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KWAZULU-NATAL PROVINSIE
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MUNICIPAL NOTICES

No. 25

19 September 2008

GREATER KOKSTAD MUNICIPALITY
CEMETERY & CREMATORIA BY-LAW
CEMETERIES BY-LAW

Be it enacted by the Council of the Greater Kokstad Municipality, in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

GREATER KOKSTAD MUNICIPALITY
CEMETERY & CREMATORIA BY-LAW

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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;

“**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 Greater Kokstad Municipal Council;

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

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“**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;

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

“**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.

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CHAPTER 2

ESTABLISHMENT AND MANAGEMENT OF CEMETERIES

2. Establishment of cemeteries

(1) The Council may:

- (a) from time to time set aside and reserve suitable municipal land within the municipality for the establishment and management of a cemetery;
- (b) consider and approve an application for the establishment and management of a cemetery;
- (c) 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 shall be open during the hours as determined by the Council,

(2) Burials shall take place on the days and during the hours as determined by the Council.

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(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 officer-in-charge..

(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 officer-in-charge 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

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(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, other than a grave with a depth as contemplated in section 15(4).

(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 such grave, the soil is found to be offensive or dangerous to the general health of people, the officer-in-charge may refuse to permit the burial of a second corpse.

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 officer-in-charge 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;

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(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:

(1) which is to be held on a Saturday in any week must be submitted to the officer-in-charge by no later than 12 noon on the Wednesday of that week;

(2) which is to be held on any day other than a Saturday must be submitted to the officer-in-charge at least [] before such day,

- a) failing which the officer-in-charge may refuse the application. Sound property management standards
- b) Enhanced revenue collection efforts
- c) Closely monitored leasing out of properties
- d) Immediate eviction of non-responsive defaulters.
- e) Improved municipal property lease management.
- f) Sound up keep of leased properties.

(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 officer-in-charge 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 or her 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 officer-in-charge 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.

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(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 1200 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.

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(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.

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(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.

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(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; or

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- (d) 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.,
- (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.

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- (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 accordingly the Council, its members, employees or agents, whether in personal or official capacity, are indemnified against liability for all claims from whichever nature by himself, or herself, 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.

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.

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(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 regarding any cemetery shall lodge such complaint in writing with the Municipal Manager.

23. Charges

The charges for burials and related services set forth in the Municipality's tariff of charges shall be paid to the Council in advance.

24. Rights to 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, shall be prima facie evidence of the contents of such a consent, notice or other order.

26. Religious Ceremonies

(1) Any person or group of persons may conduct ceremonies, whether of a religious nature or otherwise, in connection with any interment, memorial service or erection, dedication or unveiling of any memorial work, subject to any regulations made by 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 while within a cemetery to depart from the carriage drives every hearse or vehicle 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 in any street, cemetery or public place.

GREATER KOKSTAD MUNICIPALITY
CEMETERY & CREMATORIA BY-LAW**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. Burials 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 burial, the person applying for permission for such burial shall notify the caretaker the day before the funeral.

CHAPTER 6**REPEAL OF BY-LAWS****32. Regulations**

The municipality may make regulations not inconsistent with this by-law, prescribing -

- (a) any matter that may or must be prescribed in terms of this by-law; and
- (b) any matter that may facilitate the application of this by-law.

33. Repeal of by-laws

Any by-laws relating to Cemeteries adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

34. Short title & Commencement

This by-law is called the Cemeteries By-Law, 2008, and takes effect on a date determined by the municipality by proclamation in the Provincial Gazette.

No. 26

19 September 2008

GREATER KOKSTAD MUNICIPALITY

CIVIC SYMBOLS, HONOURS AND RELATED MATTERS BY-LAWS

Be it enacted by the Council of the Greater Kokstad Municipality, in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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

“**Council**” means the Greater Kokstad Municipal Council;

“**badge**” has the meaning assigned to it in section 1 of the Heraldry Act, 1962 (Act No, 18 of 1962);

“**coat of arms**” has the meaning assigned to it in section 1 of the Heraldry Act, 1962 (Act No, 18 of 1962);

“**dignitary**” means a person holding high rank of office, such as, but not limited to a president, monarch, premier, minister, or a former mayor or mayoress of the Council;

“**heraldic representation**” has the meaning assigned to it in section 1 of the Heraldry Act, 1962 (Act No, 18 of 1962);

“**livery**” means a distinctive mark or colour scheme;

“**other emblem**” has the meaning assigned to in section 1 of the Heraldry Act, 1962 (Act No, 18 of 1962)

“**uniforms**” has the meaning assigned to in section 1 of the Heraldry Act, 1962 (Act No, 18 of 1962)

“**victims of conflict**” has the meaning assigned to in the National Heritage Resources Act, 1999 (Act No, 25 of 1999)

2. Principles and objectives

The Council –

- (a) aware of its role in the community and the importance of symbols of authority in society;
- (b) taking into consideration the historic inequalities of the past which may have had an adverse impact on residents of the Municipality; and
- (c) realizing that a variety of people should be honoured for their historical and present role in society and their distinguishing services to our community, such as, but not limited to, victims of conflict (including those persons connected with the liberation struggle and those who died in exile or as a result of the action of State security forces or *agents provocateur*), philanthropists and dignitaries,

adopts these By-laws with the aim of regulating matters pertaining to its symbols of authority, the bestowal of honour on distinguishing members in its community, and related matters.

3. Application

These By-laws apply in the area under the jurisdiction of the Greater Kokstad Municipal Council.

4. Legislative framework

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

- (a) Heraldry Act, 1962 (Act No, 18 of 1962);
- (b) Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);
- (c) National Heritage Resources Act, 1999 (Act No, 25 of 1999); and
- (d) Local Government: Municipal Finance Management Act, 2003 (Act No.56 of 2003).

5. Appointment of committee

The Council must appoint a committee to oversee the implementation of the provisions of these By-laws.

6. Heraldic representation, logo and trade mark

The Council may by resolution, for the Municipality or a part thereof, determine and register, where applicable in accordance with section 5 of the Heraldry Act, 1962 (Act No, 18 of 1962) –

- (a) an heraldic representation, being a badge, coat of arms or other emblem;
- (b) a logo; or
- (c) trade mark.

7. Regalia

(1) The Council may by resolution determine –

- (a) symbols of authority such as, but not limited to regalia, insignia, accoutrements, and robes for the Speaker, Mayor, Deputy Mayor or Councillors; and
- (b) the time and the place for the wearing of the symbols contemplated in paragraph (a)

(2) No person other than a person determined in subsection (1)(a) may wear the symbols of authority, and no such person may wear the symbols of authority at any time or any place other than the time and place contemplated in subsection (1)(b).

8. Clothing uniforms and livery

(1) The Council may by resolution prescribe -

- (a) a distinctive mark or colour scheme for the clothing worn by, or a uniform to be worn by a member of the municipal staff; or
 - (b) the livery for the Council's vehicles or equipment.
- (2) No person may, without the permission of the Council, use the mark or colour scheme or uniform contemplated in subsection (1)(b).
- (3) A person who wishes to obtain the Council's permission as contemplated in subsection (2), must apply in writing to the Municipal Manager, who may refuse permission, or grant permission subject to such conditions as he or she deems necessary.

9. Freedom of Town

- (1) The Council may by resolution award honorary freedom of the Town on -
- (a) a person who has rendered eminent services to the Town;
 - (b) a person of distinction;
 - (c) a naval, army or air force unit; or
 - (d) any other person who or group which merits the honour
- (2) The Speaker must keep a roll of all persons, units or groups contemplated in subsection(1)

10. Funerals and memorial services

The Council may by resolution determine the a civic funeral or memorial service be held on the death of a ---

- (a) councillor;
- (b) municipal employee, whose death arises form or out of his or her employment; or
- (c) person, unit or group of persons contemplated in section 9(1)

11. Medals

- (1) The Council may by resolution award a person, unit or group contemplated in section 9(1) a medal.
- (2) The Speaker must keep a roll of all persons, units or groups contemplated in subsection (1).
- (3) A medal may be awarded posthumously to a person in which instance it must be presented to the heir of the person who was awarded the medal.
- (4) Where the Council awards a medal in terms of subsection (1), the Speaker or Mayor must present such medal to the person, unit or group.

12. Presentations to dignitaries

The Council may by resolution present a memento, commemorative token, badge, emblem, address or salutary to a dignitary or a person, unit or group contemplated in section 9(1).

13. Awards

The Council may by resolution financially reward an employee for long and continuous service, or who has delivered distinguished or other meritorious service to the Council.

14. Wreaths and donations

The Council may by resolution –

- (a) send a wreath or other floral tribute on the occasion of the death of any person or, in lieu thereof, donate money to any benevolent or charitable organization or institution; or
- (b) send a token of sympathy on the occasion of the serious illness of a person.

15. Expenditure

Expenditure, including necessary and incidental expenses, relating to –

- (a) the implementation of the provisions of these By-laws;
- (b) civic receptions or entertainments as are customary for the bestowal of any medal, presentation or award; or
- (c) funeral expenses, such as:
 - (i) a civic funeral for the deceased or a memorial service for commemoration of the deceased;
 - (ii) the preparation and internment or cremation of the body of the deceased; or
 - (ii) the transportation of dignitaries to and from a place where a memorial service for or commemoration of the deceased or the interment or cremation of the body of the deceased is to occur,

must be dealt with in terms of section 15 of the Local Government Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

16. Damages

Where a person without the written authority of the Council, wears, uses, sells, barter or trades in any heraldic representation, as registered in terms of section 6 of these By-laws, or a material part of it or any replica or reproduction of it or any imitation which might reasonable be confused with such heraldic representation, the Council may, act in accordance with the provisions of section 21 of the Heraldry Act, 1962 (Act No. 18 of 1962).

17. Offences and penalties

- (1) A person who contravenes a provision of Section 7(2) or 8(2) commits an offence and is, on conviction, liable to a fine not exceeding R1000.
- (2) Section 22 of the Heraldry Act, 1962 (Act No. 18 of 1962) applies in respect of a person who commits an offence in terms of the said Act.

18. Saving provision

An heraldic representation, logo, trade mark, uniform or livery shall be the heraldic logo, trade mark, uniform or livery of the Greater Kokstad Municipality until they are altered or changed.

19. Short title and commencement

These By-laws may be cited as the Civic Symbols, Honours and Related Matters By-laws, and commence on a date determined by the Council.

No. 27

19 September 2008

GREATER KOKSTAD MUNICIPALITY
FIRE PREVENTION BY-LAW

FIRE PREVENTION BY-LAW

Be it enacted by the Council of the Greater Kokstad Municipality, and approval of the Member of the Executive Council responsible for local government in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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GREATER KOKSTAD MUNICIPALITY
FIRE PREVENTION BY-LAW

CHAPTER 1

DEFINITIONS

1. Definitions

In this bylaw, unless the context indicates otherwise-

"above ground storage tank" means a tank situated above ground for the storage of a flammable liquid;

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

"building" means any structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction thereof, erected or used for or in connection with:

- (i) the accommodation or convenience of human beings or animals;
- (ii) the manufacture, processing, storage or sale of any goods;
- (iii) the rendering of any service;
- (iv) the destruction or treatment of combustible refuse or combustible waste;
- (v) the cultivation or growing of any plant or crop;

(a) any wall, swimming pool, reservoir or bridge or any other structure connected therewith;

(b) any fuel pump or any tank used in connection therewith;

(c) any facilities or system, or part or portion thereof, within or outside or incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building;

"bund wall" means a containment wall surrounding an above ground storage tank, constructed of an impervious material and designed to contain 100% of the contents of the tank;

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

"combustible refuse" means any combustible rubbish, litter or other material that has been discarded;

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"combustible waste" means any combustible waste material which is salvageable, retained or collected for scrap or reprocessing;

"dangerous goods" means a flammable gas, liquid or solid as contemplated in SABS 0228;

"division separating element" means a building element or component which separates one area in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SABS 0400;

"emergency evacuation plan" means a plan specifically designed to aid in the evacuation of occupants from a building in the event of a fire or other threatening danger and assigns responsibility to various staff, indicates escape routes to be used and provides for general contingencies for a safe and quick evacuation from a building;

"emergency route" means that part of an escape route that provides fire protection to the occupants of any building and which leads to an escape door;

"emergency vehicle" means any fire, rescue or other vehicle intended for use at fires and other threatening dangers;

"escape door" means the door in an escape route, which at ground level leads directly to a street or public place or to any approved open space which leads to a street or public place;

"escape route" means the entire path of travel from the furthest point in any room in a building to the nearest escape door and may include an emergency route;

"escape route plan" means a diagram indicating the floor layout, the occupant's current position and the route of travel to the nearest primary and secondary escape routes in the building, as well as the action to be taken in the event of a fire or other threatening danger;

"Fire Brigade Services Act" means the Fire Brigade Services Act, 1987 (Act 99 of 1987);

"fire damper" means an automatic damper and its assembly that complies with the requirements contained in SABS 193;

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

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

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

"fire lanes" means the road, path or other passageway constructed or designated to allow access for emergency vehicles;

"fire protection system" means any device or system designed and installed to-

- (a) detect, control or extinguish a fire, or
- (b) alert occupants or the fire service, or both, to a fire, but excludes portable and mobile fire extinguishers;

"fire wall" means a wall that is able to withstand the effects of fire for a specific period of time as contemplated in the National Building Regulations (T1) read with SABS 0400;

"flammable gas" as contemplated in SABS 0228, means a gas that at 20 degrees centigrade and at a standard pressure of 101,3 kilopascals:

- (a) is ignitable when in a mixture of 13% or less (by volume) with air, or
- (b) has a flammable range with air of at least 12 percentage points, regardless of the lower flammable limit;

"flammable liquid" means a liquid, or mixtures of liquids, or a liquid containing solids in solution or in suspension that give off a flammable vapour at or below 60,5 degrees centigrade;

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

"flammable substance" means a flammable liquid or a flammable gas;

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"flammable store" means a store that is used for the storage of flammable liquids and complies with the criteria set out in section 46 of this by-law;

"Hazardous Substances Act" means the Hazardous Substances Act, 1973 (Act 15 of 1973);

"National Building Regulations" means the regulations promulgated in terms section 17(1) of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), and:

- (a) "National Building Regulations (A2)" means the provisions regulating the submission of building plans and particulars to the Council;
- (b) "National Building Regulations (A20)" means the provisions regulating the classification and designation of occupancies;
- (c) "National Building Regulations (A21)" means the provisions regulating the population of a building;
- (d) "National Building Regulations (T1)" means the provisions regulating general requirements for fire protection of a building, and
- (e) "National Building Regulations (T2)" means the provisions regulating the offences for non-compliance with the National Building Regulations (T1);

"National Road Traffic Act" means the National Road Traffic Act, 1996 (Act 93 of 1996);

"non-combustible" means a substance or material classified as non-combustible when tested in accordance with SABS 0177: Part 5;

"occupancy separating element" means a building element or component which separates one occupancy in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SABS 0400;

"Occupational Health and Safety Act" means the Occupational Health and Safety Act, 1993 (Act 85 of 1993);

"operator" means the person responsible for the use of a motor vehicle and who has been registered as the operator of such a vehicle in terms of the National Road Traffic Act;

"owner" means:

- (a) in relation to premises, other than a building, either a natural or juristic person whose identity is determined by operation of law;
- (b) in relation to a building, either a natural or juristic person in whose name

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FIRE PREVENTION BY-LAW

the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question;

(c) in relation to an installation, either a natural or juristic person in whose name a contract is entered into regarding approval, erection and maintenance of the installation; provided that such a person is not the owner mentioned in (b), and

(d) in the event of the Council being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is entitled to the benefit of the use of such premises, building or installation or who enjoys such benefit;

"person in charge" means:

(a) in relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the management, or utilisation of the premises;

(b) in relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the building;

(c) in relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for the management or utilisation of the installation; provided that such a person is not the person mentioned in (a), and

(d) in the event of the Council being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is in the opinion of the Council deemed to be in charge of such premises, building or installation;

"premises" means any building, beach, land, terrain, road, vehicle and can include a vessel, train or aircraft;

"site" means any erf, lot, plot, stand or other piece of land on which a building has been, is being or is to be erected;

"Standards Act" means the Standards Act, 1993 (Act 29 of 1993);

"storage vessel" means a pressure vessel as defined in the regulations for pressure vessels promulgated in terms of the Occupational Health and Safety Act;

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

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"tank" means a container mounted permanently or temporarily on or embodied in a vehicle and so constructed to be suitable for the containment of flammable liquid or gas cargo;

"underground tank" means a tank used or intended to be used for the storage of flammable liquid wholly sunk into and below the surface of the ground;

"vehicle" means a vehicle as defined in the National Road Traffic Act.

and any reference to an SABS Code shall refer to the relevant Code published by the South African Bureau of Standards and issued in terms of the Standards Act.

CHAPTER 2

FIRE PROTECTION OF BUILDINGS

2. Reporting a fire hazard and other threatening danger

An owner or the person in charge of any premises must, upon discovering any evidence of a fire hazard or other threatening danger pertaining to this by-law, immediately notify the Council of such fire hazard or threatening danger.

3. Access for emergency vehicles

(1) When, in the opinion of the Council, premises are not readily accessible from public roads it must be provided with emergency vehicle access which must -

- (a) be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises; and
- (b) where the premises have a motorized or electronically operated gate, be equipped in such a manner that access to the premises can be gained without the use of a motor or electronic device.

(2) Fire lanes must be provided for all premises which are set back more than 45 meters from a public road or exceed nine meters in height and are set back over 15 meters from a public road.

(3) Fire lanes must be at least four meters in width, the position of which must be decided upon after consultation with the Council, and the area from ground level to a clearance height of four meters above the fire lane must remain unobstructed.

(4) A cul-de-sac that is more than 90 meters in length, must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.

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FIRE PREVENTION BY-LAW

(5) The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the Council.

(6) It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.

4. Division and occupancy separating elements

An owner or person in charge of a building may not alter a division or occupancy separating element in anyway that would render it less effective or to allow flame, heat or combustion products from penetrating into the adjacent compartment or structure.

5. Fire doors and assemblies

(1) Subject to the provisions of SABS 1253, a fire door and assembly must be maintained in such a manner that in the event of a fire it retains its integrity, insulation and stability for the time period required for that particular class of door.

(2) A fire door may be kept open, only when it is equipped with an automatic releasing hold-open device approved by the Council.

(3) A fire door and assembly may not be rendered less effective through:-

- (a) altering the integrity, insulation or stability of a particular class of door;
- (b) disconnecting the self-closing mechanism;
- (c) wedging, blocking or obstructing the door so that it cannot close;
- (d) painting the fusible link actuating mechanism of a door;
- (e) disconnecting or rendering less effective an electric or electronic release mechanism, or
- (f) any other action that renders a fire door or assembly less effective.

6. Escape Routes

(1) No part of a fire escape route shall be obstructed or rendered less effective in any way.

(2) A locking device, which is fitted to an access or escape door in an escape route, must be of a type approved by the Council.

(3) Where required by the Council, an escape route must be clearly indicated with signage, which complies with SABS 1186, indicating the direction of travel in the event of fire or any other emergency.

GREATER KOKSTAD MUNICIPALITY
FIRE PREVENTION BY-LAW**CHAPTER 3****FIRE SAFETY EQUIPMENT****7. Fire extinguishers**

(1) Fire extinguishers must be provided and installed on premises as required by the National Building Regulations (T1) and (T2).

(2) Fire extinguishers must be maintained in accordance with the requirements of the Occupational Health and Safety Regulations, SABS 1475: Part 1, SABS 1571, SABS 1573 and SABS 0105: Part I.

(3) No person may fill, recharge, recondition, modify, repair, inspect or test a fire extinguisher in terms of SABS 1475: Part I, unless such a person is the holder of a permit issued by the South African Bureau of Standards or a certificate of competence issued by the South African Qualifications Certification Committee.

(4) The owner or person in charge of the premises may not allow a fire extinguisher to be filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit or certificate mentioned in subsection (3).

(5) Where a fire extinguisher has been filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit mentioned in subsection (3), the Council must instruct the owner or person in charge of such premises to have the work carried out by a person who is in possession of such a permit or certificate.

(6) When, in the opinion of the Council, a fire extinguisher is unsafe or ineffective either by reason of deterioration, design or construction, the Council must instruct the owner or the person in charge of the premises to have the appliance inspected and tested in terms of SABS 1475: Part 1 and SABS 1571.

(7) A fire extinguisher may not be removed from the premises for filling, recharging, reconditioning, modification, repair, inspection or testing unless the appliance is replaced temporarily with a similar appliance in good working condition.

(8) A fire extinguisher may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in an area where such action would create a danger or hazard.

8. Testing and maintenance of fire protection systems

(1) A fire protection system must be tested and maintained on a regular basis and the

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FIRE PREVENTION BY-LAW

owner or person in charge of the premises must keep a detailed record of the test and maintenance of the system.

(2) A person may not test a fire protection system before notifying the occupants of the premises concerned of the starting and completion times of the test, and where applicable, the parties who monitor the fire protection system.

(3) A fire protection system designed for detecting, fighting, controlling and extinguishing a fire must be maintained in accordance with the National Building Regulations (T2).

(4) A fire protection system may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in any area where such action would create a danger or hazard.

(5) The owner or person in charge of the premises must immediately notify the Council when the fire protection system, or a component thereof, is rendered inoperable or taken out of service and must notify the Council as soon as the system is restored.

(6) The owner or person in charge of the premises must take all steps deemed necessary by the Council to provide alternate equipment to maintain the level of safety within the premises.

9. Interference with fire protection systems and fire extinguishers

No person shall tamper or interfere with a fire extinguisher or fire protection system, except as may be necessary during emergencies, maintenance, drills or prescribed testing.

CHAPTER 4

PUBLIC SAFETY

10. Attendance of a service

(1) When the Council is of the opinion that a representatives of the fire brigade service are required to be in attendance during a function in a place used for entertainment or public assembly, the Council may provide, in the interest of public safety and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof.

(2) Where the entertainment or public assembly is taking place on Council property, the costs of the attendance of the representatives of the fire brigade service shall be recoverable from the organizers

GREATER KOKSIAD MUNICIPALITY
FIRE PREVENTION BY-LAW

11. Formulation of an emergency evacuation plan

(1) The owner or person in charge of a school, hospital, residential institution, hotel, guest house, hostel or other similar occupancy which has a population in excess of 25 persons (including staff), must formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.

(2) The Council may order the owner or person in charge of the premises, other than those contemplated in subsection (1), to formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.

(3) The plan mentioned in subsections (1) and (2) must be revised if an aspect thereof is no longer applicable or if the building for which the plan was designed has changed.

(4) The emergency evacuation plan must be tested in its entirety at a maximum of six-monthly intervals or when the plan has been revised and a record of the testing must be kept in a register.

(5) The register mentioned in subsection (4) must contain the following information:

- (a) the date and time of the test;
- (b) the number of participants;
- (c) the outcome of the test and any corrective actions required, and
- (d) the name and signature of the person supervising the test.

(6) The register, together with the emergency evacuation plan, must be available on the premises for inspection by the Council.

(7) The Council may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan.

12. Displaying of escape route plans

The escape route plan must be displayed in a conspicuous position in any room designed for sleeping purposes.

13. Barricading of vacant buildings

The owner or person in charge of a building or portion thereof which is vacant must remove all combustible waste or refuse there from and lock, barricade or otherwise secure all windows, doors and other openings in the building to the satisfaction of the Council which will prevent the creation of a fire hazard caused by the entering of an unauthorized person.

GREATER KOKSTAD MUNICIPALITY
FIRE PREVENTION BY-LAW**CHAPTER 5****HOUSEKEEPING****14. Combustible waste and refuse**

(1) The owner or person in charge of the premises or a portion thereof must not allow combustible waste or refuse to accumulate in any area or in any manner so as to create a fire hazard or other threatening danger.

(2) Combustible waste and refuse must be properly stored or disposed of to prevent a fire hazard or other danger.

15. Combustible or flammable substances and sweeping compounds

(1) Only water-based solutions, detergents, floor sweeping compounds and grease absorbents must be used for cleaning purposes.

(2) The use of sawdust or similar combustible materials to soak up spilled combustible or flammable substances is prohibited.

16. Accumulations in chimneys, flues and ducts

The owner or person in charge of the premises or a portion thereof must not allow soot or any other combustible substance to accumulate in a chimney, flue or duct of the premises in such quantities or in such a manner as to constitute a fire hazard or other threatening danger.

17. Sources of ignition

(1) Smoking, the carrying of matches, the use of heating, flame-emitting devices or spark-producing equipment is prohibited in areas containing combustible or flammable substances.

(2) Hot ashes, cinders or smouldering coals must be placed in a non-combustible container and the container must be placed on a non-combustible surface or stand.

(3) An adequate distance, as deemed appropriate by the Council, must be ensured and maintained between combustible substances and heating or lighting equipment or other sources of ignition.

(4) Portable heaters must be secured so that they cannot be overturned and the Council may prohibit the use of portable heaters in respect of occupancies or situations where such use or operation would present a fire hazard or other threatening danger.

GREATER KOKSTAD MUNICIPALITY
FIRE PREVENTION BY-LAW

18. Smoking

(1) If conditions exist where smoking creates a fire hazard on the premises, smoking is prohibited and "No Smoking" signs must be displayed as directed by the Council and the signs must comply with SABS 1186: Part 1.

(2) No person may remove a "No Smoking" sign.

(3) No person may light or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material, nor hold, possess, throw or deposit any lighted or smouldering substance in any place where expressly prohibited.

(4) A person may not throw, put down or drop a burning match, burning cigarette, or other burning material or any material capable of spontaneous combustion or self-ignition in a public road or public place.

19. Electrical fittings, equipment and appliances

No person may cause or permit –

(1) an electrical supply outlet to be overloaded; or

(2) an electrical appliance or extension lead to be used in a manner which is likely to create a fire hazard or other threatening danger.

20. Flame-emitting device

A person may not cause or permit a flame-emitting device, such as a candle, lantern or torch, but not limited thereto, to be used in a manner which is likely to create a fire hazard or other threatening danger.

CHAPTER 6**FIRE HAZARDS****21. Combustible material**

(1) A person may not store, transport, use or display or cause or permit to be stored, transported, used or displayed, whether inside or outside any premises, any combustible material or a flammable substance in quantities or in a position or in a manner likely to cause or create a fire hazard or other threatening danger.

(2) The owner or person in charge of any premises may not permit vegetation to grow or accumulate thereon, or other combustible material to accumulate thereon, in a manner likely to cause a fire hazard or other threatening danger.

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22. Lighting of fires and burning of combustible material

(1) The lighting of fires and the disposal of combustible material by burning is prohibited, save in the circumstances set out in this section.

(2) A person may light a fire or use a flame-emitting device for the purpose of preparing food or for any other domestic purpose in a manner which will not cause a fire hazard or other threatening danger or where such a fire is not precluded by any other legislation.

(3) Burning may take place on State land, a farm, a small holding, or land within a proclaimed township that is not utilised for residential purposes provided that the prior approval is obtained from the Council.

CHAPTER 7

FLAMMABLE SUBSTANCES

23. Storage and use of a flammable substance

(1) Prior to the construction of a new installation or the alteration of an existing installation, whether temporary or permanent, for the storage of a flammable substance, the owner or person in charge of the installation must submit a building plan to the Council, in accordance with the National Building Regulations, and a copy of the approved plan must be available at the site where the installation is being constructed.

(2) Prior to the commissioning of an above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, the owner or person in charge of the installation must ensure that it is pressure-tested in accordance with the provisions of the National Building Regulations (T1), SABS 0131: Parts 1 and 2, SABS 089: Part 3 and SABS 087: Parts 1,3 and 7 (whichever is applicable) in the presence of the Council.

(3) Notwithstanding subsection (2), the Council may require an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, to be pressure-tested in accordance with the provisions of the National Building Regulations (T1).

(4) The Council must be notified at least 48 hours prior to the pressure test.

(5) The owner or person in charge of the premises may not store or use:

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- (a) a flammable gas in excess of 19 kilogram, or
- (b) a flammable liquid of a danger group (i), (ii), (iii) or (iv) in excess of 200 litres, unless he or she has obtained a flammable substance certificate from the Council.

24. Flammable substance certificate

(1) The owner or person in charge of the premises, who requires a flammable substance certificate mentioned in section 23(5), must submit an application to the Council.

(2) The Council must refuse to issue the flammable substance certificate if the premises do not comply with the requirements of the National Building Regulations (T1) as well as additional requirements set out in this by-law, and where the Council is of the opinion that the non-compliance of the premises can be remedied, the Council must instruct the owner or person in charge of the premises in writing to take all reasonable steps to render the premises safe prior to usage of the premises and the issuing of the certificate.

(3) A flammable substance certificate must be renewed annually, on or before the date as indicated on the flammable substance certificate, and whenever the quantity or class of the flammable substance requires to be changed.

(4) Premises must be used in accordance with any conditions specified in the flammable substances certificate and when in the opinion of the Council, a flammable substance is stored or utilised for any process in a manner which is hazardous to life or property, or an installation is unauthorised, an order may be issued for the removal of the flammable substance or installation from the premises.

(5) A supplier may not supply flammable substances to the owner or person in charge of the premises, unless the owner or person in charge of the premises is in possession of a valid flammable substance certificate issued by the Council.

(6) A flammable substance certificate is valid only:

- (a) for the installation for which it was issued;
- (b) for the state of the premises at the time of issue, and
- (c) for the quantities stated on the certificate.

(7) The flammable substance certificate must be available on the premises for inspection at all times.

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25. Permanent or temporary above ground storage tank for a flammable liquid

(1) A temporary above ground storage tank other than that at a bulk storage depot is permitted, at the discretion of the Council, on the merit of the situation, provided that the following requirements are complied with:

- (a) if it has a capacity not exceeding 9 000 litres and is not used for the storage of flammable substances with a flash point below 40 degrees centigrade;
- (b) to be on the premises for a period not exceeding six months;
- (c) the entire installation must comply with SABS 0131: Part 1 or SABS 0131: Part 2 whichever is applicable, and
- (d) written application together with a plan must be forwarded to the controlling authority at least 14 days prior to the erection of the tank and prior written permission must be obtained from the Council for the erection of the tank.

(2) Notwithstanding section 28(1), if a larger capacity above ground storage tank is required or the tank is to be a permanent installation, an acceptable rational design based on a relevant national or international code or standard must be submitted to the Council for approval in terms of the National Building Regulations (T1).

(3) The design requirements and construction of a permanent tank must be in accordance with relevant national or international recognised codes.

(4) The rated capacity of a permanent or temporary tank must provide sufficient ullage to permit expansion of the product contained therein by reason of the rise in temperature during storage.

(5) A permanent or temporary tank must be erected at least 3,5 meters from boundaries, buildings and other flammable substances or combustible materials.

(6) A permanent or temporary tank must be located on firm level ground and the ground must be of adequate strength to support the mass of the tank and contents.

(7) A permanent or temporary tank must have a bund wall.

(8) Adequate precautions must be taken to prevent spillage during the filling of a tank.

(9) Sufficient fire extinguishers, as determined by the Council, must be provided in weatherproof boxes in close proximity to a tank.

(10) Symbolic safety signs depicting "No Smoking", "No Naked Lights" and "Danger" must be provided adjacent to a tank, and the signs must comply with SABS 1186: Part 1.

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(11) The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in SABS 0232: Part 1.

(12) An electrical or an internal combustion-driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited.

(13) The electrical installation associated with the above ground storage tank must comply with SABS 0108 and SABS 089: Part 2.

26. Underground storage tank for a flammable liquid

The installation of underground storage tanks, pumps, dispensers and pipework at service stations and consumer installations must be in accordance with National Building Regulations (T1) read in conjunction with SABS 0400, SABS 089: Part 3 and SABS 0131: Part 3.

27. Bulk storage depot for flammable substances

The handling, storage and distribution of flammable substances at bulk depots must be in accordance with the National Building Regulations (T1), read in conjunction with SABS 089: Part 1.

28. Small installations for liquefied petroleum gas

Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 liters and a combined water capacity not exceeding 3 000 liters per installation must be installed and handled in accordance with SABS 087: Part 1.

29. Liquid petroleum gas installation in mobile units and small non-permanent buildings

A liquid petroleum gas installation in mobile units and small non-permanent buildings shall be in accordance with SABS 087: Part 2.

30. The fuelling of forklift trucks and other LP gas operated vehicles

The fuelling of forklift trucks and other LP gas operated vehicles shall be in accordance with SABS 087: Part 8.

31. The storage and filling of refillable liquid petroleum gas containers

Storage and filling sites used for refillable liquid petroleum gas containers of capacity not exceeding 9kg must be in accordance with SABS 087: Part 7.

32. Bulk storage vessel for liquid petroleum gas

The layout, design and operation of installations for the storage of a bulk liquid petroleum vessel and allied facilities must be in accordance with the National Building Regulations (T1), read in conjunction with SABS 087: Part 3.

GREATER KOKSTAD MUNICIPALITY
FIRE PREVENTION BY-LAW**33. Termination of the storage and use of flammable substances**

(1) If an above ground or underground tank installation, liquid petroleum gas installation or associated pipework is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation was erected must:

- (a) within seven days of the cessation, notify the Council in writing thereof;
- (b) within 30 days of the cessation, remove the flammable substance from the installation and render it safe;
- (c) within six months of the cessation, remove the installation including any associated pipework, from the premises entirely, unless the controlling authority otherwise instructs, and
- (d) restore a public footpath or roadway, which has been disturbed by the removal to the satisfaction of the Council within a period of seven days of the completion of the removal of the installation.

(2) If the removal of an underground tank installation detrimentally affects the stability of the premises, the owner or person in charge of the installation must apply in writing to the Council to fill the tank with liquid cement slurry.

34. Reporting accidents

If an accident occurs which involves a flammable substance and results in a fire, an explosion, spillage or loss of a flammable substance, as well as personal injury or death, the owner or person in charge of the premises must immediately notify the Council.

35. Flammable stores

(1) The construction of a flammable store must be in accordance with the National Building Regulations (T1) read in conjunction with SABS 0400.

(2) The floor must be of concrete construction or other impermeable material and must be recessed below the door level or incorporate a sill.

(3) The recess or sill must be of such a depth or height that in the case of spillage it will be capable of containing the quantity of flammable liquid, as indicated on the flammable substance certificate and an additional 10% of the quantity mentioned on the certificate.

(4) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400:

- (a) the roof assembly of a flammable store must be constructed of a concrete slab capable of providing a two-hour fire resistance when it forms part of another building;

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- (b) the ventilation of a flammable store must be achieved by the use of bricks located in the external walls at the ratio of one air brick nominally above the sill level and one air brick located in the top third of the wall per 5 m² of wall area or part thereof, so that vapour cannot accumulate inside the store;
- (c) the air bricks must be covered both internally and externally with closely-woven, non-corrodible wire gauze of at least 1 100 meshes per meter, and
- (d) the wire gauze must be held in position by metal straps, a metal frame or cement.
- (5) When required by the Council, the flammable store must be ventilated by a mechanical ventilation system approved by the Council and must comply with the following requirements:
- (a) the ventilation system is to be intrinsically safe, provide 30 air changes per hour and must operate continuously;
- (b) the fan extraction point must be nominally above sill level and must discharge through a vertical metal duct terminating at least 1 meter above roof height or at least 3,6 meters above ground level, whichever is the greater;
- (c) ducting material that is external to the store, but communicates with the remainder of the building, must be fitted with a fire damper of two-hour fire resistance at the point of exit from a flammable store, and
- (d) the ducting must be as short as possible and must not have sharp bends.
- (6) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400, a flammable store door must be constructed of material with a fire resistance of two hours, provided that all relevant safety distances are complied with, and the door must open outwards.
- (7) When required by the Council, a flammable store door must be a D-class fire door, which complies with SABS 1253.
- (8) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400, artificial lighting in the flammable store must be by electric light having vapour-proof fittings wired through seamless steel conduit and the switches operating the lights must be located outside the store.
- (9) No other electrical apparatus may be installed in the flammable store.
- (10) A flammable store must be provided with a foam inlet consisting of a 65 millimeter male instantaneous coupling and mild steel pipework leading to the inside thereof and the foam inlet must be identified by means of a sign displaying the words "Foam Inlet" in 100 millimeter block letters.

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(11) Racking or shelving erected in the flammable store must be of non-combustable material.

(12) The flammable store must be identified by the words, "Flammable Store-Bewaarplek vir Vlambare Vloeistowwe-Isitoro Indawo Yokugcina Izixhobo Ezithatha Lula Umlilo", and the permissible quantity allowed within the flammable store, indicated in 100 millimeter block letters on both the inside and outside of all doors communicating directly with the store.

(13) The owner or person in charge of a flammable store must ensure that the flammable store doors are kept locked when the store is not in use.

(14) A person shall not enter a flammable store or cause or permit it to be entered without the permission of the owner or person in charge of the premises.

(15) Sufficient fire extinguishers, as determined by the Council, must be mounted on the external wall of the flammable store in a conspicuous and easily accessible position.

(16) Any hand tool used in the flammable store must be intrinsically safe.

(17) A person may not use or permit a flammable store to be used for any purpose other than that indicated on the flammable substance certificate, unless the store is not in use as a flammable store and the Council has been notified in terms of the following procedure:

- (a) within seven days of the cessation, notify the Council in writing thereof;
- (b) within 30 days of the cessation, remove the flammable substance from the flammable store and render it safe, and
- (c) within 30 days of the cessation, remove all signage.

(18) Subject to the provisions in this section, the Council may call for additional requirements to improve the fire safety of a flammable store.

36. Container handling and storage

(1) All flammable substance containers must be kept closed when not in use.

(2) A person may not extract flammable liquids from a container of a capacity exceeding 20 liters, unless the container is fitted with an adequately sealed pump or tap.

(3) Flammable liquid containers must be labelled and marked with words and decals, which indicate the flammable liquids contained therein as well as the hazard of the liquids.

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(4) Flammable substance containers must be declared gas or vapour-free by a competent person before any modification or repairs are undertaken.

(5) All flammable substance containers must be manufactured and maintained in such a condition as to be reasonably safe from damage and to prevent leakage of flammable substances or vapours therefrom.

(6) An empty flammable liquid container must be placed in a flammable store.

(7) Where a flammable store is not available for the storage of empty flammable liquid containers, the Council may permit such storage in the open, provided that:

(a) the storage area must be in a position and of sufficient size which in the opinion of the Council, will not cause a fire hazard or other threatening danger;

(b) the storage area is well ventilated and enclosed by a wire mesh fence and:

(i) the fence supports are of steel or reinforced concrete;

(ii) has an outward opening gate that is kept locked when not in use, and

(iii) when the floor area exceeds 10 m² an additional escape gate is installed, fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key;

(c) the storage area is free of vegetation and has a non-combustible firm level base;

(d) a two meter distance around the perimeter of the fenced area is clear of grass, weeds and similar combustible materials;

(e) when the storage area has a roof, the construction of the roof and supporting structure must be of non-combustible material;

(f) open flames, welding, cutting operations and smoking is prohibited in or near the storage area and signage is prominently displayed on the fence and complies with SABS 1186: Part 1, and

(g) fire-fighting equipment is installed as determined by the Council.

(8) An empty flammable liquid container must be securely closed with a bung or other suitable stopper.

37. Spray rooms and booths

A spray room, booth or area designated for the application of a flammable liquid must be constructed and equipped in such a manner as to comply with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act.

38. Liquid petroleum gas containers

(1) A liquid petroleum gas container must be manufactured, maintained and tested in accordance with SABS 087: Part 1 and SABS 019.

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(2) A liquid petroleum gas container must be used and stored in such a manner as to prevent damage or leakage of liquid or vapour therefrom.

(3) A liquid petroleum gas container of a capacity not exceeding nine kilogram must be filled and stored in accordance with SABS 087: Part 7.

CHAPTER 8

GENERAL PROVISIONS

39. Indemnity

The Council is not liable for damage or loss as a result of, but not limited to, bodily injury, loss of life or loss of or damage to property or financial loss, or consequential loss, which is caused by or arises out of or in connection with anything done or performed or omitted in good faith in the exercise or performance of a power, function or duty conferred or imposed in terms of this by-law.

40. Offences and penalties

Any person who -

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

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R15 000 or imprisonment for a period not exceeding 6 months or both.

41. Enforcement provisions

Any authorized official of the Council may –

(1) enter any premises at any reasonable time to inspect the premises for compliance with this by-law;

(2) summarily abate any condition on any premises which is in violation of any provision of this by-law and which presents an immediate fire hazard or other threatening danger and to this end may-

- (a) call for the immediate evacuation of the premises;
- (b) order the closure of the premises until such time as the violation has been rectified;

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- (c) order the cessation of any activity, and
- (d) order the removal of the immediate threat.

42. Authority to investigate

The Council has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.

43. Failure to comply with provisions

(1) When the Council finds that there is non-compliance with the provisions of this by-law a written notice must be issued and include the following:

- (a) confirmation of the findings;
- (b) provisions of this by-law that are being contravened;
- (c) the remedial action required, and
- (d) set forth a time for compliance.

(2) Nothing in this by-law prevents the Council or any authorized official from taking immediate action to take immediate corrective action in respect of any fire or other threatening danger found on any premises and to recover any costs incurred from the owner

44. Regulations

The municipality may make regulations not inconsistent with this by-law, prescribing -

- (a) any matter that may or must be prescribed in terms of this by-law; and
- (b) any matter that may facilitate the application of this by-law.

45. Repeal of by-laws

Any by-laws relating to Fire Prevention adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

46. Short title and commencement

This by-law is called the Fire Prevention By-Law, 2008, and takes effect on a date determined by the municipality by proclamation in the Provincial Gazette.

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Be it enacted by the Council of the Greater Kokstad Municipality, in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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CHAPTER 1

DEFINITIONS

1. Definitions

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

“authorised officer “ means an authorised officer appointed under section 32

“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;

“cattery” means premises in or upon which –

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

“council” shall mean the council of Municipality

“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

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(d) dogs are kept for commercial security purposes;

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

“Municipality” shall mean Greater Kokstad Municipality;

“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

2. Application of by-laws

These by-laws, with the exception of section 26, 27 and 29, 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.

GREATER KOKSTAD MUNICIPALITY
KEEPING OF ANIMALS BY-LAW**CHAPTER 3****KEEPING OF CATTLE, HORSES, MULES AND DONKEYS****3. Requirements for premises**

(1) No person may keep any cattle, horse, mule or donkey in a stable that does not comply with the following requirements:

- (a) every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material;
- (b) the internal wall surfaces of the stable must be 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 stable must -
 - (i) if the roof is a pitched roof be 2,4 meters;
 - (ii) if the roof is a flat roof be 2,7 meters;
 - (iii) if the roof is a lean to roof be a mean height of 3 meters with a minimum of 2,4 meters on the lowest side;
 - (iv) in the case of a stable which has an opening along the entire length of one of its long sides be not less than 2 meters;
- (d) the stable 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 a stable open along the entire length of one of its long sides;
- (f) the lowest point of every opening, window or louvers must be at least 1,8 meters above floor level;
- (g) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish graded to a channel;
- (h) no stable may be situated within -
 - (i) 15 meters of the boundary of any land, property, dwelling or other structure used for human habitation; or
 - (ii) 50 meters of any water resource or water supply intended or used for human consumption;
 - (iii) there must be a water supply adequate for drinking and cleaning purposes next to every stable.

4. Duties of keepers of cattle, horses, mules and donkeys

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;

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(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 stable;

(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 stable 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 stable at least once a week and store it in the manure receptacles or heap until it is removed from the premises; and

(8) 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

5. Requirements for premises

(1) No person may keep sheep or goats in a stable 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

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material;

- (d) every wall must be at least 2 meters 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 a stable within –

- (a) 15 meters of any boundary of any land, dwelling, building or other structure used for human habitation; or
- (b) 50 meters 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 stable used to accommodate sheep or goats.

6. Duties of keeper of goats and sheep

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 stable, 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.

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CHAPTER 5

KEEPING OF POULTRY

7. Application

The provisions of sections 9 (5) to (7) inclusive and 10(5), do not apply to the persons keeping ten or less poultry birds.

8. Permit requirements for poultry

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.

9. Requirements for premises

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

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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 an authorised 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 authorised 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 meters 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.

10. Duties of keeper of poultry

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;

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- (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

11. Application

The provisions of sections 13 (5) to (7) inclusive and 14(4) , do not apply to persons keeping ten or less rabbits.

12. Permit requirements for rabbits

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 issued by the council.

13. Requirements for the premises

No person may keep rabbits in premises that do not comply with the following requirements:

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(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 authorised 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 meters 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 authorised officer, the floor surface must be graded to 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 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 meters of –

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- (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.

14. Duties of keeper of rabbits

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

15. Requirements for the premises

No person may keep any bird, other than poultry, in an aviary that does not comply with the following requirements:

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- (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 meters 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.

16. Duties of keeper of an aviary

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

17. Requirements for the premises

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

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- 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 meters 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

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(c) the boundary of the premises.

18. Food preparation area

Any keeper of kennels or a cattery who is instructed by an authorised 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.

19. Duties of a keeper kennels or catteries

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;

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(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

20. Requirements for premises

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

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- (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 meters 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 meters 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 meters; 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.

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21. Duties of pet shop or pet parlour keeper

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

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(10) ensure that the number of pets contained in each cage does not impede their free movement.

CHAPTER 10

KEEPING OF WILD ANIMALS

22. Requirements for the premises

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 meters 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

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- (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

24. Requirements for premises

No person may keep pigs other than in a pigsty which complies 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 meters; 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 meters;
- (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;

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- (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 meters 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.

25. Duties of keeper of pigs

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;

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- (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

KEEPING OF BEES

26. Requirements for keeping of bees

- (1) No person may keep bees on any premises unless –
 - (1) the person is in possession of a valid permit issued by the council; and
 - (2) the bee hive is situated –
 - (a) a minimum of five meters from any boundary of the premises; and
 - (b) a minimum of ten meters 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 –

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- (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 meters of the hive.
- (5) No person may dump or deposit any garbage, compost, grass cuttings or manure within five meters of any bee hive;

CHAPTER 13

DANGEROUS ANIMALS

27. Dangerous animals

(1) No person may without a permit issued by the council, 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 council 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.

CHAPTER 14

MISCELLANEOUS PROVISIONS

28. Drainage

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

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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).

29. Keeping of and slaughtering animals for religious and ceremonial purposes

(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 council..

30. Certain animals may not be kept in proclaimed townships

No person may keep any cattle, horses, mules, donkeys, goats, sheep, pigs or wild animals on any erf in a proclaimed township.

31. Permits

(1) Whenever it is provided in these by-laws that an animal may not be kept except in terms of a permit issued by the council, the following shall apply:

- (a) The person desiring to obtain a permit shall apply therefor to the council in the form prescribed by the council, and shall pay such application fee as may be prescribed by the council;

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(b) In addition, such person shall furnish any information which the council may require for purposes of considering such application;

(c) the council may in its discretion grant such application and issue such permit, subject to such conditions as it deems fit, or it may refuse such application.

(2) The council may delegate its powers under paragraphs (a) and (b) of subsection (1) to an official of the municipality.

32. Authorised officers

The municipality may appoint officials of the municipality as authorised officers to enforce and implement this by-law and perform any act required or permitted to be performed by an authorised officer under this by law.

33. Appeals

(1) A person whose rights are affected by a decision taken by any authorised officer under these by-laws or an official to whom the council has delegated powers in terms of section 32(2), 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 –

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KEEPING OF ANIMALS BY-LAW

- (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.

34 Other laws must be complied with

The compliance by any person with any provision of this by-law shall not exempt such person from compliance with any provision of any other by-law or provincial or national law or regulation made thereunder, and the issuing of any permit to any person in terms of this by-law shall not exempt such person from obtaining any permit required by any other by-law or provincial or national law or regulation made thereunder.

35. Offences

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.

36. Regulations

The municipality may make regulations not inconsistent with this by-law, prescribing -

- (a) any matter that may or must be prescribed in terms of this by-law; and
- (b) any matter that may facilitate the application of this by-law.

GREATER KOKSTAD MUNICIPALITY
KEEPING OF ANIMALS BY-LAW

37 Repeal of by-laws

Any by-laws relating to Keeping of Animals adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

38. Short title

This by-law is called the Keeping of Animals By-Law, 2008, and takes effect on a date determined by the municipality by proclamation in the Provincial Gazette.

No. 29

19 September 2008

GREATER KOKSTAD MUNICIPALITY
OUTDOOR ADVERTISING AND SIGNAGE BY-LAW

OUTDOOR ADVERTISING AND SIGNAGE BY-LAW

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000], read with Section 162 of the Constitution of the Republic of South Africa Act, 1996, the Outdoor Advertising and signage By-law.

Purpose of By-law

The purpose of this by-law is to:

- (a) regulate all signage, advertisements displayed or to be displayed within the area of jurisdiction of the Council.
- (b) provide for procedures, methods and practices to regulate signage, advertisements displayed or to be displayed within the area of jurisdiction of the Council.

Be it enacted by the Council of the Greater Kokstad Municipality, in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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OUTDOOR ADVERTISING AND SIGNAGE BY-LAW
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GREATER KOKSTAD MUNICIPALITY
OUTDOOR ADVERTISING AND SIGNAGE BY-LAW

**CHAPTER 1
DEFINITIONS**

1. Definitions

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;

"authorised 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 Greater Kokstad Municipality and its Executive Committee 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" 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**

2. Application of regulations

(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:

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OUTDOOR ADVERTISING AND SIGNAGE BY-LAW

- (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

3. Temporary and portable advertisements

(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.

GREATER KOKSTAD MUNICIPALITY
OUTDOOR ADVERTISING AND SIGNAGE BY-LAW

(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.

4. Display of permanent advertisements prohibited

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.

5. Application for display of permanent advertisements

(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 application form prescribed under section 19 (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 R30.00.

(3) The Council may refuse or grant such application subject to such conditions as it may think proper.

6. Consideration of application of display of permanent advertisements

(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;

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OUTDOOR ADVERTISING AND SIGNAGE BY-LAW

- (d) its proposed position in relation to the building or premises upon or in which it is to be displayed; and
 - (e) the neighbouring properties,
- such advertisement will detract from or disfigure the appearance of the building or premises concerned or neighbouring properties, or otherwise be unsightly.

7. Sign-boards affixed to buildings

(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.

8. Advertisement painted on buildings

(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.

9. Ground sign-boards

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.

10. Flashing advertisements

The Council shall only approve flashing illuminated advertisements if it is of the opinion that, having

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OUTDOOR ADVERTISING AND SIGNAGE BY-LAW

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).

11. General prohibitions relating to advertisements

- (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. Directional signs

- (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.

13. Construction of sign-boards

- (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 subsection (2) or (3).

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OUTDOOR ADVERTISING AND SIGNAGE BY-LAW

(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.

14. Maintenance of permanent advertisements

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.

15. Alterations of and additions to permanent advertisements

(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.

16. Removal of permanent advertisements

(1) Where 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.

17. Delegation of Council's powers

(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.

GREATER KOKSTAD MUNICIPALITY
OUTDOOR ADVERTISING AND SIGNAGE BY-LAW
CHAPTER 4

GENERAL PROVISIONS

18. Offences

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.

19. Regulations

The municipality may make regulations not inconsistent with this by-law, prescribing -

- (a) any matter that may or must be prescribed in terms of this by-law; and
- (b) any matter that may facilitate the application of this by-law.

20. Repeal of by-laws

Any by-laws relating to Outdoor Advertising and signage adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

21. Short title

This by-law is called the Outdoor Advertising and signage By-Law, 2008, and takes effect on a date determined by the municipality by proclamation in the Provincial Gazette.

No. 30

19 September 2008

GREATER KOKSTAD MUNICIPALITY
PARKING BY-LAW

PARKING BYLAWS

Be it enacted by the Council of the Greater Kokstad Municipality, and approval of the Member of the Executive Council responsible for local government in terms of Section 156 of Constitution of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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GREATER KOKSTAD MUNICIPALITY
PARKING BY-LAW

CHAPTER 1

DEFINITIONS

1. Definitions

In these By-laws, any word or expression which has been defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996), has that meaning and, unless the context otherwise indicates—

"association" means persons who are self employed and have organised themselves into a car guard association;

"authorised official" means any inspector of licences, a traffic officer, peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or a police officer in terms of the Police Act, 1958 (Act No. 7 of 1958), and includes any other person whom the Provincial Minister of Local Government may from time to time by regulation declare to be an authorised officer;

"Council" means the Council of the Greater Kokstad Municipality;

"nuisance" means any condition, thing, act or omission which is offensive or injurious or which tends to prejudice the safety, good order, peace of the area or part thereof or the rights of reasonable comfort, convenience, peace or quiet of any neighborhood within the area and includes any act, exhibition or publication contrary to public decency or morals;

"peace officer" shall mean a peace officer as contemplated in Section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

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

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

"parking bay" means a demarcated area within which a vehicle is to be parked in terms of these By-laws, demarcated as such upon the surface of a parking area or a floor thereof;

"parking area" means any area of land or any building set aside by the Council as a parking area or garage for the parking of vehicles by members of the public or parking area along a road, whether or not a prescribed fee has been determined for the use thereof;

"parking meter parking area" means a parking area or any part thereof where parking is controlled by means of parking meters;

"parking meter" means a device for registering and visibly recording the passage of time in accordance with the insertion of a coin or other method of payment prescribed and includes any post or fixture to which it is attached;

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PARKING BY-LAW

“parking period” means that period of time, including a period reflected on a parking meter, on any one day during which vehicles are permitted to park in a parking area or parking bay or as indicated by a road traffic sign;

“pay and display machine” means a machine installed at a pay and display parking area for the sale of tickets;

“pay and display parking area” means a parking area, or any part thereof, where a notice is erected by the Council at the entrance thereof indicating that the parking area concerned or part thereof is a pay and display parking area;

“pound” means an area of land or place set aside by the Council for the custody of vehicles removed from a parking area in terms of these By-laws;

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

“prescribed fee” means a fee determined by the Council by resolution in terms of any other applicable legislation; and

“Ticket controlled parking area” means a parking area or any part thereof where parking is controlled by means of tickets.

CHAPTER 2

TICKET- CONTROLLED PARKING AREAS

2. Parking fees

Any person making use of a parking area or parking bay in a ticket controlled parking area must pay the prescribed fee.

3. Conditions of parking in ticket-controlled parking areas

(1) No person may park a vehicle or cause or permit a vehicle to be parked or allow it to be or to remain in a ticket controlled parking area, wherein parking is controlled by the issue of tickets

(a) except in a parking bay and in compliance with any directions which may be given by an authorised official or where no such bay has been marked, except in a place indicated by the authorised official;

(b) after an authorised official has indicated to the person that the parking area is full; or

(c) after the expiry of the parking period.

(2) No person may remove or cause or permit the removal of any vehicle from a parking area unless—

(a) that person has produced to the authorised official a ticket authorising him or her to park in the parking area and which was issued to that person upon entering or leaving the parking area; and

(b) that person has upon entering or leaving the parking area paid the prescribed fee to the authorised official.

(3) If a person fails to produce a ticket authorising him or her to park in a parking area, that person is deemed to have parked the vehicle from 08:00 on the day in question until the time that person wants to remove the vehicle and he or she must pay the prescribed fee for that period.

GREATER KOKSTAD MUNICIPALITY
PARKING BY-LAW

(4) No person may, after failing to produce a ticket, remove or cause or permit the removal of any vehicle parked in the parking area until that person has produced other proof, to the satisfaction of an authorised official, of his or her right to remove such vehicle.

(5) An authorised official may require a person referred to in subsection (4) to furnish prescribed security.

(6) If a vehicle has not been removed from a parking area by the end of the parking period for which the prescribed fee has been paid, a further prescribed fee is payable for the next parking period.

CHAPTER 3

PARKING METER PARKING AREAS

4. Parking fees

Any person making use of a parking area or parking bay in a parking area must pay the prescribed fee.

5. Place of parking

No person may park or cause or permit to be parked any vehicle or allow a vehicle to be or remain in a parking meter parking area otherwise than in a parking bay.

6. Conditions of parking

(1) No person may park a vehicle or cause any vehicle to be parked in a parking bay unless a coin or other prescribed object is forthwith inserted—

(a) into the meter allocated to that parking bay; or

(b) if a meter controls more than one parking bay, in the meter controlling the parking bay concerned as indicated by any marking or sign on the surface or floor of the parking bay or the surface or floor adjacent thereto; and that meter is put into operation in accordance with the instructions appearing thereon so that the meter registers and visibly indicates the parking period appropriate to the inserted coin or other prescribed object.

(2) Notwithstanding the provisions of subsection (1)—

(a) a person may, subject to the provisions of subsection (5), park a vehicle in a vacant parking bay without inserting a coin or other prescribed object, for any period indicated on the parking meter as unexpired; and

(b) if a person has ascertained that the parking meter for any parking bay is not operating properly, he or she is, entitled to park a vehicle in that parking bay without inserting a coin or other prescribed object, provided that such a person does not park the vehicle in that parking bay for a period exceeding the maximum ordinarily allowed by that parking meter.

(3) The insertion of a coin or other prescribed object into a parking meter entitles the person inserting it, to park a vehicle in the appropriate parking bay for the period corresponding with the payment so made.

(4) The period during which a vehicle may be parked in a parking bay and the coin or other prescribed object to be inserted in respect of that period into the parking meter allocated to that parking bay, must be in accordance with the prescribed fee and the period and the coin or other prescribed object to be inserted in respect thereof, must at all times be clearly indicated on the parking meter.

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(5) No person may either with or without the insertion of an additional coin or other prescribed object into a parking meter, leave a vehicle in a parking bay after the expiry of the period indicated on the parking meter or return the vehicle to that bay within fifteen minutes after such expiry, or obstruct the use of that bay by any other person.

7. Proof of time

The expiry of the parking period, as indicated by a parking meter, is for the purpose of these by-laws and in any proceedings arising from the enforcement of these by-laws, deemed to be correct and may constitute evidence, on the face of it, of the expiry of the parking period.

**CHAPTER 4
PAY-AND-DISPLAY PARKING AREAS****8. Parking fees**

Any person making use of a parking area or parking bay in a pay and display parking area must pay the prescribed fee.

9. Parking

(1) No person may park or cause or permit to be parked any vehicle or allow a vehicle to be or remain in a pay-and-display parking area unless immediately upon entering the parking area—

(a) the person purchases a ticket issued by means of a pay and display machine in that parking area in accordance with the instructions displayed on, or within a distance of not more than one comma five meters of such machine; and

(b) the person displays such ticket by affixing it to the inside of the driver's side of the front windscreen of the vehicle in such a manner and place that the information printed on the ticket by the pay and display machine is readily legible from the outside of the vehicle.

(2) The period during which a vehicle may be parked in a pay and display parking area and the coin or other prescribed object to be inserted in respect of that period into the pay and display machine, must be indicated on such machine.

(3) Tickets issued by the pay and display machine must reflect:

- (a) the date or day of issue of the ticket;
- (b) the amount paid for the ticket;
- (c) the departure time; and
- (d) the machine code number.

(4) No person may allow a vehicle to remain in a pay and display parking area after the expiry of the departure time indicated on the ticket.

10. Proof of date and time of departure

The commencement of the parking period as recorded by a pay and display machine and as observed by an authorised official, is for the purposes of these by-laws and in any proceedings arising from the enforcement of these by-laws, deemed to be correct and may constitute evidence on the face of it of the commencement of the parking period.

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PARKING BY-LAW**CHAPTER 6****VEHICLES****11. Abandoned vehicles**

(1) Any vehicle which has been left in the same place in a parking ground for a continuous period of more than fourteen days may, unless otherwise authorised by the Council, be removed by or at the instance of an authorised officer.

(2) The Council must take all reasonable steps to trace the owner of a vehicle removed in terms of subsection (1) and if, after the lapse of ninety days from the date of its removal the owner or person entitled to its possession cannot be found, the vehicle may, subject to the provisions of subsection (3), be sold by the Council by public auction.

(3) The Council must, fourteen days prior to the date of an auction sale contemplated in subsection (2), publish a notice thereof in at least two newspapers circulating within the municipal area of the Council: Provided that a vehicle may not be sold at the auction if—

- (a) at any time before the vehicle is sold, the owner or any person authorised by the owner or otherwise lawfully entitled thereto, claims the vehicle; and
- (b) every prescribed fee payable in respect thereof in terms of these by-laws and all costs referred to in subsection (4) are paid to the Council.

(4) The proceeds of a sale concluded in terms of this section must be applied first in payment of every fee referred to in subsection (3) and to defray the following:

- (a) the costs incurred in endeavouring to trace the owner in terms of subsection (2);
- (b) the costs of removing the vehicle and effecting the sale of the vehicle;
- (c) the pro-rata costs of publication in terms of subsection (3), taking into account the number of vehicles to be sold at the auction; and
- (d) the costs of keeping the vehicle in the pound which must be calculated at the prescribed rate.

(5) Any balance of the proceeds referred to in subsection (4), must be paid to the owner of the vehicle or any person lawfully entitled to receive it upon that person establishing his or her right thereto to the satisfaction of the Council and if no claim is established within one year of the date of the sale, the balance will be forfeited to the Council.

12. Vehicles of excessive size

(1) Unless a road traffic sign displayed at the entrance to a parking area indicates otherwise, no vehicle which together with any load, exceeds five meters in length, may be parked in a parking area.

(2) No person shall park a vehicle with a gross vehicle mass exceeding three thousand five hundred kilograms, or any trailer with a gross vehicle mass exceeding one thousand kilograms, on a public road or road reserve within the area of jurisdiction of the Greater Kokstad Municipality or property of the Greater Kokstad Municipality, for a period of more than two hours, unless—

- (a) a temporary parking permit has been issued to such a vehicle or trailer by the Municipality; or
- (b) such vehicle or trailer is parked in a parking bay specifically provided for the parking of such vehicles or trailers.

(3) No person shall park a caravan on a public road or road reserve within the area of jurisdiction of the Greater Kokstad Municipality, for a period of more than twenty-four hours.

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(4) The Municipality shall on application, issue a temporary parking permit to vehicles and trailers, which must park for specific periods on public roads or road reserves, because of agricultural activities.

(5) Any person who contravenes any provisions of this by-law shall be guilty of an offence and liable on conviction to a penalty not exceeding R1, 000.00 (One Thousand Rand).

13. Parking after parking period

No person may park a vehicle or cause or permit it to be parked in any parking area before the beginning or after the expiry of the parking period prescribed for the parking area unless that person is the holder of a ticket issued in terms of these by-laws authorising him or her to do so.

14. Defective vehicles

No person may park or cause or permit any vehicle to be parked or to be or remain in any parking area which is mechanically defective or for any reason incapable of movement unless a vehicle has, after having been parked in a parking area, developed a defect which immobilises it and the person in control of it shows that he or she took reasonable steps to have the vehicle repaired or removed within a reasonable time.

15. Parking of a vehicle in parking area

No person may park or cause or permit any vehicle other than a vehicle as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996), to be parked or to be or remain in any parking area.

16. Cleaning and repair of vehicle

No person may in any parking area clean, wash, work on or effect repairs to a vehicle except minor emergency repairs, unless the prior written permission of the Council has been obtained.

17. Tampering with vehicles and obstructions

(1) No person may in any parking area without reasonable cause or without the knowledge and consent of the owner or person in lawful control of a vehicle, enter or climb upon that vehicle or set the machinery thereof in motion or in any way tamper or interfere with its machinery or any other part of it or with its fittings, accessories or contents.

(2) No person may in any parking area—

- (a) park any vehicle so that any part of it extends across any white line forming a boundary of a parking bay or that it is not entirely within the confines of the bay; or
- (b) perform any act or introduce anything which obstructs or is likely to obstruct the movement of persons or vehicles.

18. Parking after parking period

No person may park a vehicle or cause or permit it to be parked in any parking area before the beginning or after the expiry of the parking period prescribed for the parking area unless that person is the holder of a ticket issued in terms of these by-laws authorising him or her to do so.

CHAPTER 6**MISCELLANEOUS****19. Refusal of admission**

An authorised official may refuse to admit into a parking ground a vehicle which is by reason of its length, width or height likely to cause damage to persons or property or to cause an

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obstruction or undue inconvenience or which in terms of section 6 or 16 may not be parked in a parking ground.

20. Forging or defacing tickets

No person may with intent to defraud the Council, forge, imitate, deface, mutilate, alter or make any mark upon any ticket issued in terms of these by-laws.

21. Medical practitioners exempt

A medical practitioner is exempt from paying the prescribed fees, while the vehicle used by that practitioner is parked in a parking area to enable him or her to perform professional duties at any place other than a consulting room or similar place, subject to a form or token issued by the South African Medical Council for that purpose being displayed on the windscreen of the vehicle concerned in such manner that it is readily legible from outside the vehicle.

22. Parking directives

(1) No driver or person in charge of a vehicle shall park such vehicle or cause it to be parked—

- (a) in a demarcated parking bay across any painted line marking the confines of the parking bay or in such a position that the said vehicle is not entirely within the area demarcated;
- (b) in a demarcated parking bay which is already occupied or partly occupied by another vehicle;
- (c) in an area demarcated for commercial loading purposes, unless it is lawful to do so for the purpose of commercial loading.

(2) The person or driver in charge of a vehicle shall park such vehicle in a demarcated parking bay—

- (a) if the demarcated parking place is parallel to the curb or sidewalk of the public road, in such a way that it shall be headed in the general direction of the movement of traffic on the side of the road on which the vehicle is parked and so that the left hand wheels of the vehicle are substantially parallel to and within four hundred and fifty millimeters of the left hand curb: Provided that where in a one-way street such demarcated parking place is in existence on the right hand side of the road the same shall apply to the right hand wheels and the right hand curb respectively; and
- (b) if the demarcated parking place is at an angle to the curb or sidewalk of a public road, in such a manner that it is headed substantially in the general direction of the movement of traffic on the side of the road on which such vehicle is parked.

(3) Where by reason of the length of any vehicle, such vehicle cannot be parked wholly within a demarcated parking place, it shall be lawful to park such vehicle by encroaching upon a demarcated parking place adjoining the first mentioned parking place, if such be the case, and any person so parking shall be liable for payment of parking fees in respect of both the said places.

23. Offences and penalties

Any person who—

- (a) contravenes or fails to comply with any provision of these by-laws;
- (b) fails to comply with any notice issued in terms of these by-laws; or
- (c) fails to comply with any lawful instruction given in terms of these By-laws; or
- (d) who obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these by-laws, is guilty of an offence and liable on conviction to a fine to a fine not exceeding R1,000.00 (One Thousand Rand) or to imprisonment for a period not exceeding three months.

GREATER KOKSTAD MUNICIPALITY
PARKING BY-LAW**24. Monthly tickets**

(1) Notwithstanding anything to the contrary contained in these By-laws, the Council may in respect of any parking area controlled by the issue of tickets, issue at a prescribed fee a ticket that entitles the holder to park a vehicle in that area for one calendar month or any lesser period specified therein, at the times specified in the ticket, if a parking bay is available.

(2) The Council may issue to any of its employees a ticket which entitles the holder, when using a vehicle regarding the business of the Council, to park it in a parking area specified in the ticket, if a parking bay is available in the parking area.

(3) A ticket issued in terms of subsection (1) or (2), may not be transferred to any other person or be used in respect of any vehicle other than the vehicle specified in the ticket, without the prior written permission of the Council.

(4) A ticket issued in terms of subsection (1) or (2), must be affixed by the holder of the ticket to the vehicle in respect of which it is issued in such manner and place that the written or printed text of the ticket is readily legible from the outside of the vehicle.

25. Closure of parking areas

Notwithstanding anything to the contrary contained in these by-laws, the Council may at any time close any parking area or portion thereof temporarily or permanently and must indicate the fact and the period of such closure by a road traffic sign displayed at the entrance to the parking area closed or at the portion closed, as the case may be.

26. Parking according to instruction

No person may in any parking area park a vehicle otherwise than in compliance with an instruction or direction, if any, given by an authorised official or introduce or remove a vehicle otherwise than through an entrance thereto or exit therefrom demarcated for that purpose.

27. Prohibitions relating to parking meters

No person may—

- (a) insert or attempt to insert into a parking meter a coin or object except:
 - (i) a coin of South African currency of a denomination as prescribed; or
 - (ii) an object which is prescribed as another method of payment as contemplated in section 8(1);
- (b) insert or attempt to insert into a parking meter any false or counterfeit coin or prescribed object or any foreign object;
- (c) tamper with, damage, deface or obscure a parking meter;
- (d) in any way whatsoever cause or attempt to cause a parking meter to record the passage of time otherwise than by the insertion of a coin or other prescribed object;
- (e) jerk, knock, shake or interfere with a parking meter which is not working properly or at all in order to make it do so or for any other purpose; or
- (f) obscure a parking meter or any part thereof or remove or attempt to remove it from the post or other fixture to which it is attached.

28. Prohibitions relating to pay and display machines

No person may—

- (a) insert or attempt to insert into a pay and display machine, a coin or other prescribed object which is false or counterfeit or any object other than a coin of South African currency or other prescribed object;
- (b) jerk, knock, shake or in any way interfere with, or damage or deface a pay and display machine; or
- (c) remove or attempt to remove a pay and display machine or any part thereof from its mounting.

GREATER KOKSTAD MUNICIPALITY
PARKING BY-LAW

CHAPTER 7

GENERAL PROVISIONS

29. Regulations

The municipality may make regulations not inconsistent with this by-law, prescribing -

- (a) any matter that may or must be prescribed in terms of this by-law; and
- (b) any matter that may facilitate the application of this by-law.

30. Repeal of by-laws

Any by-laws relating to Parking adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

31. Short title and commencement

This by-law is called the Parking By-Law, 2008, and takes effect on a date determined by the municipality by proclamation in the Provincial Gazette.

No. 31**19 September 2008**GREATER KOKSTAD MUNICIPALITY
POUNDS BY-LAW**POUNDS BY- LAW**

Be it enacted by the Council of the Greater Kokstad Municipality, in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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GREATER KOKSTAD MUNICIPALITY
POUNDS BY-LAW**1. Definitions**

In these bylaws, unless inconsistent with the context –

"animal" means any equine or bovine animal or any donkey, sheep, goat, pig or domesticated ostrich, or any hybrid of such animals, or any poultry;

"Council" means the council of the Greater Kokstad Municipality;

"impounded animal" means any animal received into a pound as contemplated in section 5;

"owner" in relation to any animal includes the agent of the owner or any other person having lawful custody of the animal;

"owner" in relation to any land includes the registered owner, the lessee and any lawful occupier of such land;

"pound" means any premises on which a pound has been established by or on behalf of the Council for the impounding of animals under these bylaws; and

"pound manager" means the person appointed from time to time by the Council to manage a pound established by the Council and any other person appointed by such person to act in his or her stead during his absence from the pound.

"public place" any place to which the public has access including, without limiting the generality of the foregoing, any square, park, recreation ground, sports ground, open space, beach, shopping centre on municipal land, unused/vacant municipal land or cemetery; and

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

2. Establishment of pound

(1) The Council may establish a pound at any convenient place within its area of jurisdiction and, whenever the Council deems it necessary, may disestablish such pound.

(2) The Council shall give notice of the establishment of a pound, or the disestablishment thereof, by publishing a notice in at least two newspapers circulating in the area of jurisdiction of the Council.

GREATER KOKSTAD MUNICIPALITY
POUNDS BY-LAW**3. Detention and removal of animals**

(1) Any animal –

- (a) found trespassing on land; or
- (b) straying or wandering unattended in a public road or other public place,

may be detained and removed to a pound by the owner of such land, an official of the Council, a member of the South African Police Services or the pound manager.

(2) Any person who has detained an animal for the purpose of impounding shall -

- (a) remove such animals to a pound within 24 hours after seizure; and
- (b) ensure that proper care is taken of the seized animal until the animal is received at the pound.

4. Receipt of animals

(1) Any person removing an animal to a pound shall provide the pound manager with-

- (a) his or her name and permanent residential address;
- (b) the time and place of detention of the animal; and
- (c) the capacity in which he or she detained the animal.

(2) The pound manager shall, upon receipt of a detained animal -

- (a) record the particulars furnished in terms of section 4(1) and enter the same in a book maintained for the purpose;
- (b) furnish the person delivering the animal with a receipt reflecting --
 - (i) his or her name;
 - (ii) a description of the animal; and
 - (iii) the date and time of receipt of the animal at the pound; and
- (c) keep a copy of each receipt issued in terms of section 4(2)(b).

(3) No person shall release or attempt to release, otherwise than in accordance with these bylaws, any animal which has been received at a pound.

(3) The pound manager shall comply with any requirements imposed by the Animal Identification Act, 2002, and the Stock Theft Act, 1957, and any regulations made thereunder.

GREATER KOKSTAD MUNICIPALITY
POUNDS BY-LAW

5. Care of animals

- (1) The pound manager shall take proper care of any animal impounded in terms of these bylaws.
- (2) The pound manager shall not use or cause or permit to be used any animal impounded in terms of these bylaws.
- (3) In the event of the injury or death of any impounded animal, the pound manager shall record the cause of such injury or death and shall retain any veterinary certificate issued.
- (4) The pound manager shall keep records of any expense incurred in respect of an impounded animal including, but not limited to, the feeding and veterinary care of the animal.

6. Release of animals

The pound manager shall release an impounded animal to any person who has –

- (1) satisfied the pound manager that he or she is the owner of the impounded animal;
- (2) paid the conveyance and pound fees prescribed by resolution of the council of the Council from time to time; and
- (3) paid any veterinary or other expenses incurred in the impounding of the animal.

7. Disposal of animals

- (1) The pound manager may sell by public auction and for cash any impounded animal which has not been claimed within 30 days of being impounded, and in respect of which –
 - (a) the Council has taken all reasonable steps to locate and notify the owner;
 - (b) the owner has not been located or, despite having been given 10 days' notice, has failed to remove the impounded animal; and
 - (c) 10 days' prior notice of the proposed sale has been given in terms of section 7(2).
- (2) The sale of an impounded animal shall be advertised by placing a notice on a public notice board at a place designated by the Council for that purpose –
 - (a) describing the animal, its sex, its approximate age and any particular brands or marks; and
 - (b) stating that the animal will be sold by public auction if not claimed within 10 days.

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POUNDS BY-LAW

(3) The proceeds of any sale shall be applied in defraying the fees and expenses referred to in section 6 and the balance, if any, shall be forfeited to the Council if not claimed within three months by a person who establishes to the satisfaction of the pound manager that he or she is the owner of the impounded animal.

(4) If the pound manager is for any reason unable to sell any impounded animal or if, in the opinion of the pound manager the animal is so dangerous, vicious, diseased or severely ill or in such a physical condition that it ought to be destroyed, the pound manager may cause the animal to be destroyed subject to any applicable law relating to the protection of animals or otherwise dispose of the animal in a manner approved by the Council.

(5) Any shortfall between the proceeds of sale, if any, and the fees and expenses referred to in section 6, or the costs of destruction as contemplated in section 7(4), may be claimed by the Council from the owner.

8. Indemnity

The Council, the pound manager and any officer, employee, agent or councillor of the Council shall not be liable for the death of or injury to any animal arising as a result of its detention, impounding or release, or arising during its impoundment.

9. Offences and penalties

Any person who contravenes or fails to comply with any provision of these by-laws shall be guilty of an offence and liable for a fine not exceeding R2 000 or imprisonment for a period not exceeding two months or for both such fine and imprisonment.

10. Regulations

The municipality may make regulations not inconsistent with this by-law, prescribing -

- (a) any matter that may or must be prescribed in terms of this by-law; and
- (b) any matter that may facilitate the application of this by-law.

11. Repeal of by-laws

Any by-laws relating to Pounds adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

12. Short title and commencement

This by-law is called the Pounds By-Law, 2008, and takes effect on a date determined by the municipality by proclamation in the Provincial Gazette.

No. 32**19 September 2008**GREATER KOKSTAD MUNICIPALITY
PROPERTY ENCROACHMENT BY-LAW**PROPERTY ENCROACHMENT BY - LAW**

Be it enacted by the Council of the Greater Kokstad Municipality, and approval of the Member of the Executive Council responsible for local government in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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1. Definitions
2. Council permission required
3. Rules for the construction of encroachments
4. Columns
5. Balconies and bay windows
6. Plinths, pilasters, corbels and cornices
7. Verandas around corners
8. Pavement openings
9. Encroachment erected in front of building
10. Maintenance, removal and tenancy of projections
11. Encroachments
12. Offences and penalties
13. Repeal of existing By-laws
14. Regulations
15. Short title and commencement

CHAPTER 1 DEFINITIONS

1. Definitions

In these By-laws, any word or expression that has been defined in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) has that meaning and, unless the context otherwise indicates –

"Council" means the Council of the Greater Kokstad Municipality;

"council property" means any property, including but not limited to public roads –

- (a) which is owned by the Council;
- (b) over which the Council has control over; or
- (c) in respect of which a servitude or other property right has been registered in favour of the Council;

"encroachment" means any physical object which intrudes on Council property;

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

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

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

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

2. Council permission required

(1) No person may, without prior written permission, make or construct any encroachment into, over or under any Council property.

(2) The Council may -

- (a) refuse the permission required in terms of subsection (1); or
- (b) grant such permission either unconditionally or upon the conditions and subject to the payment of the prescribed fee annually or the performance of the works or services determined by the Council in each case.

(3) The prescribed fees mentioned in subsection (2) are payable in advance at the beginning of each year which is calculated from date of approval or the period determined by the Council, and the owner is liable for the payment of prescribed fees in terms of these by-laws for each encroachment.

(4) The owner of any existing encroachment must within three months after the date of commencement of these by-laws make application to the Council on the prescribed form for permission for the existence of the encroachment in terms of these by-laws.

3. Rules for the construction of encroachments

(1) The design, arrangement and construction of verandas, balconies, bay windows and other encroachments over Council property, as well as the paving, kerb and gutter thereof, must be to the satisfaction of and to the levels approved by the Council.

(2) If corrugated iron is used for covering a veranda, its exposed surfaces must be painted.

(3) A veranda over a public road must correspond in line, height and detail with existing adjoining verandas.

4. Columns

(1) The Council may determine areas within the municipal boundary where no person is permitted to place veranda columns over any public road or pavement.

(2) No person may place any veranda column -

- (a) over any pavement where such pavement is less than 2,6 m wide;
- (b) more than 3 m from the building line measured to the outside of the column or at less than 3 m centre to centre;
- (c) over any pavement at the corner of a public road that is beyond the alignment of the building lines; and

- (d) at a distance lesser than 600 mm back from the front edge of any kerb.
- (3) No person may place a twin or double veranda column over any public road or pavement.
- (4) Where verandas are supported on columns-
- (a) the columns may not have square arras;
 - (b) no base may project more than 50 mm beyond the bottom diameter of the column; and
 - (c) the maximum horizontal axial dimensions of such base may not exceed 350 mm.
- (5) Where the form of a column is classic in character, the shaft must have suitable entasis and cap and base in due proportions.
- (6) Columns, including cap and base, may not be less than 3 m or more than 3,6 m in height and not more than 4,5 m including plinth.
- (7) The minimum height from the footway or sidewalk to the underside of each cantilever or fascia girder is 3 m.
- (8) A coping, blocking course or balustrade, if any, may not extend less than 750 mm nor more than 1,05 m above the floor of a balcony.
- (9) Nothing in these by-laws prohibits –
- (a) the erection and use of a party column common to two adjoining verandas if the column stands partly on the extended boundary lines of two properties or adjoins the same; or
 - (b) in the case of adjoining verandas, the placement of any column upon a plinth if this is necessary for alignment and all the other provisions of these by-laws are observed.

5. Balconies and bay windows

- (1) Balconies, bay windows or other similar encroachments may not –
- (a) overhang a public road if they are at a height of less than 3 m above the pavement;
 - (b) encroach more than 1,35 m over any public road; or

(c) encroach more than 900 mm over any public road.

(2) The aggregate horizontal length of bay windows at any level over a public road may not exceed one-third of the length of the building frontage to that road.

(3) Any balcony superimposed upon any veranda must be set back at least 1,2 m from the line of such veranda.

(4) No part of any balcony that is attached to any veranda, may be carried up to a height greater than two storeys above the pavement level except that, where the top portion of the balcony is roofed with a concrete flat roof forming a floor, a balustrade not exceeding 1 m in height is allowed above the level of the floor.

(5) Any dividing wall across a balcony over a public road may not exceed 1 m in height or 225 mm in thickness.

(6) A balcony over any public road may not be the sole means of access to any room or apartment.

(7) No person may place or permit or cause to be placed any article upon any balcony over a public road, except ornamental plants, tables, chairs, canvas blinds and awnings not used for signs or advertisements.

(8) Where any floor of a building is used solely for the parking of a motor vehicle, bay windows at the level of the floor may not project over any public road for more than 1,35 m for the full length of the building frontage to that road.

6. Plinths, pilasters, corbels and cornices

(1) No plinths, pilasters or other encroachments beyond building lines carried up from ground level are permitted to encroach on a public road.

(2) Any pilaster, cornice, corbel or similar architectural feature that is at least 3 m above the ground may not exceed the following level of encroachment over a public road:

(a) a pilaster: 450 mm the total aggregate frontage length of the pilaster may not exceed one-fifth of the building frontage and bay windows in the same storey must be included in the calculation of the maximum aggregate length for bay windows;

(b) a fire-resisting ornamental hood or pediment over a door: 600 mm and in any part not less than 2,75 m in height above the footway or pavement;

(c) a cornice: 1,05 m where not exceeding 10,5 m above the footway or pavement and one-tenth of the height from the footway or pavement if exceeding 10,5 m with a maximum of 1,8 m.

7. Verandas around corners

Where verandas are built around corners of public roads they must be properly splayed or rounded to follow the curves of the kerb.

8. Pavement openings

(1) No pavement opening may –

(a) be the sole means of access to any vault or cellar; and

(b) extend more than 1,2 m beyond the building line.

(2) Where flaps are permitted in pavement openings each flap may not exceed 0,75 square metres in area and must open upwards and while open, must be provided with stout iron guard rails and stanchions.

(3) Flap openings may be opened and used only for the purpose of lowering and raising goods and must be kept closed except when lowering and raising operations are in progress.

(4) The front wall or wall parallel to the kerb in every opening must be built with a suitable batter to the satisfaction of the Council.

(5) No pavement opening may be covered with metal bar gratings or with metal plates or with wood.

9. Encroachment erected in front of building

Where any encroachment has been erected or constructed in front of any building, the owner must at his, her or its own expense –

(1) pave the whole of the footway or pavement under the encroachment or in front of the building in which the pavement opening is fixed; and

(2) lay the road kerbing and guttering and paving in front of the building for the full width of the footway or pavement.

10. Maintenance, removal and tenancy of projections

(1) The owner of any encroachment must maintain the encroachment in good order and repair.

(2) Pavement openings, pavement lights, walls thereof and basement walls must be made and kept water-tight by the owner.

(3) The owner of any encroachment on, under or over any public road or pavement, or sign or other fixture on or over any public road, is regarded a tenant in respect of the encroachment, sign or fixture and, if called upon by the Council to remove any or all of them and restore the public road or pavement to its former conditions, and must do so within a reasonable time.

11. Encroachments

(1)(a) Any person other than the owner wishing to erect or construct an encroachment or any other fixture on, under or over any public road, or any immovable property owned by or vested in the Council, must apply to the Building Control Officer on a form provided by the Council for that purpose.

(b) Where in the opinion of the Building Control Officer drawings are required for the conclusion of an encroachment agreement, the prescribed charge in addition to any other prescribed charge is payable to the Council.

(2) The owner of the building in connection with which any encroachment or fixture exists, or is proposed –

(a) must defray any cost incurred in connection with wires or property of the Council;

(b) must allow the Council to erect on, or attach to the encroachment or fixture or anything required in connection with electrical or other activities.

12. Offences and penalties

A person who contravenes any of these by-laws is guilty of an offence and be liable on conviction to a fine not exceeding R5000.00 or to imprisonment not exceeding 6 months or to both that fine and that imprisonment.

13. Regulations

The municipality may make regulations not inconsistent with this by-law, prescribing -

- (a) any matter that may or must be prescribed in terms of this by-law; and
- (b) any matter that may facilitate the application of this by-law.

14. Repeal of by-laws

Any by-laws relating to Property encroachment adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

15. Short title and commencement

This by-law is called the Property Encroachment By-Law, 2008, and takes effect on a date determined by the municipality by proclamation in the Provincial Gazette.

BY LAW RELATED TO RATES

Be it enacted by the Council of the Greater Kokstad Municipality, in terms of section 156(2) of the Constitution, 1996, read with section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), and section 6 of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), as follows:

ARRANGEMENT OF SECTIONS*Section*

1. Definitions
2. Rates policy
3. Principles
4. Categories of property
5. Categories of owners of property
6. Properties used for multiple purposes
7. Differential rating
8. Exemptions
9. Rebates
10. Reductions
11. Property used for agricultural purposes
12. Process for granting exemptions, rebates and reductions
13. Rates increases
14. Short title
15. Commencement

Definitions

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

“agricultural purpose”, in relation to the use of a property, excludes the use of a property for the purpose of ecotourism or for the trading in or hunting of game;

“category” –

- a. in relation to property, means a category of property determined in terms of section 4 of these by-laws;
- b. in relation to owners of property, means a category of owners of property determined in terms of section 5 of these by-laws;

“exemption”, in relation to the payment of a rate, means an exemption granted in terms of section 8 of these by-laws;

“land tenure right” means an old order right or a new order right as defined in section 1 of the Communal Land Rights Act

“multiple purposes”, in relation to property, means the use of property for more than one purpose;

“municipal council” or **“council”** means the council of the municipality;

“municipality” means the Greater Kokstad Municipality

“owner” –

(a) in relation to property referred to in paragraph (a) of the definition of “property”, means a person in whose name ownership of the property is registered;

(b) in relation to a right referred to in paragraph (b) of the definition of “property”, means a person in whose name the right is registered;

(c) in relation to a land tenure right referred to in paragraph (c) of the definition of “property”, means a person in whose name the right is registered or to whom it was granted in terms of legislation, or

(d) in relation to public service infrastructure referred to in paragraph (d) of the definition of “property”, means the organ of state which owns or controls that public service infrastructure as envisaged in the definition of “publicly controlled”,

provided that a person mentioned below may for the purposes of these by-laws be regarded by the municipality as the owner of the property in the following cases –

- i. a trustee, in the case of a property in a trust excluding state trust land;
- ii. an executor or administrator, in the case of property in a deceased estate;
- iii. a trustee or liquidator, in the case of property in an insolvent estate or in liquidation;
- iv. a judicial manager, in the case of property in the estate of a person under judicial management;
- v. a curator, in the case of property in the estate of a person under curatorship;
- vi. a usufructuary or other person in whose name a usufruct or other personal servitude is registered, in the case of property that is subject to a usufruct or other personal servitude;
- vii. a lessee, in the case of a property that is registered in the name of the municipality and is leased by it; or
- viii. a buyer, in the case of a property that was sold by a municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer;

“permitted use”, in relation to property, means the limited purposes for which the property may be used in terms of –

(a) any restriction imposed by –

- i. a condition of title;
- ii. a provision of a town planning or land use scheme; or
- iii. any legislation applicable to any specific property or properties; or

(b) any alleviation of any such restrictions;

“property” means –

(a) immovable property registered in the name of a person, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person;

(b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;

(c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or

(d) public service infrastructure.

“**protected area**” means an area that is or has to be listed in the register referred to in section 10 of the National Environmental Protected Areas Act, 2003 (Act No. 57 of 2003);

“**publicly controlled**” means owned or otherwise under the control of an organ of state, including –

(a) a public entity listed in the Public Finance Management Act, 1999 (Act No. 1 of 1999);

(b) a municipality; or

(c) a municipal entity as defined in the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

“**public service infrastructure**” means publicly controlled infrastructure of the following kinds:

(a) national, provincial or other public roads on which goods, services or labour move across the municipal boundary;

(b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;

(c) power stations, power substations or power lines forming part of an electricity scheme serving the public;

(d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;

(e) railway lines forming part of a national railway system;

(f) communication towers, masts, exchanges or lines forming part of a communications system serving the public;

(g) runways or aprons at national or provincial airports;

(h) breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigation aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;

(i) any other publicly controlled infrastructure as may be prescribed; or

(j) rights of way, easements or servitudes in connection with infrastructure mention in paragraphs (a) to (i).

“**rate**” means a municipal rate on property envisaged in section 229(1)(a) of the Constitution, 1996;

“**rateable property**” means property on which a municipality may in terms of section 2 of the Act levy a rate, excluding property fully excluded from the levying of rate in terms of section 17 of the Act;

“**rebate**”, in relation to a rate payable on property, means a discount in the amount of the rate payable on the property granted in terms of section 9 of these by-laws;

“**reduction**”, in relation to a rate payable on property, means the lowering of the amount for which the property was valued and the rating of the property at that lower amount granted in terms of section 10 of these by-laws;

“**residential property**” means property included in a valuation roll in terms of section 48(2) of the Act as residential;

“**sectional title scheme**” means a scheme as defined in section 1 of the Sectional Titles Act;

“**sectional title unit**” means a unit as defined in section 1 of the Sectional Titles Act

“**the Communal Land Rights Act**” means the Communal Land Rights Act, 2004 (Act No. 11 of 2004);

“**the Communal Property Associations Act**” means the Communal Property Associations Act, 1996 (Act No. 28 of 1996);

“**the Provision of Land and Assistance Act**” means the Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993);

“**the Restitution of Land Rights Act**” means the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994);

“**the Sectional Titles Act**” means the Sectional Titles Act, 1986 (Act No. 95 of 1986);

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

“**vacant land**” means land on which no immovable improvements have been erected.

Rates Policy

2.(1) The municipal council must by resolution adopt a policy on the levying of rates on rateable property in the municipality.

(2) The rates policy adopted by the municipal council in terms of section 2(1) must comply with the provisions of the Act.

(3) The municipality must levy rates in accordance with the Act, these by-laws and the rates policy adopted by the municipal council in terms of section 2(1).

Principles

3. The rates policy adopted by the municipal council must comply with the following principles –

(a) All ratepayers within a specific category, as determined by the municipal council from time-to-time, must be treated equitably.

(b) A fair and transparent system of exemptions, rebates and reductions must be adopted and implemented by the municipality.

(c) Relief measures in respect of the payment of rates may not be granted on an individual basis, other than by way of exemption, rebate or reduction.

(d) Exemptions, rebates and reductions must be used to alleviate the rates burden on –

(i) the poor;

(ii) public benefit organizations; and

(iii) public service infrastructure.

(e) Provision must be made for the promotion of local, social and economic development.

Categories of Property

4.(1) For the purpose of levying different rates on different categories of property, the municipal council must –

(a) determine different categories of property; or

(b) provide criteria for determining different categories of property.

(2) The different categories of property determined by the municipal council in terms of section 4(1)(a), or the criteria for determining different categories of

property provided by the municipal council in terms of section 4(1)(b) must be specified in the rates policy adopted by the municipal council in terms of section 2(1).

(3) The different categories of property determined by the municipal council in terms of section 4(1)(a) may include, but are not limited, to those set out below -

- (a) residential properties;
- (b) industrial properties;
- (c) commercial properties;
- (d) farm properties used for agricultural purposes;
- (e) farm properties used for commercial purposes;
- (f) farm properties used for residential purposes;
- (g) farm properties used for any other purpose;
- (h) farm properties not used for any purpose;
- (i) state-owned properties:
 - (i) state properties that provide local services;
 - (ii) state properties that provide district services;
 - (iii) state properties that provide metropolitan services;
 - (iv) state properties that provide provincial services; or
 - (v) state properties that provide national services;
- (j) municipal properties;
- (k) public service infrastructure;
- (l) privately owned towns;
- (m) formal and informal settlements;
- (n) communal land as defined in the Communal Land Rights Act;
- (o) state trust land;
- (p) property acquired in terms of the Provision of Land and Assistance Act;

- (q) property acquired in terms of the Restitution of Land Rights Act;
- (r) property subject to the Communal Property Associations Act;
- (s) protected areas;
- (t) national monuments;
- (u) property used for a specified public benefit activities
- (v) multiple-use properties; or
- (w) vacant land

(4) The criteria for determining different categories of property provided by the municipal council in terms of section 4(1)(b) may include, but are not limited, to those set out below –

- (a) the actual use of the property;
- (b) the permitted use of the property;
- (c) the size of the property;
- (d) the geographical area in which the property is located; or
- (e) the designation of the property in the valuation roll.

Categories of Owner

5.(1) For the purpose of levying rates on different categories of property or for the purpose of granting exemptions, rebates or reductions, the municipal council must –

- (a) determine different categories of owners of property; or
- (b) provide criteria for determining different categories of owners of property.

(2) The different categories of owners of property determined by the municipal council or the criteria for determining different categories of owners of property provided by the municipal council must be specified in the rates policy adopted by the municipal council in terms of section 2(1).

(3) The different categories of owners of property determined by the municipal council in terms of section 5(1)(a) may include, but are not limited, to the following categories –

- (a) indigent owners;
- (b) owners dependent on pensions or social grants for their livelihood;
- (c) owners temporarily without an income;
- (d) owners of property situated within an area affected by a disaster or any other serious adverse social or economic condition;
- (e) owners of residential property whose market value is below the amount indicated in the municipality's rates policy before the first R15 000 mandatory exclusion; or
- (f) owners of agricultural property who are *bona fide* farmers.

(4) The criteria for determining different categories of owners of property provided by the municipal council in terms of section 5(1)(b) may include, but are not limited, to the following criteria –

- (a) income of the owner of the property;
- (b) source of income of the owner of the property;
- (c) occupation of the owner of the property;
- (d) market value of the property;
- (e) use of the property; or
- (f) disasters or any other serious adverse social or economic condition.

Multiple-use Properties

6.(1) The municipal council must determine the criteria in terms of which multiple-use properties must be rated.

(2) The criteria determined by the municipal council in terms of section 6(1) must be specified in the rates policy adopted by the municipal council in terms of section 2(1).

(3) The criteria determined by the municipal council in terms of section 6(1) must be either –

- (a) the permitted use of the property;
- (b) the dominant use of the property; or
- (c) the multiple-uses of the property

(4) If the criterion set out in subsection 3(c) is adopted by the municipal council, the rates levied on multiple-use properties must be determined –

(a) by apportioning the market value of such a property to the different purposes for which the property is used; and

(b) by applying the relevant cent amount in the rand to the corresponding apportioned market value.

Differential Rating

7.(1) Subject to and in conformity with the Act, the municipality may levy different rates on different categories of property.

(2) If the municipality chooses to levy different rates on different categories of property, it must exercise this power in accordance with the criteria determined by the municipal council in terms of section 3(3)(b)(i) of the Act.

(3) The criteria determined by the municipal council in terms of section 3(3)(b)(i) of the Act must be specified in the rates policy adopted by the municipal council in terms of section 2(1).

(4) The criteria which must be determined by the municipal council in terms of section 3(3)(b)(i) of the Act may include, but are not limited, to those set out below –

(a) the nature of the property;

(b) the sensitivity of the property to rating;

(c) the extent to which the property has been developed; or

(d) the promotion of social and economic development.

(5) If the municipal council chooses to levy different rates on different categories of property, it must determine the method in terms of which different rates will be levied against different categories of property.

(6) The method determined by the municipal council in terms of section 7(5) must be based on one of the methods set out below –

(a) setting a different cent amount in the Rand for each category of property;

(b) granting rebates for different categories of property; or

(c) granting reductions for different categories of property.

(7) The method determined by the municipal council in terms of section 7(5) and (6) must be specified in the rates policy adopted by the municipal council

in terms of section 2(1).

Exemptions

8.(1) Subject to and in conformity with the Act, the municipality may exempt –

- (a) the owners of any specific category of property; and/or
- (b) any specific category of owners of property,

from the payment of rates.

(2) If the municipality chooses to exempt the owners of any specific category of property or any specific category of owners of property from the payment of rates, it must exercise this power in accordance with the criteria determined by the municipal council in terms of section 3(3)(b)(ii) of the Act.

(3) The criteria determined by the municipal council in terms of section 3(3)(b)(ii) of the Act must be specified in the rates policy adopted by the municipal council in terms of section 2(1).

(4) The criteria which must be determined by the municipal council in terms of section 3(3)(b)(ii) of the Act may include, but are not limited, to those set out below –

- (a) age of the owner of the property;
- (b) income of the owner of the property;
- (c) source of the income of the owner of the property;
- (d) economic, physical and social condition of the property;
- (e) public service infrastructure;
- (f) property used for specified public benefit activities; or
- (g) market value of the property.

Rebates

9.(1) Subject to and in conformity with the Act, the municipality may grant a rebate –

- (a) to the owners of any specific category of property; and/or
- (b) to any specific category of owners of property,

on the rate payable in respect of their properties.

(2) If the municipality chooses to grant a rebate to a specific category of property or to a specific category of owners of property from the payment of rates, it must exercise this power in accordance with the criteria determined by the municipal council in terms of section 3(3)(b)(iii) of the Act.

(3) The criteria determined by the municipal council in terms of section 3(3)(b)(iii) of the Act must be specified in the rates policy adopted by the municipal council in terms of section 2(1).

(4) The criteria which must be determined by the municipal council in terms of section 3(3)(b)(iii) of the Act may include, but are not limited, to those set out below –

- (a) age of the owner of the property;
- (b) physical health of the owner of the property;
- (c) nature of the property;
- (d) ownership of the property;
- (e) market value of the property;
- (f) property used for the following specified public benefit activities:
 - (i) welfare,
 - (ii) health care, or
 - (iii) education;
- (g) extent to which municipal services are provided to the property; or
- (h) extent to which the property contributes to local, social and economic development.

Reductions

10.(1) Subject to and in conformity with the Act, the municipality may grant a reduction:

- (a) to the owners of any specific category of property; and/or
 - (b) to any specific category of owners of property,
- in the rate payable in respect of their properties.

(2) If the municipality chooses to grant a reduction to a specific category of property or to a specific category of owners of property from the payment of rates, it must exercise this power in accordance with the criteria determined by the municipal council in terms of section 3(3)(b)(iii) of the Act.

(3) The criteria determined by the municipal council in terms of section 3(3)(b)(iii) of the Act must be specified in the rates policy adopted by the municipal council in terms of section 2(1).

(4) The criteria which must be determined by the municipal council in terms of section 3(3)(b)(iii) of the Act may include, but are not limited, to those set out below –

- (a) fire;
- (b) floods;
- (c) lightning;
- (d) storms;
- (e) other artificial or natural disasters; or
- (f) any other serious adverse or economic conditions.

Property used for agricultural purposes

11. When considering the criteria to be applied in respect of any exemptions, rebates or reductions on properties used for agricultural purposes, the criteria listed below must be taken into account –

- (a) the extent of services provided by the municipality in respect of such properties;
- (b) the contribution of agriculture to the local economy;
- (c) the extent to which agriculture assists in meeting the service delivery and development obligations of the municipality; and
- (d) the contribution of agriculture to the social and economic welfare of farm workers.

Process for granting exemptions, rebates and reductions

12.(1) Applications for exemptions, rebates and reductions must be made in accordance with the procedures determined by the municipal council.

(2) The procedures determined by the municipal council in terms of section 12(1) must be specified in the rates policy adopted by the municipal council in terms of section 2(1).

(3) The municipality retains the right to refuse an application for an exemption, rebate or reduction if the details supplied in support of such an application are incomplete, incorrect or false.

Rates increases

13.(1) Subject to and in conformity with the Act, the municipality may increase the rates it levies on property in the municipality.

(2) If the municipality chooses to increase the rates it levies on properties in the municipality, it must exercise this power in accordance with the criteria determined by the municipal council in terms of section 3(3)(b)(iv) of the Act.

(3) The criteria determined by the municipal council in terms of section 3(3)(b)(iv) of the Act must be specified in the rates policy adopted by the municipal council in terms of section 2(1).

(4) The criteria which must be determined by the municipal council in terms of section 3(3)(b)(iv) of the Act may include, but are not limited, to those set out below –

- (a) priorities of the municipality reflected in its Integrated Development Plan;
- (b) the revenue needs of the municipality;
- (c) the need for the management of rates shocks; or
- (d) affordability of rates to ratepayers.

Short title and Commencement

14. These by-laws will be called the Greater Kokstad Municipality By-Laws, 2008 and shall come into force and effect on publication in the Provincial Gazette

GREATER KOKSTAD MUNICIPALITY
REFUSE REMOVAL AND DISPOSAL BY-LAW

REFUSE REMOVAL AND DISPOSAL BY-LAWS

Be it enacted by the Council of the Greater Kokstad Municipality in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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- Section 1: Definitions
- Section 2 : Collection and Removal of Refuse
- Section 3 : Refuse Receptacles
- Section 4 : Duties of Owner or Occupier
- Section 5 : Collection and Removal of Refuse
- Section 6 : Access to Premises
- Section 7 : Accumulation of Refuse
- Section 8 : Removal and Disposal of Garden, Special Domestic and Bulky Refuse
- Section 9 : Responsibility of Builder's Refuse
- Section 10 : Disposal of Builder's Refuse
- Section 11 : Special Measures for Collection, Storage and Disposal
- Section 12 : Removal of Refuse or Offensive Matter along the street
- Section 13 : Notification of Generation of Special Industrial Refuse
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- Section 18 : Ownership of Refuse
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- Section 20 : Repeal of By-Laws
- Section 21 : Short Title and Commencement

GREATER KOKSTAD MUNICIPALITY
REFUSE REMOVAL AND DISPOSAL BY-LAW

Section 1 : Definitions

1. For the purposes of these by-laws, unless the context indicates otherwise:

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

"builder's refuse" means refuse generated by demolition, excavation or building activities on premises;

"Council" means the council of the Greater Kokstad Municipality;

"disposal facility" means a site for the disposal of refuse which is owned by the Council or has been approved for that purpose by the Council;

"domestic refuse" means refuse of a kind normally produced or generated on residential premises, but shall not include sand, earth, liquid matter, garden refuse or the carcass of any animal or special domestic refuse;

"garden refuse" means light refuse which is generated as a result of normal gardening activities on any premises, including without limiting the generality of the foregoing grass cuttings, leaves, plants, flowers, weeds, hedge clippings or the branches of trees;

"industrial refuse" means refuse in solid form which is generated as a result of industrial manufacturing activities but shall not include builder's refuse, special industrial refuse or commercial refuse;

"occupier" includes any person in actual occupation of premises without regard to the title under which he or she occupies, if any;

"owner" means -

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

(c) in any case where the Council is unable to determine the identity of such

GREATER KOKSTAD MUNICIPALITY
REFUSE REMOVAL AND DISPOSAL BY-LAW

person, a person who is entitled to the benefit of the use of the premises or a building or buildings thereon;

(d) in a case where such premises have been leased for a period of 30 years or longer, the lessee thereof;

(e) in relation to -

(i) a piece of land delineated on a sectional plan registered terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property; or

(ii) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person;

"refuse container" means a container other than a refuse receptacle and whether wheeled or otherwise, designed for the temporary storage and removal of refuse which is supplied by the Council in terms of section 3(4) or by a contractor approved in terms of section 2(3);

"refuse receptacle" means a receptacle which complies with either South African Bureau of Standards specification 493-1973: Steel Refuse Bins or 1310-1980: Refuse Bins of Polymeric Materials, both as published by General Notice No. 463 of 9 July 1982;

"residential premises" means premises occupied for the purposes of human habitation, but excludes an accommodation establishment as defined in section 1 of the Hotels Act, 1965 (Act 70 of 1965);

"special domestic refuse" means refuse discarded from residential premises which cannot by virtue of its mass, shape, size or volume be conveniently stored in a refuse receptacle or container;

"special industrial refuse" means refuse, consisting of a liquid or sludge, resulting from industrial operations which may not be discarded into a sewer;

"tariff charge" means the appropriate charge as set out in the tariff of charges adopted by resolution of the Council from time to time; and

"commercial refuse" means refuse generated in the course of the conduct of a business but shall not include industrial refuse.

GREATER KOKSTAD MUNICIPALITY
REFUSE REMOVAL AND DISPOSAL BY-LAW

Section 2 : Collection and removal of refuse

2.(1) The occupier of every premises upon which refuse is generated or, in the case of premises which are occupied by more than one person, the owner of such premises, shall make provision for the temporary storage, collection and removal of such refuse either by the Council or by a refuse removal contractor.

(2) The Council shall at no charge collect and remove –

- (a) domestic refuse; and
- (b) commercial refuse.

(3) The Council may, in its discretion, and subject to the charge set out in its tariff of charges, collect and remove –

- (a) builders' refuse;
- (b) industrial refuse;
- (c) special industrial refuse; and
- (d) special domestic refuse.

(4) Where the Council declines to collect and remove any waste referred to in subsection (3), the owner or occupier shall make appropriate arrangements for the lawful collection, removal and disposal of such waste.

(5) The owner or occupier of premises may himself or herself remove or cause to be removed any refuse generated thereon to a disposal site, provided that such removal and disposal is conducted in a lawful manner.

(6) Every occupier of new premises or premises on which the generation of domestic or commercial refuse is about to be commenced, or in the case of premises being occupied by more than one person, the owner of such premises shall, prior to the commencement of the generation of such refuse, notify the Council in writing -

- (a) that the premises are being occupied; and
- (b) whether commercial refuse or domestic refuse or both is or are to be generated on the premises.

Section 3 : Refuse receptacles

1) Subject to the provisions of subsection (4), every occupier or owner referred to in section 2(1) shall provide on his or her premises such number of refuse receptacles as is adequate for the purpose of the temporary storage of all refuse, other than garden, special domestic and special industrial refuse, as may be generated on his or her

GREATER KOKSTAD MUNICIPALITY
REFUSE REMOVAL AND DISPOSAL BY-LAW

premises pending its removal in terms of these by-laws.

(2) The occupier or owner referred to in subsection (1) shall ensure that refuse receptacles provided by him or her in terms of that subsection are maintained in a sound and serviceable condition and that receptacles which are no longer capable of being so maintained are replaced by him or her.

(3) Whenever the Council is of the opinion that a person has not complied with the provisions of this section it may cause a written notice to be served on such person calling upon him or her to comply with such provisions within a period specified in the notice.

(4) The Council may at its sole discretion supply refuse containers to premises if Council considers such containers more appropriate for the storage and removal of refuse than refuse receptacles having regard to –

- (a) the quantity of refuse generated on the premises concerned;
- (b) the suitability of such refuse for storage in such containers; and
- (c) the accessibility of the refuse storage area to the Council's refuse collection vehicles.

(5) Refuse containers supplied by the Council in terms of sub-section (4) –

- (a) may not be used for any purpose other than the storage of commercial, domestic, industrial or garden refuse;
- (b) remain the property of the Council and may at any time either be replaced or removed by it; and
- (c) are the responsibility of the owner or occupier, as the case may be, who shall be liable to the Council for the loss thereof or any damage thereto, except such as has been caused by the Council's employees.

Section 4 : Duties of owner or occupier

Every occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises, shall ensure that-

- (a) all domestic and commercial refuse generated on the premises is placed and kept in refuse receptacles, refuse containers or disposable plastic refuse bags for removal;
- (b) builders' refuse, garden refuse, industrial refuse, special industrial refuse and special domestic refuse is appropriately stored and clearly indicated as such;
- (c) no hot ash, unwrapped glass fragments or other refuse which may cause

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- damage to refuse receptacles, refuse containers or disposable plastic refuse bags, or which may cause injury to the persons or vehicles employed in removing the refuse from the premises, is placed in refuse receptacles or refuse containers before such steps as may be necessary to avoid such damage or injury have been taken;
- (d) no material, including any liquid, which by reason of its mass or other characteristics is likely to render such refuse receptacles or disposal plastic refuse bags unreasonably difficult for the Council's employees to handle or carry, is placed therein;
 - (e) every refuse receptacle and refuse container on the premises is properly covered by means of a lid or other covering supplied therewith so as to prevent any nuisance or health hazard;
 - (f) every receptacle or container is kept in a clean and hygienic condition; and
 - (g) all which has toxic or other harmful properties is suitably treated to the satisfaction of the Council.

Section 5 : Collection and removal of refuse

(1) The Council shall from time to time determine the day or days upon which refuse which is to be removed by the Council in terms of these by-laws will be collected in the various areas under its jurisdiction.

(2) On the day or days which have been determined in terms of subsection (1) for a particular area every owner or occupier, as the case may be, of premises within that area shall place such refuse containers, refuse receptacles or disposable plastic refuse bags containing refuse immediately inside the boundary of the premises and adjacent either to the pedestrian or the vehicular access to the premises from a street.

(3) No owner or occupier, as the case may be, of any premises shall, unless authorised in writing by the Council, deposit or allow to be deposited any refuse other than domestic refuse or commercial refuse in any refuse receptacle or refuse container the contents of which are removable free of charge by the Council.

(4) The owner or occupier of any premises on which bulky refuse of any kind is produced, kept, or accumulated shall, when required thereto under notice in writing from the Council, tie up securely or cause to be tied up securely such refuse into bales or bundles of convenient size.

Section 6 : Access to premises

The occupier or owner of premises to which the council provides a refuse removal service, as the case may be, shall grant the council convenient access to the premises for the purpose of collecting and removing refuse and shall ensure that nothing

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obstructs, frustrates or hinders the Council and its employees in the carrying out of its service.

Section 7 : Accumulation of refuse

7. Where any refuse accumulates on premises so as to constitute a nuisance or so as to render it likely that a nuisance will be created thereby, the Council may make a special removal of such refuse and the owner or occupier shall be liable in respect of such special removal to pay the tariff charge therefor.

Section 8 : Removal and disposal of garden, special domestic and bulky refuse

(1) The occupier or, in the case of premises occupied by more than one person, the owner of premises on which garden, special domestic or bulky refuse is generated shall ensure that such refuse is disposed of in terms of this section within a reasonable time after the generation thereof; provided that garden refuse may be retained on the premises for the making of compost.

(2) Any person may remove and dispose of his own garden, special domestic and bulky refuse.

(3) Garden, special domestic and bulky refuse shall, once it has been removed from the premises on which it was generated, be deposited on a site designated by the Council as a disposal facility for such refuse against payment of the tariff charge.

(4) At the request of the owner or any occupier of premises the Council may at the tariff charge remove garden, special domestic and bulky refuse from premises.

Section 9 : Responsibility for builder's refuse

The owner of premises on which builder's refuse is generated shall ensure that such refuse is disposed of in terms of section 11 within a reasonable time after the generation thereof.

Section 10 : Disposal of builder's refuse

(1) Subject to the provisions of subsection (2) hereof all builder's refuse shall be deposited at the Council's disposal sites and the person depositing the refuse shall be liable to pay the tariff charge therefor.

(2) Builder's refuse may, with the prior written consent of the Council, be deposited at a place other than the Council's disposal sites for the purpose of reclamation of land.

(3) Any consent given in terms of subsection (2) shall be subject to such conditions as the Council may deem necessary having regard to -

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

Section 11 : Special measures for collection, storage and disposal

(1) If the Council is of the opinion that, in order to avoid any health hazard or nuisance arising, special measures for the collection, temporary storage or disposal of any refuse should be adopted or that such refuse should be specially treated to render the same inoffensive or non-injurious to health, the Council must serve written notice on the occupier of any premises or in the case of vacant land, the owner thereof, to carry out any of the aforesaid measures within a reasonable time.

(2) The owner or occupier of any premises shall, on being served with a notice in terms of subsection (1)-

- (a) either remove any refuse which is likely to be offensive or injurious to health from such premises and dispose thereof in such a manner as may be stipulated in such notice; or
- (b) when permitted by the terms of such notice, treat any refuse on such premises so as to render it innocuous and inoffensive and so as to prevent infestation thereof by flies, mosquitoes, rats and other vermin.

(3) Any owner or occupier who refuses to carry out the measures specified in a notice given under this section or who fails to comply therewith within the time specified in the notice shall be guilty of an offence and the Council may arrange for such measures to be carried out at the expense of the person on whom the notice was served.

Section 12 : Removal of refuse or offensive matter along the street

12. (1) Any person removing or conveying any refuse or other offensive matter or any builder's refuse shall remove the same by means of a properly constructed and enclosed vehicle and in such manner as will prevent any nuisance arising from such conveyance or the escape of the contents therefrom.

(2) The Council may serve a written notice upon any person restricting or stipulating the means to be adopted and specifying the times during which refuse may be conveyed

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through or along any street or public place if the Council is of the opinion that the conveyance of such refuse is likely to be objectionable or give rise to nuisance. Any person who fails to comply with the requirements of subsection (1) of this section or with any notice given under this subsection shall be guilty of an offence.

Section 13 : Notification of generation of special industrial refuse

(1) The occupier of premises on which special industrial refuse is generated shall inform the Council in writing of the composition thereof, the quantity generated, how it is stored, and how and when and by whom and to which place, it will be removed.

(2) If so required by the Council the notification referred to in subsection (1) shall be verified by an analysis certified by a duly qualified industrial chemist.

(3) Any officer or servant of the Council and any other person duly authorised by the Council may enter premises at any reasonable time to ascertain whether special industrial refuse is generated on such premises and may take samples and test any refuse found on the premises to ascertain its composition.

Section 14 : Storing of special industrial refuse

(1) The occupier of premises on which special industrial refuse is generated shall ensure that the special industrial refuse generated on the premises is kept and stored thereon in terms of subsection (2) until it is removed from the premises in terms of section 15.

(2) Special industrial refuse stored on premises shall be stored in such a manner that it cannot become a nuisance or pollute the environment.

(3) The Council may in writing order the person referred to in section 14(1) to remove special industrial refuse within a reasonable time and, if thereafter such refuse is not removed within such time, the Council may by itself or through a contractor remove it at the expense of such person or the owner, as the case may be.

Section 15 : Removal of special industrial refuse

15. No person shall remove special industrial refuse from the premises on which it was generated unless such refuse is lawfully and properly removed to a disposal site by a competent person with the necessary equipment to remove the special industrial refuse.

Section 16 : Liquid waste

(1) No person shall deliver to or discharge at a disposal site any liquid refuse or cause the same to be done, except with the prior written permission of the Council and in accordance with such conditions as may be imposed by it.

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(2) Any costs incurred by the Council in remedying damage or in abating any nuisance caused by the discharge of liquid refuse at a disposal site in contravention of the provision of these by-laws or of any condition imposed and the amount of any legal liability or costs incurred by the Council in respect of any claim arising from any such nuisance shall be borne by and be recoverable from the owner of such refuse.

Section 17 : Conduct at disposal site

(1) Every person who, for the purpose of disposing of refuse enters a disposal facility controlled by the Council, shall -

- (a) enter the disposal facility only at an authorised access point indicated as such;
- (b) present the refuse for weighing in the manner required by the Council's official having authority at such site;
- (c) give to such official all the particulars required in regard to the composition of the refuse;
- (d) follow all instructions given to him in regard to access to the actual disposal point, the place where and the manner in which the should be deposited; and
- (e) provide the said official with full information as to the person who is liable to pay the tariff charge for the refuse deposited to enable an account to be rendered to him, provided that the provisions of paragraphs (b), (c) and (e) above shall not apply to a person who, in terms of section 9(3). has entered a disposal site for the purpose of disposing of garden refuse.

(2) No person shall bring any intoxicating liquor onto a disposal site controlled by the Council.

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

Section 18: Ownership of refuse

All refuse removed by the Council and all refuse on disposal sites controlled by the Council shall be the property of the Council and no person who is not duly authorised by the Council to do so shall remove or interfere therewith.

Section 19: Offences and penalties

(1) Any person who -

- (a) contravenes or fails to comply with any provision of these by-laws; or
- (b) contravenes or fails to comply with any conditions imposed upon the

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granting of any application, consent, approval, concession, relaxation, permit or authority in terms of these by-laws; or

(c) fails to comply with the terms of any notice served upon or given to him in terms of these by-laws,

shall be guilty of an offence and liable for a fine not exceeding R30 000 or imprisonment for a period not exceeding two years or for both such fine and imprisonment.

21. Regulations

The municipality may make regulations not inconsistent with this by-law, prescribing -

- (a) any matter that may or must be prescribed in terms of this by-law; and
- (b) any matter that may facilitate the application of this by-law.

22. Repeal of by-laws

Any by-laws relating to Property encroachment adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

23. Short title and commencement

This by-law is called the Refuse Removal and Disposal By-law, 2008, and takes effect on a date determined by the municipality by proclamation in the Provincial Gazette.