterior cavity of any tubular or hollow material used to construct a cage must be sealed;
 - (c) the cages must be able to be moved easily;
 - (d) where rabbits are kept in a cage, the metal floor-tray referred to in subsection (a), must be drained to a removable receptacle;
 - (e) the cages must be fitted with a drinking vessel filled with water;
 - (f) the distance from any cage to the nearest wall must be a minimum of 150 mm;
 - (g) the cages must be kept a minimum of 450 mm above floor level; and
 - (h) the space below every cage must be unobstructed;
- (2) provide rodent-proof receptacles, of an impervious material and with close fitting lids, for the storage of all loose pet food in the store room;
- (3) provide adequate refrigeration facilities to store all perishable pet food on the premises;
- (4) ensure that in any room in which the pets are kept –

- (a) 50 % of the floor space is unobstructed; and
 - (b) the cages are placed a minimum of 800 mm from one another;
- (5) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment or appliances used in connection with the pet shop, in a clean and sanitary condition, free from pests and in good repair;
 - (6) provide overalls or other protective clothing for employees and ensure that the employees wear them when on duty;
 - (7) provide isolation facilities in which every pet which is, or appears to be, sick must be kept while on the premises;
 - (8) provide an adequate supply of potable water for drinking and cleaning purposes;
 - (9) provide adequate ventilation to ensure the comfort and survival of the pets; and
 - (10) ensure that the number of pets contained in each cage does not impede their free movement.

CHAPTER 10

KEEPING OF WILD ANIMALS

Requirements for the premises

- 22. No person may keep wild animals on premises that do not comply with the following requirements:
 - (1) all wild animals must be kept in enclosures constructed and equipped as follows –
 - (a) the enclosure must satisfy the needs of the specific animal as specified by the relevant nature conservation authorities;
 - (b) the enclosure may not be situated within 50 metres of –
 - (i) any boundary of the premises;

- (ii) any dwelling, building or structure used for human habitation;
 - (iii) any dwelling, building or structure where food is stored, handled or prepared for human consumption; or
 - (iv) any water resource intended for domestic consumption;
 - (c) an adequate supply of potable water for drinking and cleaning purposes must be provided; and
 - (d) the enclosure must be graded and drained in a way that does not pollute any water resource or create a public health nuisance;
- (2) a separate room, equipped with a preparation table and wash-up sink, supplied with running potable water and adequately drained must be provided for the preparation of food;
- (3) adequate facilities must be provided for washing any cages, trays, crates, refuse receptacles and food containers in the form of either—
- (a) a curbed platform constructed of concrete or other impervious material brought to a smooth finish; or
 - (b) a stainless steel sink or trough adequate in size to accommodate the equipment to be washed;
- (4) both facilities referred to in subsection (3) must be provided with a supply of running potable water and must be drained; and
- (5) all areas and rooms in which fodder and food are stored must be rodent-proof.

Duties of keeper of wild animals

23. Any person that keeps wild animals must —

- (1) maintain the premises in a clean and sanitary condition at all times;
- (2) clean all manure and food scraps from any enclosure at adequate intervals; and
- (3) prevent the soil beneath or around any enclosure from becoming saturated with urine.

CHAPTER 11 KEEPING OF PIGS

Requirements for premises

24. No person may keep pigs in or on premises that do not comply with the following requirements:
- (1) every wall must –
 - (a) be constructed of brick, stone, concrete or other durable material;
 - (b) have a minimum height of 1,5 metres; and
 - (c) have a smooth, impervious internal surface;
 - (2) the floor area must provide at least 3m² for each pig accommodated in the pigsty, with an overall minimum floor area of 6 m²;
 - (3) the roof over any portion of a pigsty must have a minimum height of 1,5 metres;
 - (4) except in the case of a roofed structure having one of its long sides completely open, the lighting and ventilation openings must –
 - (a) be situated opposite one another in the external walls; and
 - (b) provide a minimum of 0,15 m² for each pig;
 - (5) the floor must be –
 - (a) at least 150 mm above the surrounding ground level;
 - (b) constructed of concrete or other durable and impervious material brought to a smooth finish; and
 - (c) graded for the run-off of liquids into an open channel outside the pigsty;
 - (6) the open channel referred to in subsection (5)(c) must –

- (a) be constructed of concrete or other durable and impervious material;
 - (b) be a minimum of 100 mm in diameter; and
 - (c) be adequately drained;
- (7) the pigsty must be strong enough to prevent the pigs breaking out;
- (8) the pigsty may not be situated within 100 metres of –
- (a) the boundary of the premises;
 - (b) any dwelling, building or structure used for human habitation;
 - (c) any dwelling, building or structure in which food is prepared, stored or sold for human consumption;
 - (d) any water resource intended for domestic consumption;
- (9) a roofed over concrete platform must be provided for –
- (a) the storage of all swill in containers; and
 - (b) the preparation of pig feed;
- (10) the platform referred to in subsection (9) must comply with the provisions of subsection (5) and in addition, must have a curbing of a minimum height of 100 mm on each edge; and
- (11) a potable water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the pigsty.

Duties of keeper of pigs

25. Every person keeping pigs must -

- (1) ensure that every pig is kept within a pigsty;
- (2) maintain the premises and any equipment, apparatus, container or receptacle in a clean and sanitary condition and in good repair;

- (3) provide portable storage receptacles, of impervious material and with close fitting lids, to store manure;
- (4) keep all manure storage receptacle on a platform that complies with section 24(9);
- (5) remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles;
- (6) remove the contents of the manure storage receptacles from the premises at least once every second day and dispose of the manure in a manner that will not create a public health nuisance;
- (7) provide a rodent-proof store-room in which all feed, other than swill, must be stored; and
- (8) provide rodent-proof receptacles, with close fitting lids, in which to store all loose feed.

CHAPTER 12

MISCELLANEOUS PROVISIONS

Drainage

26. Any person keeping animals must ensure that all sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, channels and washing platforms required to be drained in terms of this by-law, must be drained in accordance with provisions of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).

Dangerous animals

- 27(1) No person may without a permit issued by an environmental health officer, keep any wild animal of a species that is dangerous to humans, including without limitation, large carnivores, venomous snakes, spiders or scorpions.
- (2) The permit referred to in subsection (1) may be issued subject to such conditions as may be deemed necessary by the environmental health officer including without limiting the generality of the foregoing the type of enclosure required to ensure that the animal does not escape from the premises or pose a danger to the residents of, or visitors to, the premises.

Requirements for keeping of bees

28(1) No person may keep bees on any premises unless –

- (1) the person is in possession of a valid permit, which may be issued subject to such conditions as the environmental health officer may deem fit; and
- (2) the bee hive is situated –
 - (a) a minimum of five metres from any boundary of the premises; and
 - (b) a minimum of ten metres from any public place or building used for human habitation;
- (3) the bees are kept in an approved bee hive; and
- (4) the bee hive is –
 - (a) kept in an area inaccessible to children and animals;
 - (b) kept in the shade at all times; and
 - (c) supplied with a source of drinking water within five metres of the hive.
- (5) No person may dump or deposit any garbage, compost, grass cuttings or manure within five metres of any bee hive;

Keeping of and slaughtering animals for religious and ceremonial purposes

29(1) Any person who keeps an animal prior to slaughtering it for religious or ceremonial purposes, or slaughters an animal for such purposes, must comply with the provisions of these by-laws.

- (2) A person intending to slaughter an animal for religious or ceremonial purposes in any place other than in a recognised abattoir must:
 - (a) notify the Council in writing, fourteen days prior to the event;
 - (b) notify all neighbours in writing, seven days prior to the event;
 - (c) screen the slaughtering process from the public;

- (d) use the meat derived from the slaughtered animal solely for the purposes of the religious or ceremonial feast;
- (e) handle the meat in a hygienic manner at all times; and
- (f) dispose of any portions of the animal that are not used or consumed, in the manner prescribed by the environmental health officer.

CHAPTER 13

APPEALS

Appeals

- 30(1) A person whose rights are affected by a decision taken by any authorised official under these by-laws, may appeal against the decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- (2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).
 - (3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
 - (4) When the appeal is against a decision taken by –
 - (a) a staff member other than the municipal manager, the municipal manager is the appeal authority; or
 - (b) the municipal manager, the executive mayor is the appeal authority.
 - (5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

CHAPTER 14 GENERAL

Offences

31. Any person who -

- (a) contravenes or fails to comply with any provisions of these by-laws;
- (b) fails to comply with any lawful instruction given in terms of these by-laws; or
- (c) obstructs or hinders any authorised official in the execution of his or her duties under these by-laws –

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R5 000 or imprisonment for a period not exceeding 3 months or both.

Repeal of existing By-laws

32. The Council's existing animal bylaws by-laws are hereby repealed.

Short title and commencement

33. These by-laws shall be called the Keeping of Animals By-laws, 200., and shall come into operation on date of publication in the provincial Gazette

No. 36**20 June 2008**

The Council of Big 5 False Bay Municipality has in terms of section 156 of the Constitution, 1996 (Act no 108 of 1996), read in conjunction with Section 11 of the Local Government Systems act 2000 (Act no 32 of 2000) ,hereby publishes the Establishment and Management of cemeteries By-Laws which shall come into operation on the date of publication of this notice:

Big 5 False Bay Municipality

Establishment and management of cemeteries By-Laws

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CHAPTER 1

GENERAL

1. Definitions

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

“**adult**” means a deceased person over the age of 12 years and any deceased person the dimensions of whose coffin cannot be accommodated in an excavation of 1,40m in length and 400 mm in width;

“**after-hours fee**” means a fee over and above the set norm of fee for burial or cremation outside normal week day cemetery operating hours, save in the case of cremations or burials, which, because of religious belief, are undertaken after such hours, or in the case of burial, where the mourners undertake to close the grave;

“**ashes**” means the cremated remains of a body;

“**Births and Deaths Registration Act**” means the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);

“**body**” means any dead human body, including the body of a stillborn child;

“**burial order**” means an order issued in terms of the Births and Deaths Registration Act;

“**burial**” means burial or inhumation into earth or any other form of burial and includes a tomb and any other mode of disposal of a body;

“**cemetery**” means any land or part thereof within the municipal area set aside by the Council or approved by the Council as a cemetery;

“**child**” means a deceased person who is not an adult;

“**Commonwealth war grave**” means any grave, tombstone, monument or memorial connected with a Commonwealth war burial in terms of the Commonwealth War Graves Act, 1992 (Act No. 8 of 1992);

“**Council**” means the Big 5 False Bay Municipal Council

“**cremation**” means the process of disposing of a human body by fire;

“**crematorium**” means a crematorium as defined in section 1 of the Ordinance and includes the buildings in which the ceremony is conducted and the cremation carried out;

“**crematorium section**” means a section of a cemetery or crematorium set aside by the Council for the burial of ashes;

“**cremated remains**” means all recoverable ashes after the cremation process;

“**exhumation**” means the removal of a body from its grave;

“**garden of remembrance**” means a section of a cemetery or crematorium set aside for the erection of memorial work , placing or scattering of ashes, but does not include a columbarium;

“**grave**” means any piece of land excavated for the burial of a body within a cemetery and includes the contents, headstone or other marker of such place and any other structure on or associated with such place;

“**grave of conflict**” means the grave of a person who died while defending the country;

“**hero**” means a person who performed a heroic act for the country and is given the status of a hero by the Council;

“**indigent person**” means a destitute person who has died in indigent circumstances, or if no relative or other person, welfare organisation or non governmental organization can be found to bear the burial or cremation costs of such deceased person and includes a pauper;

“**indigent relief**” means assistance received for the burial or cremation of an indigent person;

“**medical officer of health** ” means the officer appointed by Council or any other person acting in the capacity of the medical officer of health;

“**memorial section**” means a section of a cemetery set aside for the erection of memorials;

“**memorial wall**” means a wall in a cemetery or crematorium section provided for the placement of inscribed tablets commemorating deceased persons;

“**memorial work**” means any headstone, monument, plaque, or other work, or object, erected or intended to be erected in any cemetery or crematorium to

commemorate a deceased person, and includes a kerb demarcating a grave, and a slab covering a grave;

“**municipal area**” means the area under the control and jurisdiction of the Council;

“**niche**” means a compartment in a columbarium or garden of remembrance for the placing of ashes;

“**officer-in-charge**” means the person in the employ of the Council who, from time to time, is in control of any cemetery.

“**prescribed**” means prescribed by the Council;

“**prescribed fee**” means a fee determined by the Council by resolution of that Council or its successor.

“**South African Heritage Resources Agency**” means the South African Heritage Resources Agency, established in terms of section 11 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)

“**stone mason**” means a person carrying on business as a stone mason;

“**victim of conflict**” means a person defined in section 1 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

CHAPTER 2

ESTABLISHMENT AND MANAGEMENT OF CEMETERIES

2. Establishment of cemeteries

- (1) The Council may from time to time set aside and reserve suitable municipal land within the municipality for the establishment and management of a cemetery. The Council may consider and approve an application for the establishment and management of a cemetery. The Council may consider and approve an application for the establishment and maintaining of a private cemetery or a private columbarium on private land on the conditions that the Council may deem necessary.
- (2) The Council may set aside, reserve and demarcate within a cemetery, in accordance with an approved layout plan, such areas as the Council may deem necessary for exclusive use by the members of a particular religion or denomination, or for the burial of adults, children, security forces or war heroes, or for the creation and management of the following sections:
 - (a) Berm-section where memorial work of a restricted size may be erected only on a concrete base provided by the Council at the top or bottom end of a grave the top surface of graves are level and the Council will cut planted as well as natural grass as part of its maintenance program;
 - (b) Monumental-section where memorial work erected shall cover the entire grave area,

- (c) Semi-monumental section where memorial work, without a restriction on the size, may be erected only on a concrete base at the top end of a grave, which base will not be provided by the Council;
- (d) Natural-grass section where the surface of graves are levelled. Graves are identified by numbers affixed on top of the graves in such a way that lawnmowers can be used to cut the natural grass without damaging the numbers:
- (e) Traditional-section where memorial work does not have to cover the entire grave area, and may be erected on graves that are not supplied with a concrete base as required in the Berm-section. The surfaces of graves are level;
- (f) Columbarium-section where ashes may be buried in a niche in a memorial wall or wall of remembrance provided by the Council;

3. Official hours

- (1) The cemetery and the office of the caretaker shall be open during the hours as determined by the Council. The cemetery office of the caretaker shall be open from Monday to Friday.
- (2) Burials shall take place on the days and during the hours as determined by the Council.
- (3) The Council has the right to close a cemetery or any portion thereof to the public for such periods and for such reasons as the Council may deem fit
- (4) No person shall be or remain in a cemetery or part thereof before or after the official hours as determined by the Council or during any period when it is closed for the public, without the permission of the caretaker.

4. Register

- (1) A register of graves and burials shall be kept by the caretaker.
- (2) Such register shall be completed as far as possible immediately after a burial has taken place, with reference to the prescribed particulars contained in the burial order concerned.

5. Numbering of graves

- (1) All graves in a cemetery that are occupied or for which a burial has been authorised in terms of the provisions of this by-law shall be numbered by the Council.
- (2) The number shall be affixed to the grave and indicated on a plan to be kept available in the caretaker's office.

6. Reservation of graves

- (1) No reservation of a grave in a cemetery shall be allowed.

- (2) Reservation of graves made and recorded in the official records of the Council in terms of any previous by-laws shall still be valid and the Council shall honour such reserved rights.

7. Transfer of reserved rights

- (1) A reserved right as contemplated in section 6(2) may not be transferred without the prior approval of the Council.
- (2) Application to transfer such right shall be made to the caretaker in writing by completing and submitting a prescribed application form.
- (3) If the application is granted, a certificate will be issued in favour of the transferee who will become the holder
- (4) The reserved right may be cancelled on request of the holder and if the request is approved by the Council, the amount paid by the holder (if any) minus 10% administration fees, will be refunded to the holder.

8. Number of corpses in a grave

- (1) Only one corpse may be buried in a grave with measurements as contemplated in this by-law.
- (2) Only two corpses may be buried in a grave with measurements as set out in sub-section 15(4): Provided that application for the burial of two corpses has been made to the caretaker in writing by completing and submitting the required application form before the first corpse is buried.
- (3) After the re-opening of a grave for the purpose of the burial of a second corpse as mentioned in sub-section 9(2) in that grave, a concrete layer of not less than 25 mm thick shall be cast above the coffin previously buried.
- (4) If on re-opening any grave, the soil is found by the Medical Officer of Health to be offensive or dangerous to the general health of people, the situation will be handled in consultation with the Medical Officer of Health.

9. Number of Corpses in a coffin

- (1) A deceased stillborn child and his or her deceased mother may be buried in the same coffin at the fee for a single interment of an adult.
- (2) Still-born twin babies may be buried in the same coffin at the fee for a single interment of a stillborn child.

CHAPTER 3

BURIALS

10. Application for a burial

- (1) Application for permission for a burial in a cemetery shall be made to the caretaker in writing by completing and submitting a prescribed application form. An application shall be accompanied by:

- (a) the prescribed burial order;
 - (b) the prescribed fees; and
 - (c) a reservation certificate, if applicable;
- (2) No person shall, without the prior written approval of the Council, execute, cause, or allow a burial in any other place in the municipality than in a cemetery established and managed by the Council. This includes the burial of a corpse, of ashes and of a cadaver.
 - (3) An application for permission for a burial must be submitted to the caretaker at least 24 working hours prior to the planned burial, failing which the caretaker may refuse the application.
 - (4) No person shall execute a burial or cause or allow a burial to be executed in a cemetery, unless written permission for the burial has been obtained, a specific grave has been allocated for the purpose of the burial and a date, and time for the burial has been arranged with the caretaker.
 - (5) In allocating a date and time for a burial, the caretaker shall have regard to the customs of the deceased's relatives and their religion or church affiliation.
 - (6) In allocating a grave the caretaker shall as far as practicable possible allow the responsible person access to a plan of the cemetery showing the various sections, and allow him or her to select the section of his choice, but not the individual grave of his or her choice. The allocation of a specific grave is the sole responsibility and discretion of the caretaker and a burial shall be executed only in a grave allocated by him or her.
 - (7) The Council may allow in its discretion a burial without payment of the prescribed fees in a part of a cemetery set aside for such purposes and in such manner as it may deem fit.
 - (8) Notice of cancellation or postponement of a burial must be submitted to the caretaker at least 4 working hours before the time set for the burial.
 - (9) The granting of permission for a burial and the allocation of a specific grave in a cemetery, does not give the applicant, the responsible person or any other person any right in respect of such grave other than to bury a corpse in the grave.
 - (10) Except with the permission of the Council, no person shall place or cause any coffin constructed of any material other than natural wood or other perishable material to be placed in any grave.

11. Burial of a corpse

- (1) All graves shall be provided by the caretaker with the exception of brick-lined or concrete-lined graves, in which cases the brickwork or concrete work shall be carried out by the undertaker under the supervision of the caretaker and in conformity with the specifications applicable to ordinary graves.

- (2) There shall be at least 1 200 mm of soil between the top of an adult coffin and the ground surface, and at least 900 mm of soil between the top of a child coffin and the ground surface.
- (3) All corpses shall be placed in a coffin for the burial thereof, except as provided for the Muslim community.
- (4) No person shall without the prior permission of the caretaker conduct any religious ceremony or service according to the rites of one denomination in any portion of a cemetery reserved by the Council in terms of the provisions of this by-law, for the use of some other denomination.
- (5) No person shall permit any hearse in a cemetery to leave the roads provided, and every hearse shall leave the cemetery as soon as possible after the funeral for which it was engaged.
- (6) Every person taking part in any funeral procession or ceremony shall comply with the directions of the caretaker as to the route to be taken within the cemetery.
- (7) No person shall convey or expose a corpse or any part thereof in an unseemly manner in any street, cemetery or public space.
- (8) Every application and every document relating to any burial shall be marked with a number corresponding to the number in the register referred to in section 4 and shall be filed and preserved by the Council for a period of not less than ten years.
- (9) Every coffin or body upon being placed in any grave shall, at once, be covered with 500 mm of earth.
- (10) No person shall disturb any human remains or any soil adjacent thereto in any cemetery, except where such disturbance is expressly permitted by this bylaw or by an order of court.

12. Burial of ashes

- (1) Ashes may be buried in a coffin and only two such coffins containing ashes may be buried in an extra deep grave; provided that a coffin does not exceed the average body weight of 70 kg, and further-more that the grave is re-adjusted to the prescribed depth and measurements.
- (2) No person shall execute a burial or cause a burial of ashes to be executed in a cemetery, unless written permission for the burial has been obtained, a specific grave or niche has been allocated for the purposes of the burial and a date, and time for the burial has been arranged with the caretaker.
- (3) Application for the burial of ashes for definite periods or in perpetuity, or for the provision of memorial tablets of approved material to be fixed on the building, columbarium or other facility shall be made to the caretaker in writing by completing and submitting a prescribed application form.

- (4) Niches will be allocated by the caretaker strictly in the order in which the applications therefore are received and no reservations for future use will be made.
- (5) An application for permission for a burial must be submitted at least 24 working hours prior to the planned burial, failing which the caretaker may refuse the application.
- (6) An urn or casket containing ashes that has been deposited in a building, columbarium, or other facility shall not be removed without the caretaker's prior written consent.
- (7) Every niche containing ashes shall be sealed by a tablet approved by the Council and shall only be opened for the purpose of withdrawing an urn or casket contained therein for disposal elsewhere, or for the purpose of depositing an additional urn or casket therein where after it will once again be sealed.
- (8) Application for the opening of a niche shall be made to the caretaker in writing by completing and submitting a prescribed application form.
- (9) No person shall introduce any material into the columbarium for the purpose of constructing or erecting any memorial work therein unless and until:
 - (a) approval for the burial has been obtained from Council;
 - (b) approval for the erection of the memorial work has been obtained from Council; and,
 - (c) the prescribed fees have been paid which shall be determined by Council from time to time.
- (10) Any person engaged upon any work on the columbarium, shall execute such work to the satisfaction of the caretaker, and such work shall be undertaken during the official office hours of the cemetery.
- (11) No permanent wreaths, sprays, flowers, or floral tributes may be placed in or on a columbarium.
- (12) The columbarium may be visited daily during the official cemetery hours as determined by Council.
- (13) Plaques shall be made of material approved by the Council and shall be affixed simultaneously with the placing of the ashes and within 30 days of the obtaining of the consent.

13. Burial of a cadaver

The remains of a corpse used at an educational institution for the education of students, generally known as a cadaver, may be buried in one coffin and two such coffins containing cadavers may be buried in an extra deep grave as contemplated in sub-section 15(4) : Provided that a coffin does not exceed the average body weight of 70 kg, and furthermore that the grave is re-adjusted to the prescribed depth and measurements.

14. Persons dying outside the municipal area

The provisions of these by-laws shall apply *mutatis mutandis* to any burial in a cemetery of a person who has died outside the municipality

15. Grave measurements

- (1) The excavation of a grave for an adult shall be at least 1820 mm deep, 2300 mm long, and 760 mm wide.
- (2) The excavation of a grave for a child shall be at least 1370 mm deep, 1520 mm long, and 610 mm wide.
- (3) In the event that a grave of a greater depth, length or width than those specified above is required, application in respect thereof, together with extra prescribed fees that are due, shall be made to the caretaker together with the application to obtain permission for a burial.
- (4) The excavation of an extra deep grave for the burial of two corpses shall be at least 2400 mm deep 2300 mm long and 760 mm wide.
- (5) Deviations from measurements of graves shall be as follows:

Extra wide	:	2300 mm long
	:	840 mm wide
 Extra long	 :	 2530 mm long
	:	760 mm wide
 Rectangular small	 :	 2300 mm long
	:	900 mm wide
 Brick-nogging	 :	 2600 mm long
	:	1050 mm wide
- (6) The area of a rectangular grave for an adult shall be 1500 mm wide by 2600 mm long.
- (7) The area of a grave for an adult shall be 1210 mm wide by 2430 mm long.
- (8) The area of a grave for a child shall be 1210 mm wide by 1520 mm long. If a coffin is too large, an adult grave shall be used.

CHAPTER 4

RE - OPENING OF GRAVES AND EXHUMATIONS

16. Conditions of exhumations

- (1) No person may exhume or cause to be exhumed a body without the written consent of the -
 - (a) Premier of the Provincial Government;
 - (b) the Council;

- (c) the provincial Department of Health;
 - (d) the Administrator of cemeteries;
 - (e) the Council's Medical Officer of Health or
 - (f) by an order of a court having jurisdiction over such matters.
- (2) Whenever an exhumation is to take place, the officer-in-charge must inform the Provincial Commissioner of the South African Police Services.
- (3) A member of the South African Police Services must always be present when an exhumation is being conducted.
- (4) An exhumation must not take place when the cemetery is open to the public and must take place under the supervision of the officer-in-charge.
- (5) If remains are to be exhumed from any grave, only the undertaker under the supervision of the officer-in-charge, may cause the grave to be excavated for such exhumation;
- (6)
- (a) If a grave is to be excavated for exhumation, the officer-in-charge must be given 48 hours written notice before the time of exhumation, and
 - (b) The authority referred to in paragraph (1)(d) of this Section and the prescribed fee must accompany such notice.
- (7) A person who wishes to exhume the remains of an indigent person must pay the costs incurred by the Council at the time of burial, to the Administrator of Cemeteries.
- (8) The person carrying out the exhumation must ensure that the body and grave are properly disinfected and deodorized.
- (9) The South African Police Services must -
- (a) if there is proof of illegal burial immediately exhume the body; and
 - (b) take it to a government mortuary for investigation.
- (10) A grave of victims of conflict and a grave which is older than 60 years may only be exhumed with the permission of the South African Heritage Resources Agency.
- (11) A Commonwealth war grave may only be exhumed in accordance with the provisions of section 3 of the Commonwealth War Graves Act, 1992.

17. Exhumation and reburial

- (1) The Council may, if a body has been buried in contravention of these By-laws, cause the body to be exhumed and re-buried in another grave.

- (2) The relatives of the deceased must be -
 - (a) notified of the intended exhumation and re-burial; and
 - (b) allowed to attend.

18. Screening of exhumation

- (1) A grave from which a body is to be exhumed must be screened from the view of the public during the exhumation.
- (2) The person carrying out the exhumation must provide a suitable receptacle for each body or remains.

CHAPTER 5

MISCELLANEOUS

19. Injuries and damages

- (1) A person using a cemetery do so at his own risk, and the Council accepts no liability whatsoever for any personal injuries sustained by such person or for any loss of or damage to such person's property relating to or resulting from the aforementioned usage of the cemetery.
- (2) A person using a cemetery accepts full responsibility for any incident, damages or injuries that may be caused by or that may result from the aforementioned use of the cemetery and he or she accordingly indemnifies the Council, its members, employees or agents, whether in personal or official capacity, against liability for all claims from whichever nature by himself, his or her dependants or third parties in respect of any patrimonial loss, consequential damages, injuries or personal prejudice that may be suffered or sustained in connection with or resulting from such a person's use of a cemetery. The aforementioned indemnity also applies to injuries sustained by employees of the Council while on duty at the cemetery, as well as damages to Council property at the cemetery.

20. Fire-arms and traditional weapons

No fire-arms and traditional weapons shall be allowed in a cemetery.

21. Offences and penalties

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

- (2) Any expense incurred by the Council as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Council from the person who committed the contravention or who failed to do such thing.

22. Complaints

Any person wishing to lodge a complaint shall lodge such complaint, in writing with the Director.

23. Charges

The charges set forth in "the tariff" in respect of the various items therein contained, shall be paid to the Council in advance.

24. Rights on Graves

No person shall acquire any right to or interest in any ground or grave in any cemetery.

25. Consents, Notices and Orders

Any written consent, notice or other order issued by the Council in terms of these by-laws, with the exception of consent by the Director or any officer authorised by him and shall be prima force evidence of the contents of such a signed consent, notice or other order.

26. Religious Ceremonies

- (1) The members of any religious denomination may conduct religious ceremonies in connection with any interment of memorial service subject to the control and by-laws of the Council.
- (2) No animal may be slaughtered on the premises of the cemetery regardless of any religious ceremony which may require an animal to be slaughtered.

27. Hearses and vehicles at Cemeteries

- (1) No person shall cause any hearse or vehicle, as defined by the Road Traffic Act, while within a cemetery to depart from the carriage drives or certain any hearse within any cemetery after the removal of the body from such hearse or vehicle. Every hearse or vehicle such removal shall leave the cemetery by the route indicated by the caretaker.
- (2) The cemetery is a public place and all laws applicable to the driving of a vehicle and the use of a public road will be applicable inside the premises of the cemetery.

28. Exposure of Bodies

No person shall convey a dead body, which is not covered, or whose any such body or any part thereof in any street, cemetery or public place.

29. Instruction of Caretaker

Every person taking part in any funeral procession or ceremony shall comply with the directions of the caretaker while such person is within a cemetery.

30. Music Inside Cemetery

Only sacred singing shall be allowed in any cemetery, except in the case of police and military funerals.

31. Interments Attended by large Numbers of People

In any case where it is probable that an unusually large number of persons will be present at any interment, the person giving notice of such interment shall notify the caretaker the day before the funeral.

CHAPTER 6

REPEAL OF BY-LAWS

Repeal of existing By-laws

32. The Council's existing cemetery by-laws are hereby repealed.

Short title and commencement

33. These by-laws shall be called the Cemetery and Crematoria By-Laws By-laws, 200.., and shall come into operation on on date of promulgation

No. 37

20 June 2008

The Council of Big 5 False Bay Municipality has in terms of section 156 of the Constitution, 1996(Act no 108 of 1006) read with section 11 of the local Government Municipal Systems Act 2000 (act No 32 of 2000) hereby publishes pollution control By-laws which By-laws shall come into operation on the date of publication of this notice.

Big 5 False Bay Municipality

POLLUTION CONTROL BY-LAWS

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CHAPTER 1: DEFINITIONS

Definition

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

"adverse effect" means any actual or potential impact on the environment that impairs or could impair human health or well-being or the environment to an extent that is more than trivial or insignificant;

"air pollutant" means any substance that causes or may cause air pollution including, without limiting the generality of the foregoing, dust, smoke, fumes and gas;

"air pollution" means any change in the environment caused by any air pollutant where that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of any natural or managed ecosystem, or on materials useful to people, or will have such an effect in the future;

"air pollution control zone" means the geographical area to which section 9 of these by-laws is declared to apply;

"ambient sound level" means the reading of an integrating impulse sound level meter measured at the end of a total period of at least 10 minutes after such integrating sound level meter has been put into operation, during which period a noise alleged to be a disturbing noise is absent;

"atmosphere" means air that is not enclosed by a building, machine, chimney or other such structure;

"authorised official" means a person authorised by the Council to perform the functions of an authorised official in terms of these by-laws;

"chimney" means any structure or opening of any kind from or through which air pollutants may be emitted;

"compressed ignition powered vehicle" means a vehicle powered by an internal combustion, compression ignition, diesel or similar fuel engine;

"Council" means the Council of the Big 5 false Bay Municipality;

"dark smoke" means dark smoke as defined in the Atmospheric Pollution Prevention Act No. 45 of 1965;

“disturbing noise” means the a noise level which exceeds the ambient sound level by 7dB(A) or more, and “disturbing” in relation to a noise shall have a corresponding meaning;

"dust" means any solid matter in a fine or disintegrated form which is capable of being dispersed or suspended in the atmosphere;

"dwelling" means any building or other structure, or part of a building or structure, used for residential purposes, and any outbuildings ancillary to it;

"fuel-burning equipment" means any furnace, boiler, incinerator, or other equipment, including a chimney-

- (a) designed to burn, or capable of burning, liquid, gas or solid fuel;
- (b) used to dispose of any material or waste by burning; or
- (c) used to subject liquid, gas or solid fuel to any process involving the application of heat;

"light absorption meter" means a measuring device that uses a light-sensitive cell or detector to determine the amount of light absorbed by an air pollutant;

"littering" means the discarding or leaving behind of any object or matter whether gaseous, liquid or solid by the person in whose control or possession it was;

"municipal manager" means the person appointed as such by the Council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“noise level” means the reading on an integrating sound level meter taken at the measuring point at the end of a reasonable period after the integrating sound meter has been put into operation during which period the noise level alleged to be disturbing noise is present, to which reading 5dB(A) is added if the disturbing noise contains a pure tone component or is of an impulsive nature;

"obscuration" means the ratio of visible light attenuated by suspended air pollutants to incident visible light, expressed as a percentage;

"open burning" means the combustion of material by burning without a chimney to vent the emitted products of combustion to the atmosphere, and "burning in the open" has a corresponding meaning;

"operator" means a person who owns or manages an undertaking, or who controls an operation or process, which emits air pollutants;

"person" includes a natural person, company, closed corporation, trust, association and partnership;

"premises" means any building or other structure together with the land on which it is situated and any adjoining land occupied or used in connection with any activities carried on in that building or structure, and includes any land without any buildings or other structures and any locomotive, ship, boat or other vessel which operates or is present within the area under the jurisdiction of the Council;

"proclaimed township" means any land unit zoned and utilized for residential purposes;

"public road" means a road which the public has the right to use;

"smoke" means the gases, particulate matter and products of combustion emitted into the atmosphere when material is burned or subjected to heat and includes the soot, grit and gritty particles emitted in smoke;

"vehicle" means any motor car, motor cycle, bus, truck or other conveyance propelled wholly or partly by any volatile spirit, steam, gas or oil, or by any means other than human or animal power;

"water course" includes-

- (a) a spring;

- (b) a natural channel in which water flows regularly or intermittently; and
- (c) a wetland, lake or dam into which, or from which, water flows; and

and a reference to a water course includes, where relevant, its bed, banks and mouth.

CHAPTER 2: NOISE POLLUTION

Control of noise

2. No person shall on any premises or land make, produce cause or permit to be made or produced by any person, machine, animal, device or apparatus or combination of these, a noise which is a disturbing noise.

Notices

- 3.(1) The Municipality may by written notice instruct the person causing or responsible for a disturbing noise or the owner of such building or premises on which a disturbing noise is caused or both of them, within a period specified in such notice, immediately to stop such noise or have it stopped or take the necessary steps to reduce the disturbing noise level to a level below that of a disturbing noise; provided that if the Municipality is satisfied that the disturbing noise is due to or caused by-
 - (a) the working of:
 - (i) a machine or apparatus which is necessary for the maintenance or repair of property, or the protection of life, property or public services;
 - (ii) garden equipment;
 - (iii) a machine or device,

the noise level of which has in the opinion of the Municipality been reduced or muffled according to the best practicable methods;

- (b) a sports meeting; or
- (c) circumstances or activities beyond the control of the person responsible for causing the disturbing noise,

the Municipality may, whether generally or specifically, permit the working of such machine or apparatus, or such sports meeting or circumstances or activities to continue, subject to such conditions as the Municipality may deem fit.

CHAPTER 3: POLLUTION OF A WATER COURSE

Pollution of a water course

4. Except with the permission of the Council or in terms of the provisions of the Sea-Short Act, 1935 (Act No. 21 of 1935), a person may not cause –
- (a) waste water;
 - (b) any toxic or harmful substance; or
 - (c) any litter or waste,

to run into or be dumped in a water course.

Boats on water courses

5. No person may operate a boat on a water course while it is leaking oil, petrol or any toxic or noxious substance.

Equipment on craft

6. A person may not use a motor-driven boat on a water course unless it is equipped with an effective silencer affixed to the exhaust pipe of the motor.

CHAPTER 4: LITTERING AND DUMPING**Littering**

7. No person shall discard or leave any litter on any land or water surface, street, road or any site in or on any place to which the public has access, except in a container or at a place which has been specifically indicated as having been provided or set aside for such purpose.

Dumping

- 8.(1) No person may dump, or cause or permit to be dumped, on any land or premises any waste.
- (2) If the provisions of subsection (1) are contravened, Council may direct, by way of a written notice, that -
 - (a) any person who committed, or who directly or indirectly caused or permitted, the contravention;
 - (b) the owner of the land or premises where the contravention took place;
 - (c) the person in control of, or any person who has or had at the time of the contravention a right to use, the land or premises where the contravention took place; or
 - (d) any person who negligently failed to prevent the contravention from taking place,

cease the contravention in a specified time, take steps to prevent a further contravention or the continuation of the contravention, and/or

take whatever steps Council considers necessary to clean up or remove the waste, to lawfully dispose of the waste and to rehabilitate the affected area.

- (3) If a person fails to comply with subsection (1), or if a person fails to comply with directions given in a notice issued under subsection (2), Council may itself take whatever steps it considers necessary to clean up or remove the litter, to rehabilitate the affected area and to ensure that the waste, and any contaminated material which cannot be cleaned or rehabilitated, is disposed of lawfully. Council may then recover the reasonable costs of taking these steps from any of the persons listed in subsection (2), who shall be jointly and severally liable therefor.

CHAPTER 5: AIR POLLUTION CONTROL

Air pollution control zones

- 9.(1) The whole area within the jurisdiction of the Council is hereby declared an air pollution control zone.
- (2) Within the air pollution control zone, the Council may from time to time by resolution-
- (a) prohibit or restrict the emission of one or more air pollutants from all premises or certain premises;
 - (b) prohibit or restrict the combustion of certain types of fuel;
 - (c) declare smokeless zones, in which smoke with an obscuration of more than 10% may not be emitted; or
 - (d) prescribe different requirements in an air pollution control zone relating to air quality in respect of:
 - (i) different geographical areas;
 - (ii) specified premises;

- (iii) classes of premises; or
 - (iv) premises used for specified purposes.
- (3) The Council may in writing exempt certain premises, classes of premises or premises used for specified purposes from the provisions of this by-law.

Smokeless zones

- 10.(1) Council may by resolution declare certain areas to be smokeless zones from a date indicated in that resolution.
- (2) No owner or occupier of any premises within a smokeless zone shall cause or permit the emission from such premises of smoke of such a density or content as will obscure light to an extent greater than 10 per cent.
- (3) If, on the written application of any person, the Council is satisfied that there are adequate reasons for the temporary exemption of any premises from the provisions of this section, the Council may, by notice in writing to the applicant, grant such exemption for a period specified in such notice.

CHAPTER 6: SMOKE EMISSIONS FROM PREMISES OTHER THAN DWELLINGS

Prohibition

- 11.(1) Subject to subsection (2), dark smoke must not be emitted from any premises for an aggregate period exceeding three minutes during any continuous period of thirty minutes.
- (2) This section does not apply to dark smoke which is emitted from fuel-burning equipment which occurs while the equipment is being started or while the equipment is being overhauled or repaired, or awaiting overhaul or repair, unless such emission could have been prevented using the best practicable means available.

Installation of fuel-burning equipment

- 12.(1) No person shall install, alter, extend or replace any fuel-burning equipment on any premises without the prior written authorization of the Council, which may only be given after consideration of the relevant plans and specifications.
- (2) Where fuel-burning equipment has been installed, altered, extended or replaced on premises in contravention of subsection (1):
- (a) the owner or occupier of the premises and the installer of the fuel-burning equipment shall be guilty of an offence; and
 - (b) the Council may, on written notice to the owner or occupier of the premises, order the removal of the fuel-burning equipment from the premises at the expense of the owner or operator within a period stated in the notice.

Operation of fuel-burning equipment

- 13.(1) No person shall use or operate any fuel-burning equipment on any premises contrary to an authorisation referred to in section 12.
- (2) Where fuel-burning equipment has been used or operated in contravention of subsection (1):
- (a) the owner and occupier of the premises concerned and the operator of the fuel-burning equipment shall each be guilty of an offence;
 - (b) the Council may on written notice to the owner and occupier of the premises:
 - (i) revoke its authorization under section 12; and
 - (ii) order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.

Installation and operation of obscuration measuring equipment

- 14.(1) The Council may give notice to any operator of fuel-burning equipment or any owner or occupier of premises on which fuel-burning equipment is used or operated, or intended to be used or operated, to install, maintain and operate obscuration measuring equipment at his or her own cost, if:
- (a) unauthorised and unlawful emissions of dark smoke from the relevant premises have occurred consistently and regularly over a period of at least two days;
 - (b) unauthorised and unlawful emissions of dark smoke from the relevant premises have occurred intermittently over a period of at least fourteen days;
 - (c) fuel-burning equipment has been or is intended to be installed on the relevant premises which are reasonably likely in the opinion of an authorised official to emit dark smoke;
 - (d) the Council considers that the nature of the air pollutants emitted from the relevant premises are reasonably likely to create a hazard to human health or the environment.
- (2) A notice referred to in subsection (1) must inform the person to whom it is addressed of:
- (a) that person's right to make written representations and to appear in person to present and dispute information and arguments regarding the notice, and must stipulate a reasonable period within which this must be done;
 - (b) that person's right of appeal under section 28;
 - (c) that person's right to request written reasons for the issuing of the notice; and
 - (d) the measures that must be taken and the potential consequences if the notice is not complied with.

Monitoring and sampling

- 15.(1) An occupier or owner of premises, and the operator of any fuel-burning equipment, who is required to install obscuration measuring equipment in terms of section 16(1) must:
- (a) record all monitoring and sampling results and maintain a copy of this record for at least four years after obtaining the results;
 - (b) if requested to do so by an authorised official, produce the record of the monitoring and sampling results for inspection; and
 - (c) if requested to do so by an authorised official, provide a written report (in a form and by a date specified by the authorised official) of part or all of the information in the record of the monitoring and sampling results.

CHAPTER 7: SMOKE EMISSIONS FROM DWELLINGS

- 16.(1) No person shall emit or permit the emission of dark smoke from any dwelling for an aggregate period exceeding three minutes during any continuous period of thirty minutes.
- (2) Any person who emits or permits the emission of dark smoke in contravention of subsection (1) commits an offence.

CHAPTER 8: EMISSIONS CAUSED BY OPEN BURNING

- 17.(1) Subject to subsection (4), any person who carries out open burning of any material on any land or premises is guilty of an offence, unless the prior written authorization of the Council, which may include the imposition of further conditions with which the person requesting authorization must comply, has been obtained.

- (2) The Council may not authorize open burning under subsection (1) unless -
- (a) the material will be open burned on the land from which it originated;
 - (b) that person has investigated and assessed every reasonable alternative for reducing, reusing, recycling or removing the material in order to minimize the amount of material to be open burned, to the satisfaction of the Council;
 - (c) that person has investigated and assessed the impact that the open burning will have on the environment, to the satisfaction of the Council;
 - (d) a warning under section 10(1)(b) of the National Veld and Forest Fire Act, 1998 (Act 101 of 1998) has not been published for the region;
 - (e) the land on which that person intends to open burn the material is not land within a proclaimed township;
 - (g) the open burning is conducted at least 100 metres from any buildings or structures;
 - (h) the open burning will not pose a potential hazard to human health or safety, private property or the environment;
 - (i) that person has notified in writing the owners and occupiers of all adjacent properties of-
 - (i) all known details of the proposed open burning; and
 - (ii) the right of owners and occupiers of adjacent properties to lodge written objections to the proposed open burning with the Council within 7 days of being notified; and
 - (j) the prescribed fee has been paid to the Council.

- (3) Any person who undertakes or permits to be undertaken open burning in contravention of subsection (1) commits an offence.
- (4) The provisions of this section shall not apply to:
 - (a) recreational outdoor barbecue or braai activities on private premises; or
 - (b) small controlled fires in informal settlements for the purposes of cooking, heating water and other domestic purposes.

**CHAPTER 9:
EMISSIONS FROM COMPRESSED IGNITION POWERED VEHICLES**

Prohibition

- 18.(1) No person may on a public road drive or use, or cause to be driven or used, a compressed ignition powered vehicle that emits dark smoke.
- (2) If dark smoke is emitted in contravention of subsection (1) the owner and driver of the vehicle shall each be guilty of an offence.

Stopping of vehicles for inspection and testing

- 19.(1) In order to enable an authorised official to enforce the provisions of these by-laws, the owner of a vehicle must comply with any reasonable direction given by an authorised official-
 - (a) to stop the vehicle; and
 - (b) to facilitate the inspection or testing of the vehicle.
- (2) Failure to comply with a direction given under subsection (1) is an offence.
- (3) When a vehicle has stopped in compliance with a direction given under subsection (1), the authorised official may:
 - (a) inspect and test the vehicle at the roadside, in which case

inspection and testing must be carried out:

- (i) at or as near as practicable to the place where the direction to stop the vehicle is given; and
 - (ii) as soon as practicable, and in any case within one hour, after the vehicle is stopped in accordance with the direction; or
- (b) conduct a visual inspection of the vehicle and, if the authorised official reasonably believes that an offence has been committed under section 18, instruct the owner or driver of the vehicle in writing to take the vehicle to a testing station, within a specified period of time, for inspection and testing in accordance with section 20.

Testing procedure

- 20.(1) An authorised official must use the free acceleration test method in order to determine whether a compressed ignition powered vehicle is being driven or used in contravention of section 18.
- (2) The following procedure must be adhered to in order to conduct a free acceleration test:
- (a) when instructed to do so by the authorised official, the owner or driver must start the vehicle, place it in neutral gear and engage the clutch;
 - (b) while the vehicle is idling; the authorised official must conduct a visual inspection of the emission system of the vehicle;
 - (c) when instructed to do so by the authorised official, the owner or driver of the vehicle must in less than one second smoothly and completely depress the accelerator throttle pedal of the vehicle; provided that the authorised official may do so him/herself or herself if the owner or driver fails or refuses to comply with the authorised official's reasonable instructions;

- (d) while the throttle pedal is depressed, the authorised official must measure the smoke emitted from the vehicle's emission system in order to determine whether or not it is dark smoke; and
 - (e) the owner or driver of the vehicle may only release the throttle pedal of the vehicle when the engine reaches cut-off speed, or when directed to do so by the authorised official.
- (3) If, having conducted the free acceleration test, the authorised official is satisfied that the vehicle-
- (a) is not emitting dark smoke, then the authorised official must furnish the owner of the vehicle with a certificate indicating that the vehicle is not being driven or used in contravention of section 18; or
 - (b) is emitting dark smoke, the authorised official must issue the owner of the vehicle with a repair notice in accordance with section 21.

Repair notice

- 21.(1) A repair notice must direct the owner of the vehicle to repair the vehicle within a specified period of time, and to take the vehicle to a place identified in the notice for re-testing before the expiry of that period.
- (2) The repair notice must contain *inter alia* the following information:
- (a) the make, model and registration number of the vehicle;
 - (b) the name, address and identity number of the driver of the vehicle; and
 - (c) if the driver is not the owner, the name and address of the vehicle owner.
- (3) A person commits an offence if that person fails to comply with the notice referred to in subsection (1).

CHAPTER 10: GENERAL PROVISIONS

Offences

22. Any person who contravenes any provision of these by-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R20 000 or imprisonment for a period not exceeding 2 years.

Appeals

- 23.(1) Any person may appeal against a decision taken by an authorised official under this by-law by giving written notice of the appeal, in which the reasons for the appeal are stated, to the municipal manager within 30 days of the date on which that person receives notification of the decision.
- (2) Pending confirmation, variation or revocation of the decision in terms of subsection (4), any person appealing a decision in terms of subsection (1), unless the Council provides otherwise:
- (a) must nonetheless substantively comply with any obligations that may have been imposed as a result of the decision that is the subject of the appeal; and
 - (b) may not exercise any rights that may have accrued as a result of the decision that is the subject of the appeal application, provided that no other person may exercise any right that may accrue either.
- (3) Within 14 days of receipt of the notice of appeal, the Municipal Manager must:
- (a) submit the appeal to the appropriate appeal authority mentioned in subsection (5);
 - (b) take all reasonable measures to ensure that all persons whose

rights may be significantly detrimentally affected by the granting of the appeal application are notified in writing of the appeal application and advised of their right to:

- (i) obtain a copy of the appeal application;
 - (ii) submit written objections to the application to the municipal manager within 30 days of date of notification.
- (4) After the expiry of the 30-day period referred to in subsection (3)(b)(ii), the appeal authority must consider the appeal and any objections raised to it, and confirm, vary or revoke the decision.
- (5) When the appeal is against a decision taken by-
- (a) an authorised official other than the municipal manager, then the municipal manager is the appeal authority; or
 - (b) the municipal manager, then the Council or such committee as it may delegate is the appeal authority.
- (6) An appeal authority must commence with an appeal within 60 days of receiving notification and must decide the appeal within a reasonable period.

Repeal of existing By-laws

24. The Council's existing by-laws are hereby repealed.

Short title and commencement

25. These by-laws shall be called the Pollution Control By-laws, 200..., and shall come into operation on

No. 38**20 June 2008**

The Council of The Big 5 False Bay Municipality has in terms of section 156 of the Constitution, 1996 (9 Act No 108 of 1996) read in conjunction with section 11 of the Local Government : municipal Systems Act 2000 Act No 32 of 2000) hereby publishes Roads By-Laws which shall come into operation on the date of publication of this notice.

Big 5 False Bay Municipality

Roads By-Laws

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CHAPTER 1 : Definitions

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

"authorised official" means a person authorised by the Council to perform the functions of an authorised official in terms of these by-laws;

"Council" means the Council of the Big 5 False Bay Municipality;

"prescribed" means determined by resolution of the Council from time to time;

"prescribed fee" means a fee determined by the Council by resolution; and

"public road" shall mean a public road as described under Section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996).

CHAPTER 2: OBSTRUCTIONS

Obstruction of public roads

2. No person may cause any obstruction of any public road.

Removal of obstructions

- 3.(1) If any person causes an obstruction on any public road, an authorised officer, may order such person to refrain from causing or to remove the obstruction.

- (2) Where the person causing an obstruction cannot be found, or fails to remove or to cease causing such obstruction, an authorised officer may take such steps as may be necessary to remove the obstruction and the Council may recover the cost of the removal of the obstruction from that person.

CHAPTER 3: ENCROACHMENTS

Excavations

- 4.(1) No person may make or cause to be made any hole, trench, pit, tunnel or other excavation on or under any public road or remove any soil, tar, stone or other materials from any public road without the prior written consent of the Council.
- (2) Any person who requires the consent referred to in subsection (1) must -
- (a) comply with any requirements prescribed by the Council; and
 - (b) Pay the prescribed fee.

Hoardings

- 5.(1) Any person who erects, removes, alters, repairs or paints any building or structure or carries out any excavation within 2 m of a public road must, before commencing any such work, enclose or cause to be enclosed a space in front of such part of the building or structure.
- (2) If the enclosure referred to in subsection (1) will project onto any portion of a public road, the person must –
- (a) obtain prior approval from the Council;
 - (b) pay the prescribed fee; and
 - (c) if the person making the application is not the owner of the building or land on which the work is done or is to be done, the owner must countersign the application.
- (3) The Council may grant a permit in writing specifying -

- (a) the area and position at which the enclosure is permitted; and
- (b) the period for which the enclosure is permitted.

CHAPTER 4: DANGEROUS FENCING

Barbed wire, dangerous and electrical fencing

6. No owner or occupier of land -
- (1) other than an owner or occupier of agricultural land, may along any public road erect or cause or permit to be erected, any barbed-wire fence or any railing, paling, wall or other barrier which, by reason of spikes or other sharp or pointed protrusions or otherwise by reason of the nature of its construction or design, is or may become a danger to any member of the public using such public road; and
 - (2) including an owner or occupier of an agricultural holding or farm land, may along any public road erect or cause or permit to be erected along such public road any electrified fence, railing or other electrified barrier unless –
 - (a) the fence, railing or other barrier is erected on top of a wall built of brick, cement, concrete or similar material, which wall may not be less than two meters high; or
 - (b) the fence, railing, or other barrier is separated from the public road by another, non-electrified fence.

CHAPTER 5: PROTECTION AND CLEANLINESS OF PUBLIC ROADS

Protection of public road

7. No person may place upon or off-load on a public road any materials or goods which are likely to cause damage to the road.

Cleanliness of public roads

- 8.(1) No person may spill, drop or place or permit to be spilled, dropped or placed, on any public road any matter or substance that may interfere with the cleanliness of the public road, or cause or is likely to cause annoyance, danger or accident to persons, animals, vehicles or other traffic using such public road, without removing it or causing it to be removed from such public road immediately.
- (2) If the person mentioned in subsection (1) fails to remove the matter or substance, the Council may remove such matter or substance and recover the cost of removal from the person.

Defacing, marking or painting public roads

9. No person may in any way deface, mark or paint any public road or part of the public road without the prior written consent of the Council.

CHAPTER 6: RACES, SPORTS EVENTS AND GAMES**Races and sports events**

- 10.(1) An application for consent to hold a race or sports event on any public road must be submitted in writing to the Council on the prescribed form at least 60 days prior to the event.
- (2) The applicant must pay the prescribed fee and deposit to the Council at the time of making application for consent.

Games on public roads

11. No person may –
- (1) play cricket, football or any other game; or
 - (2) by any means discharge any missile;
- upon, over or across any public road.

CHAPTER 7: GENERAL

Offences

12. Any person who contravenes any provision of these by-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R5 000 or imprisonment for a period not exceeding 3 months or both.

Short title and commencement

- 13 These by-laws shall be called the Roads By-laws, 200..., and shall come into operation on date of promulgation

The Council of the Big 5 False Bay Municipality has in terms of Section 156 of the Constitution 1996 (act No 108 of 1996) read in conjunction with section 11 of the local Government Municipal systems act 2000 (Act No 32 of 2000) hereby publishes Stormwater By-Laws which By-Laws shall come into operation on the date of publication of this notice.

Big 5 False Bay Municipality

STORMWATER BY-LAWS

CHAPTER 1: DEFINITIONS

Definitions

1. In this bylaw, unless the context indicates otherwise—

"**Council**" means the Council of the Big 5 false Bay Municipality;

"**non-stormwater discharge**" means any discharge into the stormwater system which is not composed entirely of stormwater;

"**occupier**", in relation to any premises, means any person –

- (a) occupying the premises;
- (b) leasing the premises; or
- (c) who is not occupying the premises but is entitled to do so;

"**owner**", in relation to any premises, means –

- (a) the person in whose name the title to the premises is registered; or

- (b) if the person referred to in (a) is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian or other person who is legally responsible for administering that person's estate;

"**premises**" means any privately-owned land or land on which buildings or other structures are situated;

"**stormwater**" means any storm water runoff, surface water runoff, sub-soil or spring water;

"**stormwater drain**" means any closed or open drain used or intended to be used for carrying storm water within any premises to the storm water system; and

"**stormwater system**" means the system of conduits, the ownership of which is vested in the Council, and which is used or intended to be used for collecting and carrying storm water, including without limiting the generality of the foregoing, any road with a drainage system and any gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, drainage channel, reservoir or other drainage structure.

CHAPTER 2

PROHIBITED ACTIVITIES

Unauthorised discharge

2.(1) Subject to subsection (2), no person shall, without the prior written consent of the Council, which consent may be conditional or unconditional, directly or indirectly lead or discharge any non-storm water discharge into the stormwater system without the prior authority of the Council.

- (2) Nothing prevents the discharge into the stor water system of flow from -
- (a) potable water sources;

- (b) natural springs or wetlands;
- (c) diverted streams;
- (d) rising groundwater;
- (e) fire fighting activities;
- (f) individual residential car washing;
- (g) swimming pools, provided that the water has been allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance; and
- (h) street sweeping.

Unauthorised connection

3. No person shall construct, use, allow, maintain or continue any unauthorized drain or conveyance which allows discharge into the stormwater sewer.

Obstruction of flow

4. No person shall obstruct or interfere with the normal flow of storm water into, through or out of the stormwater sewer without the prior written approval of the Council.

CHAPTER 3

SUSPENSION OF ACCESS AND NOTIFICATION

Suspension of access

5.(1) The Council may issue a notice suspending access to the storm water system when such suspension is necessary to stop an actual or threatened

discharge of any pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment.

(2) In the event that any owner or occupier fails to comply with a suspension notice, the Council may, at the cost of the owner or occupier of the premises, as the case may be, take all reasonable steps required to prevent or minimize harm to the public health, safety or the environment.

Notification of spills

6. As soon as the owner or occupier of any premises becomes aware of any discharge of any pollutants into the stormwater system, the owner or occupier shall -

- (1) take all immediate steps necessary to ensure containment and cleanup of the discharge;
- (2) notify the Council as soon as reasonably possible of the discharge.

CHAPTER 4

CONSTRUCTION AND MAINTENANCE

Construction and maintenance of stormwater drains and connections

7. The owner or occupier, as the case may be, of any premises shall be responsible for the construction and maintenance, at his or her expense of any storm waterdrains on the premises and any connection between such drains and the storm water system.

CHAPTER 5

GENERAL PROVISIONS

Offences

8. Any person who -

- (a) contravenes or fails to comply with any provisions of these by-laws;
- (b) fails to comply with any notice issued in terms of these by-laws;
- (c) fails to comply with any lawful instruction given in terms of these by-laws; or
- (d) obstructs or hinders any authorised official in the execution of his or her duties under these by-laws –

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R5 000 or imprisonment for a period not exceeding 3 months or both.

Repeal of existing by-laws

9. The Council's existing Stormwater by-laws are hereby repealed.

Short title and commencement

10. These by-laws shall be called the Stormwater Management By-laws, 2006, and shall come into operation on the date of promulgation