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KWAZULU-NATAL PROVINSIE
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MUNICIPAL NOTICE

No. 13

30 March 2012

The Ulundi Municipality acting in terms of section 156 (2) of the Constitution of the Republic of South Africa Act 1996, (Act 108 of 1996) read with section 13 of the Local Government: Municipal Systems Act (Act No. 32 of 2000) hereby publishes the By-laws as set out hereunder.

LIBRARY BY-LAWS

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1. Definitions

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

"library material or item"	means any book, magazine, document, print, newspaper, map, sound film, framed art print, microfilm, microfiche or similar publications, video tape, compact discs or DVD's;
"municipality"	means Ulundi Municipality
"library"	means the public library maintained by the Municipality or any branch library which the Municipality may establish;
"group activities room"	means any group activities room in the library building which is open to the public;
"Municipal Manager"	means the person appointed in terms of section 54A of the Local Government: Municipal Systems Act 2000, (Act No. 32 of 2000) and includes any person – (a) acting in such position and (b) to whom the municipal manager has delegated a power, function or duty in respect of these by-laws.
"provincial library"	means the KwaZulu-Natal Provincial Library Service of which the library is a member;
"librarian"	means the person from time to time appointed by the Municipality to exercise control of and manage the library, and shall include any of his/her subordinates acting in terms of his/her directions;
"borrower"	means a person to whom a borrower's ticket has been issued in accordance with these By-laws;
"adult"	means any person over the age of 21 years and shall include any person who has already left school and who earns a living independently from his/her parents or guardians;
"minor"	means any person under the age of 21 years and who is dependent upon his/her parents or guardian.

2. Admission to Library Buildings

- 1) The library may be used by any member of the public free of charge subject to the provisions of (2) and (4) below.
- 2) The librarian may refuse library material or admission to any person whenever he/she is of the opinion that the issue of items to or admission of such person would not be in the public interest and in so deciding, the librarian may have regard to the comfort, health, convenience and feelings of other users of the library, the habits and mode of life of the person concerned, the locality to which he/she would in the ordinary course remove the items borrowed by him/her and questions of public health.
- 3) This By-law also applies to any person who neglects or refuses to comply with these By-laws. Any such person to whom library material or admission has been refused shall have the right of appeal to the Municipality.
- 4) Subject to the provisions of paragraphs (1) and (2) hereof and to the further provisions of these By-laws, admission to all public rooms shall be free of charge and any person may read or consult any library material during the hours of opening prescribed by the Municipality.

3. Lending Department

- 1) Any person may be enrolled as a library member and shall, subject to the terms of sub-section (2) hereof, be entitled to borrow library material from the lending department of the library.
- 2) Any person wishing to be enrolled as a borrower shall apply to the Librarian on a form provided for that purpose. Separate application forms shall be made available for adults and minors and applications by minors shall be countersigned by the parent or guardian responsible for them. In the application form there shall in each case be given an undertaking on the part of the applicant to pay for any library material lost or damaged while in his possession, in terms of and on the basis provided for in section 6.
- 3) Any duly enrolled borrower shall, at the discretion of the Librarian be entitled to take out one or more items at a time. A ticket must be produced and left at the library whenever an item is borrowed. No item will be issued unless the borrower's tickets are produced.
- 4) Any duly enrolled adult borrower is entitled to borrow one video for a period of 48 hours provided that only one video is permitted to be borrowed per family.

4. Borrower's Tickets

- 1) Every borrower shall be responsible for the ticket or tickets issued in his/her name and shall, until the cancellation thereof, be liable for any fine or claim for damage or loss arising from the unauthorised use thereof.
- 2) When a borrower's ticket is lost during the time of membership, the borrower shall forthwith give notice thereof to the Librarian who may issue a duplicate of such ticket at a cost as determined in the Tariff of Charges per ticket. The issue of duplicate borrower's ticket shall in no way relieve the holder of any liability incurred by him under sub-section (1) hereof.
- 3) Any enrolled borrower who for any reason ceases to be entitled to borrow library material from the lending department of the library or who wishes to cease borrowing library material from the said department shall forthwith return his borrowers' ticket or tickets to the librarian for cancellation. Failure to do so will in no way absolve him/her from any liability incurred by him in terms of sub-section (1) hereof.

5. Overdue Library Material

- 1) Every item borrowed shall be returned to the lending department of the library from which it was borrowed not later than fourteen (14) days from the date of issue; provided that—
 - a) the issue of an item not required by any person may be renewed for a further period of fourteen days upon a written or verbal request to the librarian;
 - b) no person shall retain any item issued to him/her after a written demand by the librarian for the return of such item has been delivered at the registered address of such person;
 - c) art reproductions may be borrowed for a period exceeding fourteen (14) days at the discretion of the librarian.
- 2) A borrower shall be liable to a fine as determined by the Municipality's tariffs of charges for each item retained beyond the authorised period and provided further that the librarian may remit any fine incurred, whenever, in his opinion, the delay in returning the items was due to circumstances beyond the control of the borrower.
- 3) In special cases, library material may, at the discretion of the librarian, be lent to members (such as *bona fide* students) for any period in excess of 14 days. The librarian may also, at his/her discretion, issue popular library materials for periods of less than 14 days.
- 4) The librarian is empowered to refuse to issue any item to a borrower who fails to pay fines incurred.
- 5) In the case where the librarian finds it necessary, after repeated written demands for the return of the library material by a borrower, to send a municipal messenger to the borrower's address in an endeavour to recover the library material and where the messenger does not succeed in recovering the items, no further items shall be issued and the librarian may cancel such membership. Should such items be returned, however, no further items shall be issued until all outstanding fines have been paid in full.
- 6) Habitual over-retention of library material may lead to the suspension or cancellation of the borrower's membership.

6. Lost and Damaged Library Material

- 1) Should any item be lost, the borrower, shall pay to the librarian, in addition to any fine or other charges which may be due in respect of such item, the value of the lost item in respect of provincial library stock or alternatively he/she shall pay in respect of the library stock the full value of such item or replace such item with a new copy of equal value.
- 2) Any item not returned to the librarian within a period of two months from the date of issue or, whenever a renewal is granted, within a period of two months from the date of renewal, shall be deemed to be lost.
- 3) The borrower shall be responsible for any damage caused to any item while in his/her possession and shall be required to pay the amount of such damage as assessed by the librarian, or alternatively, to replace such item with a new copy of equal value in respect of the Municipality's library stock. In respect of provincial library service, he/she will pay the value as assessed by library service as stated on the printed item-card of the damaged item. Items found to be damaged when presented for issue must be reported otherwise the borrower may be held responsible for the damage.
- 4) No person who has lost or damaged library material shall be permitted to borrow any further items until such lost or damaged items have been replaced or until the amount of damage caused or any other charge has been paid to the librarian, as the case may be.
- 5) Neglect to pay for the loss, damage or non-return of library material shall be a debt due from the borrower and recoverable at law at the discretion of the Municipality.

7. Notification of Change of Address

Any borrower who changes his/her address from that given by him/her in the application form and shown on the borrower's ticket or tickets issued to him/her shall, within seven days thereafter, notify the librarian of his new address.

8. Reference Department

- 1) Any person may consult any library item in the reference department to which he/she is entitled to be admitted in terms of section 2.
- 2) No such item shall be removed from the reference department; provided that the librarian may, upon receipt of such deposit as he/she may deem advisable, permit any registered borrower to borrow an item from the reference department for a specified time upon receipt of a written undertaking by the borrower to return the item in a good condition, and within the specified time.
- 3) The librarian may require any person consulting any item in the reference department of the library to do so in such place in the building as he/she may specify. Any person consulting a reference item will be held responsible for any damage such an item may sustain.

9. Use of the Group Activities Room

The group activities room will be at the disposal, without any charge to persons for use where the promotion of culture, such as book discussions, art evaluations, musical evenings and similar activities are involved; provided that where the promotion of culture is not pursued, the room may, should it be available for use, be hired by members of the public at a rental determined by the Municipality's tariffs of charges.

10. Unauthorised Possession of Library Material

- 1) No person shall be in possession of or remove from any department of the library any item which has not been duly recorded by the librarian. Any person removing any item from the library without it being recorded shall be liable to forfeit his/her membership.
- 2) Any item bearing the mark or stamp of either the provincial library service or the Municipality and not containing an official mark indicating that it has been withdrawn shall be deemed to be the property of the Provincial Library Service or Municipality as the case maybe.
- 3) No item shall be removed from the general reading room without the prior approval of the librarian.

11. Non- Active Members

The Librarian is empowered to cancel the membership of any borrower who has been continuously non-active for a period of six (6) months, unless such borrower has informed the Librarian of any prolonged absence due to illness or leave or any other valid reason. The borrower whose membership has been cancelled does not forfeit his right to re-register at any further date, within the provisions set out in these By-Laws.

12. Care of Library Material

- 1) Any person to whom library material has been issued in terms of these By-laws shall keep such library material in a clean and sound condition and shall take all steps as may be necessary to protect it while en route to and from the library building in wet weather.
- 2) No person shall—
 - a) turn down or stain the leaf or make pencil or other marks upon or, in any other way, cause damage to any book forming part of the library;
 - b) make copies of any such book or part thereof or of illustrations therein by means of tracing or otherwise without the permission of the librarian;
 - c) remove or mutilate any colour plates or any other illustrations or leaves of any book whatsoever;
 - d) remove the plastic covering and book jacket from any book issued to him;
 - e) return library material via any other person without appropriate wrapping or without placing it in a suitable container. The librarian may refuse to issue further items if, after due warning to the borrower, this requirement is not complied with;
 - f) return audio cassettes in covers other than those in which they have been issued;
 - g) expose audio-cassettes and audio visual material to excessive heat or handle them in any manner which may cause damage.

13. Exposing Library Material to Infectious Diseases

- 1) No person suffering from any notifiable disease shall borrow or use any library material and no person shall permit any library material issued to him to be exposed to any notifiable disease.

- 2) No person shall return to the library any library material which he/she knows to have been exposed to infection from any notifiable disease nor permit any such library material which is under his/her control to be returned but shall immediately give notice to the Environmental Health Officer that the library material has been exposed, and that the Environmental Health Officer shall thereupon cause the library material to be disinfected and returned to the library. Should the infected material be part of local stock it may be destroyed by the librarian if necessary.

14. Hours of opening

- 1) The library will be open for such hours as the Municipality may, in consultation with the Director: Community Services decide, provided that the hours of opening shall be prominently displayed and that sufficient notice of any change contemplated shall be given.
- 2) The library will not be open on public holidays and the municipality is authorised to close the library or any part of it temporarily for such days or at such times as it may consider necessary; provided that a notice of the Municipality's intention is posted up on the notice board fourteen days before the actual closing.

15. General

- 1) No person shall willfully obstruct the librarian or any assistants in execution of their duties.
- 2) No person shall affix or post any bill, placard or notice to or upon any part of the library without the prior permission of the librarian.
- 3) No person shall bring into any part of the library any wheeled vehicle or conveyance other than a hand propelled invalid chair, baby's parambulator or push cart, without the permission of the librarian.
- 4) No person shall give a false name and address for the purpose of entering any part of the library or obtaining any privilege from such part.

16. Conduct in the Library

- 1) No person shall to the annoyance of any other person, engage in audible conversation in any part of the library, or wilfully obstruct, disturb, interrupt or annoy any other person in the proper use of the library.
- 2) No person shall behave in a disorderly manner in any part of the library, use violent, obscene, or abusive language, bet, gamble, or persist after proper warning in remaining therein beyond the hours fixed for the closing of the library or any part thereof.
- 3) No person shall cause or permit any animal belonging to him/her or under his/her control to enter the library.
- 4) No person shall drink intoxicating liquor, spit, sleep or consume food in any part of the library intended for public use.
- 5) No person shall carelessly, negligently or maliciously damage or injure anything belonging to or forming part of the library.

17. Offences and Penalties

Any person who contravenes any provision of these by-laws shall be guilty of an offence and liable, upon conviction, to a fine or imprisonment for a period not exceeding six (6) months or both to such fine and imprisonment.

18. Repeal of By-laws

Any existing Library By-laws, of the municipality are hereby repealed.

19. Short Title and Commencement

These are called Ulundi Municipality Library By-Laws, 2012 and shall come into operation on the date of publication in the Provincial Gazette.

CEMETERY BY-LAWS

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CHAPTER 1

1. DEFINITIONS

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

"Adult"	means any deceased person over the age of 12 years, whose coffin will fit into the grave opening prescribed for adults in section 40(2).
"Ashes"	means the physical remains of a body after it has been cremated.
"Berm"	means a concrete strip laid by the municipality along a row of graves.
"Caretaker"	means the person holding the position of caretaker or superintendent of any cemetery or acting in such capacity in the service of the municipality.
"Cemetery"	means any piece of land duly set aside by the municipality within the municipality area for the purpose of a public cemetery.
"Child"	means any deceased person of the age of 12 years or younger whose coffin will fit into the grave opening prescribed for children in section 40(2).
"Contractor"	means the person who has paid any of the tariffs contained in the Tariff of Charges, or who has obtained the right to have any memorial work erected or constructed or who has obtained any other rights or interests referred to in these by-laws.
"Cremation"	means the incineration of any human body or remains to ashes.
"Foot kerb"	means the construction on which a memorial works or headstone is attached.
"Funerary urn"	means an urn containing the cremated remains with size 175 mm x 185 mm x 110 mm.
"Garden of Remembrance"	means a section of a cemetery, which has been set aside for the interment or scattering of ashes.
"Grave"	means any grave in a cemetery in respect of which any person has obtained the right of having a single body interred therein him/her.
"Memorial plate"	means a plate of 305 mm x 210 mm x 15 mm manufactured of granite or marble attached to the memorial wall over niche.
"Memorial wall"	means a wall with niches set out to preserve the funerary urns against which only memorial plates can be attached.
"Memorial work"	means tombstone, railing, fence, monument, memorial inscription or other work erected on any grave.
"Municipal Manager"	means the person appointed by the municipality as Head of Administration in terms of section 54A of the Municipal Systems Act, and includes any person: (a) acting in such position and. (b) to whom the Municipal Manager has delegated a power, function or duty in respect these By-laws.
"Municipality"	means Ulundi Municipality.
"Niche"	means shallow recess in memorial wall to contain an urn of 385 mm x 185 mm.
"Registrar of Deaths"	means any person appointed by the Government of the Republic of South Africa to register deaths.
"Resident"	means a person who, at the time of death, was ordinarily a resident within the area of jurisdiction of the Municipality, excluding inmates in hospitals, institutions, or other persons temporarily resident within the area of jurisdiction of the Municipality.
"Tariff"	means fees payable as determined by the municipality from time to time.

CHAPTER 2: ESTABLISHMENT AND MANAGEMENT OF CEMETERIES

2. Establishment of cemeteries

The municipality may set aside any land for the purpose of a cemetery and no person shall be permitted to bury a body in any other place.

3. Official Hours

- (i) The cemetery shall be open to the public during the following hours: Mondays to Saturdays: 07:30 to 16:00 and Sundays and Public Holidays: 08:00 to 16:00.
- (ii) The municipality shall have the power to close to the public the cemetery or part thereof for such period as it may deem fit and no burial or cremation shall take place thereafter.

4. Reservation of graves

- (1) No person shall, without the written consent of the municipality, sell or transfer to any other person any right relating to a grave that has been obtained in terms of these by-laws. Should the municipality consent to such transfer it will be subject to the conditions that every transfer of the rights relating to a reserved grave be registered by the caretaker and the registration fee as determined by the municipality be paid to the Finance Department by new contractor.
- (2) Any person having reserved a grave and failing to use the grave within a period of 50 years from the date of reservation, or omitting to notify the Municipality that he/she does not intend to use the grave, thus gives the Municipality the right to sell the grave. The applicable charges as determined by the Municipality shall be payable in respect of the graves sold.
- (3) The Municipality shall not be obliged to refund any charges paid in respect of a grave sold in terms of subsection (2).

5. Religious ceremonies

Subject to the provisions of these By-laws, the members of any religious denomination may conduct religious ceremonies in connection with any burial or memorial service subject to the written consent of the municipality.

6. Plans of graves, plots and niches

Plans indicating the different graves and niches available are kept at the municipality's offices for inspection free of charge.

7. Complaints

Any person wishing to lodge a complaint concerning the conditions in or the management of the cemetery shall lodge the complaint in writing to the Municipal Manager.

8. Charges/Tariffs

The Tariff of Charges as determined by the municipality, shall be payable to the municipality for the services rendered in terms of these by-laws.

9. Consents, Notices and Orders

Any written consent, notice or order issued by the municipality in terms of these by-laws, shall be signed by the Municipal Manager or his authorised representative and shall be *prima facie* evidence thereof.

10. Instructions of caretaker

Every person taking part in any funeral procession or ceremony in the Cemetery shall obey the instruction/s of the caretaker/officer in charge.

11. Flowers

The caretaker may remove flowers and foliage placed on graves when, in his opinion, they have wilted.

CHAPTER 3: PROHIBITION ORDERS**12. Children**

No person under the age of 12 years may enter any cemetery unless under the supervision of an adult.

13. Keeping to paths/walkways

Except for the purposes permitted by these By-laws, all persons shall only use the roads, paved walkways and demarcated turf walkways provided in the cemetery.

14. Entrances and exits of Cemeteries

No person shall enter or leave a cemetery except through the official entrances provided.

15. Performance of activities

No person shall use any road, path or grass route within the cemetery for the purpose of transporting goods, parcels or any other material except if it is intended for use within the cemetery.

16. Prohibited actions within cemeteries

No person shall -

- (a) commit any nuisance within any cemetery;

- (b) ride on any animal, cycle, skateboard or roller skates within the cemetery;
- (c) allow any animal to wander inside any cemetery.
- (d) plant, cut, pick or remove any plant, shrub or flower without the permission of the caretaker;
- (e) hold or take part in any demonstration in any cemetery;
- (f) obstruct, resist or oppose the caretaker or any official employed by municipality in the performance of his/her duties, or refuse to comply with any order or request which the caretaker is entitled to make in terms of these bylaws;
- (g) mark, draw, or scribble objects on walls or erect advertisements on buildings, fences, gates and memorial work or on anything within any cemetery/or section or deface it in anyway;
- (h) sit, stand or climb on or over any memorial work, gate, wall, fence or building in any cemetery;
- (i) be in or remain in any cemetery or part thereof before or after the hours mentioned in section 3 or during any period when it is closed to the public;
- (j) without the written permission of municipality, tout or operate any business, order, exhibit or distribute any tracts, business cards or advertisements within or at the entrance to the cemetery.
- (k) bring fire arms or traditional weapons in a cemetery.

17. Miscellaneous

- 1) No person shall dispose of a body in any other manner than by burying it in a cemetery or having it cremated in a crematorium approved in terms of the provisions of the KwaZulu-Natal Cemeteries and Crematoria Act, 1996 (Act 12 of 1996).
- 2) No person shall acquire any right to or interest in any ground or grave in any cemetery, other than such rights or interests as may be obtainable in terms of these by-laws.
- 3) A person using a cemetery do so at his own risk, and the municipality 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; and
- 4) A person using a cemetery accepts full responsibility for any incident, damages or injuries that may be caused by or that may result from the aforementioned use of the cemetery and he or she accordingly indemnifies the municipality, its members, employees or agents, whether in personal or official capacity, against liability for all claims from whichever nature by himself, his or her dependants or third parties in respect of any patrimonial loss, consequential damages, injuries or personal prejudice that may be suffered or sustained in connection with or resulting from such a person's use of a cemetery.
- 5) The aforementioned indemnity also applies to injuries sustained by employees of the municipality while on duty at the cemetery, as well as damages to municipality property at the cemetery.

18. Exposure of bodies

No person shall convey a dead body that is not covered, or expose any such body or any part thereof or remove the lid or cover of the coffin wherein such dead body or corpse is placed, in any street, cemetery or public place.

19. Music inside cemetery

No loud music shall be played in any cemetery without the consent of the municipality, except in the case of State, Police or military funerals.

20. Occupation of chapel or shelter

No person shall for the purpose of a funeral, occupy any chapel or shelter in a cemetery for more than 45 minutes.

21. Hours of burial

No burial shall be held before 09:00 or after 16:00 on any day without the prior consent of the municipality.

22. Number of graves

No person shall fix a peg on any grave not properly allocated by the municipality and no person shall bury a body in any grave on which a peg-marked number has not been lawfully fixed.

23. Rubble and damage to cemetery

No person shall at any time leave any refuse, soil, stone or any other debris within the cemetery or in any way damage or deface any part of any cemetery or anything therein.

24. Inclement weather

No person shall fix or place any memorial work during inclement weather or while the soil is in the opinion of the municipality in an unsuitable condition.

25. Disturbance of human remains

Subject to the provisions of an exhumation order given in terms of the Inquest Act, 1959, (Act 58 of 1959); or section 20 of the KwaZulu-Natal Cemeteries and Crematoria Act 1996, (Act 12 of 1996); or any other provision of any other Act relating to the exhumation of bodies, no person shall disturb any mortal remains or any ground surrounding it in any cemetery.

CHAPTER 4: BURIALS**26. Application for and acquisition of the use of a grave.**

- 1) Any person desiring to have a body or human remains buried in a grave shall submit the appropriate form to the caretaker before the time of burial. The next of kin or the closest surviving relative or a person having interest shall sign the application of burial.
- 2) The municipality may on payment of the applicable fees, allocate the use of any grave appropriated for a burial to any person who applied for it in terms of subsection (1).
- 3) No human remains shall be buried within any cemetery without the permission of the caretaker. This permission will only be granted on submission of a written burial order, signed by the Registrar of Deaths authorising the burial, and on presentation and submission of such a notice of burial order. In all cases where a post-mortem has been held, the order of the magistrate shall also be submitted to the caretaker.
- 4) The municipality may, upon request, bury a body free of charge, or in terms of the provisions of any applicable legislation.

27. Alteration of date of interment

Should any changes to the date, day or time previously fixed for a burial be made, notice of such changes shall be given to the caretaker at least 24 hours before such burial. For the purpose of this section, 48 hours notice should be given if the aforesaid 24 hours includes a Sunday or part thereof.

28. Dimensions of graves and grave apertures

- 1) The standard dimensions of an adult gravesite shall be 2 500 mm x 1500 mm and that of a child 1500 mm x 1 000 mm.
- 2) The standard dimensions of the aperture of an adult's grave shall be 2200 mm in length and 900 mm in width and that of a child's grave 1200 mm in length and 700 mm in width.
- 3) Anybody requiring a grave for the burial of an adult with an aperture larger than the standard size, shall, when applying for the burial, specify the measurements of the coffin and the mountings. The appropriate fee for the enlargement of the aperture will be payable to municipality as prescribed in the Tariff of Charges.

29. When a child's coffin is too large

Should a child's coffin be too large for the aperture of a child's grave, it shall be placed in an adult grave and the fees payable for an adult's burial shall apply.

30. Depth of grave

No adult grave shall be less than 1800 mm deep and that of a child less than 1500 mm in depth.

31. Covering of earth

There shall be at least 1m of earth between the coffin and the surface of the ground. In the instance of successive burials, at least 300 mm of earth shall be left between the coffins.

32. Coffins in graves

No person shall place any coffin constructed from any material other than soft wood or other perishable materials approved by the municipality, unless otherwise stipulated in other legislation.

33. Number of bodies in one grave

No more than two bodies shall be buried in the same grave at the same time.

34. Reservation of graves

Any person wishing to reserve a grave or upon the death of a person to reserve an adjoining grave, if available, shall obtain the right, on payment of the fees prescribed in the tariffs of charges, to use such grave for future burial purposes.

35. Second burials

- 1) Any person who wishes to apply for a second burial in the same grave may do so only after a period of two years has lapsed since the date of the first burial on condition that the grave was deepened prior or during the preparation of the grave for the first burial.
- 2) The applicant who wishes to have a body buried for the purpose of a second burial shall:-
 - (a) apply on the prescribed form at least 24 hours before the burial shall take place; and
 - (b) remove any memorial work on such grave at his own cost and comply with any requirements made by the caretaker in this regard.

CHAPTER 5: ASHES**36. Acquiring of niches**

Subject to the provisions of these by-laws, a person may acquire a niche in the cemetery, if available, and by paying the prescribed fees.

37. Burial of ashes

- 1) Subject to the provisions of these by-laws, ashes may be buried in a grave in the cemetery and all prescriptions, provisions and fees applicable in terms of these by-laws pertaining to the burial of a body in a grave are *mutatis mutandis* applicable in this instance. The grave aperture may be smaller than the aperture prescribed for the burial of a body.
- 2) No ashes shall be buried in a grave without it being proved to the satisfaction of the municipality as being the cremated remains of a human body and the required documentation is submitted to this effect.
- 3) Ashes buried in a grave shall be placed in a funeral urn.
- 4) There shall be at least 100 mm of earth between the urn containing the ashes, and the surface of the ground.
- 5) Subject to the provisions of these by-laws, the burial of ashes in a grave being used already for a first burial, may take place free of charge.

38. Placing of ashes in Memorial Wall, Memorial Garden or Garden of Remembrance

- 1) Any person who desires to place a funerary urn containing cremated remains in a niche in the Memorial Wall, Memorial Garden or Garden of Remembrance shall submit an application, accompanied by the Cremation Certificate, in writing or on the prescribed form, to the caretaker. If the caretaker is satisfied that the signature of the nearest surviving relative cannot be obtained timeously, he may in his discretion grant an application signed by any other person.
- 2) Any person applying in terms of the subsection (1) shall pay the prescribed fees as determined by municipality.

39. Exhumation of ashes

- 1) No person shall exhume ashes from any grave without the prior written consent or complying with any conditions determined by municipality.
- 2) Applications for the exhumation of ashes shall be submitted to municipality at least 8 working hours prior to the exhumation.

40. Scattering of Ashes

The scattering of ashes in the Landscape Area or Garden of Remembrance is permitted with the prior written consent of municipality.

CHAPTER 6: EXHUMATION OF BODIES AND RE-OPENING OF GRAVES**41. Conditions of Exhumation**

- 1) Subject to the provisions of these by-laws, and any other legislation, no grave shall be re-opened without the written consent of municipality.
- 2) Subject to the provisions of these by-laws, no person shall exhume or cause any body to be exhumed without the written consent of the:-
 - Premier of the Provincial Government
 - the municipality
 - the provincial department of Health
 - Medical Officer of Health or
 - Order of a court.
- 3) The charges for exhumation as determined by the municipality shall be paid before the exhumation takes place. Such consent shall be submitted to the caretaker at least two days before the date fixed for the exhumation or the removal of the body.

42. Closure due to exhumations

At the time of an exhumation of a body the cemetery shall be closed to the public.

43. Screening of activities

A grave from which a body is to be removed shall be effectively screened from view during the exhumation and a suitable container shall be supplied for the remains.

44. Presence of District Surgeon

No exhumation shall take place unless the Medical Officer of Health or his/her authorised representative is present.

45. Transfer of body from one grave to another by the Municipality

Subject to the provisions of these by-laws and any applicable legislation, the municipality may move a body from one grave to another.

CHAPTER 7: CARE OF GRAVES**46. General**

- 1) No shrub, tree or any other plant material may be planted on graves without the consent of the municipality and municipality may use its discretion to prune, cut down, dig up or remove any shrub, plant or flower at any time.
- 2) No person shall bring into a cemetery, erect, alter, paint, clean, renovate, decorate, remove or otherwise interfere with any memorial work or cut any inscription thereon without the prior written consent of the municipality.

47. Position of memorial work

No person shall erect any memorials on any grave except in such a position as indicated by the caretaker or as otherwise provided for in these by-laws.

48. Repairs to memorial work

If the contractor allows the memorial work to fall or cause danger to deface the cemetery in any way, the municipality may order him to repair the damage. Should the required repairs not be done within one month of receiving such notice, the municipality may carry out these repairs or remove the memorial work without paying any compensation and recover the cost incurred from the contractor.

49. Supervision of work

Any person engaged in any work in any cemetery shall affect such work under the supervision and to the satisfaction of the caretaker.

50. Damaging of memorial works

The municipality shall not accept responsibility for any damages which is not due to the negligence of the municipality's employees.

51. Moving of memorial work

The municipality may, after due notice, at any time change or alter the position of any memorial work in any cemetery.

52. Bringing material into cemetery

No person shall bring any material into the cemetery for the purpose of constructing any memorial work on any grave unless:-

- (a) a sketch plan indicating the dimensions of the memorial work, the inscription and position thereof has been submitted and approved by the caretaker;
- (b) all charges due in respect of such grave have been paid; and
- (c) the municipality's written approval has been given to this effect.

53. Removal of memorial works by municipality

Any memorial work placed, built, altered, decorated, painted, in contravention of these by-laws or which in the opinion of the municipality contravenes the good ethics and morals of society, may be removed by the municipality after due notice, without payment of any compensation.

54. Requirements for erection of memorial works

Any person erecting any memorial work shall conform to the following requirements :

- a) Where any part of any memorial work is to be joined to any other part, copper or galvanised iron clamps, pins or dowels of approved thickness and of sufficient length shall be used for such purposes. The holes into which such clamps, pins or dowels must fit shall not be less than 50 mm deep.

- b) Any part of such work, which rests upon the ground or stone or other foundation, shall be squared and added.
- c) The stones referred to in subsection (1) will not be of uneven thickness nor have uneven corners.
- d) The underside of all memorial work shall be set at least 50 mm below the natural level of the ground.
- e) No kerbstones shall be used which protrude more than 230 mm above the surface of the ground or are more than 200 mm thick.
- f) All head and kerbstones shall be properly secured from the inside with round copper or galvanised iron pins.
- g) All headstones up to 150 mm in thickness shall be securely attached to the base in an approved manner.
- h) All memorial work shall be completed as far as possible before it is brought into the cemetery.
- i) No soft stone shall be used for memorial work and memorial work shall be constructed or made of marble or granite or any other approved hard stone.
- j) In the case of single graves foot kerbs shall consist of one solid piece.
- k) No person shall do any stonework, chiselling etc. in the cemetery which is not connected with the erection of memorial work, except if the work is expressly permitted for in these by-laws.
- l) All memorial work shall have an adequate concrete foundation chastic with the headstone and where joints occur in the kerbstone, all joints shall be fitted with good cement mortar.
- m) Where memorial work has a base on ground level such base shall not be less than 900 mm wide by not less than 300 mm x 300 mm.
- n) All letters on memorial work shall be engraved thereon and shall not protrude above the surface of the memorial work.
- o) With the consent of the contractor, the name of the maker may be affixed to any memorial work, provided that no address or other particulars be added thereto.

55. Vehicles and tools

Any person engaged in any work on any grave shall provide such vehicles, tools and other appliances of his own as he may require.

CHAPTER 8: BURIAL AREAS

56. Division of Cemetery

The municipality is entitled to divide the cemetery into one or more burial areas or may reserve an area for the burial of a specific religious denomination.

57. Monumental Section

The following provisions are applicable to the Monumental Section:

- a) No person shall after the expiration of 28 days from the date of any interment, erect, place or leave on or around any grave any railing, wirework, flower stand or other object of any kind.
- b) No person shall place or leave on a grave any object in the nature of an ornament or embellishment.
- c) Flowers, whether natural or artificial, and whether loose or in a vase or wreath, may be placed or left on a grave at any time.
- d) Subject to the provision of section 58, memorial work may, with the written consent of the municipality, be erected on any grave.
- e) No kerbstones shall be laid in such a manner that it shall be 230 mm above the surface of the ground and more than 200 mm deep, without the written consent of municipality.
- f) All kerbstones shall be properly dowed and shall be fixed as to permit their easy removal without danger of damaging the headstones or other memorial work on the grave.
- g) The standard dimensions of a memorial work for one single gravestone for an adult are 2 500 mm x 1 050 mm.
- h) The standard dimensions of a memorial work for a double memorial work for adults are 2 500 mm x 2 550 mm.
- i) The standard dimension of a memorial work for children's memorial work is 1 500 mm x 900 mm.

58. Aesthetic Section

The following provisions are applicable to a section which is known as the Aesthetic Section:

- 1) Except during the first 28 days after an interment and subject to subsection (5), no person shall erect, place or leave on or around a grave any railings, wire-work, flower stand, ornament, embellishment or other object of any kind: Provided that during the first six months after an interment flowers, whether natural or artificial and whether loose or in wreaths, may at any time be placed or left on the berm or at the head of the grave or where no berm has been provided, anywhere on the grave.

- 2) The municipality may, without any charge, develop and maintain a garden area of 300 mm wide over the width of each grave at the head of the aesthetic section.
- 3) A headstone in the aesthetic section shall not exceed 1 070 mm above the berm or ground level, as the case may be, and shall not exceed the width of the berm.
- 4) The dimensions of the base of a headstone shall not exceed 600 mm x 250 mm and the position of the base on a berm shall be such that the edge thereof nearest to the grave shall be at least 120 mm from the edge of the berm, provided that the base of a headstone erected over two adjoining graves may exceed 600 mm in width but shall not exceed 1 200 mm x 250 mm.
- 5) In the aesthetic section a receptacle approved by the caretaker or a vase may be placed in the cavity in the berm provided for this purpose. Such vase or receptacle shall be at least 380 mm in height and shall not exceed the perimeter of the said cavity.

59. Requirements for memorial work in Berm / Aesthetic Section

The following provisions are applicable on memorial work and graves in a Berm/Aesthetic Section:

- 1) Headstones shall be a maximum of 1 500 mm in height, 910 mm in width and with a diameter of 250 mm.
- 2) No kerbstones demarcating any grave and no flat slab covering any grave shall be allowed.
- 3) The foundation of a gravestone erected or laid over any single grave shall be 910 mm x 380 mm and at least 300 mm (depth) in size.
- 4) The base of a gravestone erected over any single grave shall be at the most 910 mm x 250 mm in size.
- 5) The foundation of any single gravestone erected or laid over two continuous graves shall be at the most 2130 mm x 380 mm and at least 300 mm (depth) in size.
- 6) The base of any single gravestone erected or laid over two continuous graves shall be at the most 1830 mm x 250 mm in size.
- 7) In order to make provision for the fitting of a number plate, two holes of 6 mm in diameter and 30 mm depth shall be made 50 mm from each other on the foundation of every grave and in such a manner that both holes shall be in the middle of the foundation and 40 mm from the border of the foundation on the graveside.
- 8) A single gravestone shall not be erected or laid over more than two contiguous graves.
- 9) The municipality will maintain and decorate, as it deems fit and free of charge, the graves by planting flowers, shrubs or grass.

60. Landscape Area

The following provisions are applicable in the Landscape Area:

- (a) No person shall place, build, erect or plant anything, including memorial work and flowers on, around or next to any grave, provided that flowers and wreaths may be placed on a grave during the first month following burial.
- (b) Anything that is placed, built, erected or planted on or around or next to a grave or flowers or wreaths that are still on a grave one-month after an interment, in contravention of subsection (a), may be removed by the municipality and be destroyed or otherwise disposed of.
- (c) The standard dimensions of a grave for an adult is 2 500 mm x 1 500 mm and for a child 1 500 mm x 1 000 mm.
- (d) The standard dimension of the aperture of a grave for an adult is 2 200 mm in length and 900 mm in width and that of a child 1 200 mm in length and 700 mm in width.
- (e) Any person who requires a grave for the burial of an adult with an aperture larger than the standard size, shall when applying for the burial, specify the measurements of the coffin including the mountings.
- (f) A marble or granite memorial plate of 305 mm x 210 mm x 15 mm in dimension may be placed on a grave in the Memorial Garden.
- (g) A memorial plate is placed horizontally on a concrete slab with dimensions of 355 mm x 260 mm x 150 mm (in thickness) with the eventual height level with the ground.
- (h) Memorial plates are placed in the middle of the grave stand so that eventually all memorial plates form straight lines.
- (i) No permanent vases or containers shall be attached to a memorial stone in the Memorial Garden.
- (j) Charges are payable as determined by the municipality
- (k) No additional charges are levied for a second burial in the Memorial Garden.
- (l) Only one memorial plate per grave is allowed in the Memorial Garden.
- (m) The municipality may develop the area as a park and maintain it accordingly.

61. Memorial Wall

- 1) A funerary urn containing cremated remains may be placed in a niche in the Memorial Wall, provided that:
 - a) A maximum of two funerary urns may be placed in one niche;
 - b) The maximum dimension of a funerary urn is 175 mm x 185 mm x 110 mm.
 - c) The tariff(s) as determined by the municipality are paid.

- 2) A marble or granite memorial plate is placed over a niche provided that such memorial plate does not exceed 305 mm x 210 mm x 15 mm in dimension.
- 3) Yellow-copper, copper or stainless steel vases may be placed next to a marble or granite memorial plate, provided that the application is approved by the municipality and complies with the following standards:
 - a) size of vase: 40 mm wide x 100 mm and manufactured from copper or stainless steel.
 - b) fixing of vase: the fixing shall take place with a flat yellowcopper, copper or stainless steel plate affixed against the wall with screws. The top portion of the yellowcopper, copper or stainless steel plate shall be rectangular bent to the front with the vase attached.
 - c) dimensions of yellow-copper, copper or stainless steel fixing plates: 20 mm wide X 2 mm thick X 55 mm long. The total length of metal strip preparatory to bending should be 125 mm.
- 4) Position for attaching vases: Vases will be attached to the right of the marble memorial plate with the lower point of the attachment plate in line with the lower side of the memorial plate. A gap of 20 mm shall be left open between the memorial plate and the attachment plate.

62. Memorial Garden/Garden of Remembrance

A funerary urn containing cremated remains may be placed in the ground in the Memorial Garden, provided that:

- 1) The standard dimension of a burial site for cremated remains is 500 mm x 500 mm.
- 2) The standard dimension of the aperture for the burial of cremated remains is 400 mm x 200 mm x 200 mm.
- 3) The standard dimension of a marble or granite memorial plate is 410 mm x 210 mm x 15 mm and may be placed on such grave in the Memorial Garden/Garden of Remembrance.
- 4) A memorial plate is placed horizontally on a concrete slab with dimensions 420 mm x 220 mm x 50 mm (in thickness) with the eventual height level with the ground.
- 5) Memorial plates are placed in the middle of the grave stand so that eventually all memorial plates form straight lines.
- 6) No permanent vases or containers shall be attached onto any memorial stone in the Memorial Garden.
- 7) Charges are payable as determined by the municipality from time to time.
- 8) No additional charges are levied for a second interment in the Memorial Garden.
- 9) Only one memorial plate per grave is allowed in the Memorial Garden.

CHAPTER 9: OFFENCES AND PENALTIES

63. Offences and Penalties

- (1) Any person contravening any provision of these bylaws or failing to comply therewith or failing to comply with the conditions of any notice served on him by municipality in terms of these by-laws shall be guilty of an offence and liable, upon conviction, to a fine not exceeding R 60 000-00 or imprisonment not exceeding a period of six months, or to both the fine and the imprisonment.
- (2) Any expenses incurred by the Municipality as a result of a contravention of these by-laws may be recovered by the municipality from the person who committed the contravention.

64. Repeal of By-laws

- 1) The Municipality's existing Cemetery By-laws are hereby repealed.
- 2) Any reference:-
 - (a) in these by-laws to a charge determined by the municipality shall include a charge determined by the municipality under the by-laws repealed by subsection (1), until the municipality's determination of charges under these by-laws comes into operation; and
 - (b) in determination of charges made under the by-laws so repealed, to a provision in those by-laws shall be deemed to be a reference to the corresponding provision in these by-laws.
- 3) Anything done under the provisions of the by-laws repealed by subsection (1) shall be deemed to have been done under the corresponding provision of these by-laws and such repeal shall not affect the validity of any approval, authority, waiver or other act which at the commencement of these by-laws is valid under the by-laws so repealed.

65. Short title and Commencement

These By-laws are called Cemetery By-Laws 2012, and shall come into operation on the date of publication in the Provincial Gazette.

CREDIT CONTROL AND DEBT COLLECTION BY-LAWS INDEX

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CHAPTER 1: DEFINITIONS

1. Definitions	For the purpose of these By-laws, any word or expressions to which a meaning has been assigned in the Act shall bear the same meaning in these By-laws and unless the context indicates otherwise—
"account"	means any account rendered for municipal services provided;
"Act"	means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000, as amended from time to time;
"actual consumption"	means the measured consumption of any customer;
"applicable charges"	means the rate, charge, tariff, flat rate, or subsidy determined by the Municipality;
"average consumption"	means the average consumption of a customer of a municipal service during a specific period, which consumption is calculated by dividing that customer's total measured consumption of that municipal service over the preceding three months by three;
"agreement"	means the contractual relationship between the municipality or its authorised agent and a customer, whether written or deemed;
"area of supply"	means any area within or partly within the area of jurisdiction of the municipality to which a municipal service or municipal services are provided;
"arrears"	means any amount due, owing and payable by a customer in respect of municipal services not paid on the due date;
"authorised agent"	means— (a) any person authorised by the municipality to perform any act, function or duty in terms of, or exercise any power under these By-laws; and/or (b) any person to whom the municipality has delegated the performance of certain rights, duties and obligations in respect of providing revenue services; and/or (c) any person appointed by the municipality in terms of a written contracts a service provider to provide revenue services to customers on its behalf, to the extent authorised in such contract;
"commercial customer"	means any customer other than household and indigent customers, including without limitation, business, government and institutional customers;
"connection"	means the point at which a customer gains access to municipal services;
"customer"	means a person with whom the municipality or its authorised agent has concluded an agreement for the provision of municipal services;
"defaulter"	means a customer who owes arrears;
"due date"	means the date on which the amount payable in respect of an account becomes due, owing and payable by the customer, which date shall be not less than 14 days after the date of the account;
"emergency situation"	means any situation that if allowed to continue poses a risk or potential risk to the financial viability or sustainability of the municipality or a specific municipal service;
"estimated consumption"	means the deemed consumption by a customer whose consumption is not measured during a specific period, which estimated consumption is rationally determined taking into account at least the consumption of municipal services for a specific level of service during a specific period in the area of supply of the municipality or its authorised agent;
"household customer"	means a customer that occupies a dwelling, structure or property primarily for residential purposes;
"household"	means a traditional family unit consisting of a combination of persons over the age of eighteen and persons eighteen years and younger living together as a family unit;
"illegal connection"	means a connection to any system through which municipal services are provided that is not authorised or approved by the municipality or its authorised agent;
"indigent customer"	means a household customer qualifying and registered with the municipality as an indigent in accordance with these By-laws;
"Municipality"	means Ulundi Municipality
"municipal manager"	means the person appointed by the Municipality as the head of administration of the municipality in terms of section 54A of the Municipal Systems Act, and includes any person— a) acting in such position; and b) to whom the municipal manager has delegated a power, function or duty in respect of these By-Laws.
"municipal service"	means for purpose of these By-laws, services provided by the municipality or its authorised agent, including refuse removal, water supply, sanitation, electricity services and rates or any one of the above;
"occupier"	includes any person in actual occupation of the land or premises without regard to the title under which he occupies, and, in the case of premises sub-divided and let to lodgers or various tenants, shall include the person receiving the rent payable by lodgers or tenants whether for his own account or as an agent for any person entitled thereto or interested therein;

"owner"	<p>means—</p> <p>a) the person in whom from time to time is vested the legal title to premises;</p> <p>b) in a case where the person in whom the legal title to premises is vested is insolvent or deceased, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;</p> <p>c) in any case where the municipality or its authorised agent is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or buildings thereon;</p> <p>d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;</p> <p>e) in relation to—</p> <p>(i) a piece of land delineated on a sectional plan registered in terms of the Sectional Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property; or</p> <p>(ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;</p> <p>f) a person occupying land under a register held by a tribal authority;</p>
"person"	<p>means any natural person, local government body or like authority, a company or close corporation incorporated under any law, body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;</p>
"public notice"	<p>means publication in an appropriate medium that may include one or more of the following—</p> <p>a) publication of a notice, in the official languages determined by the Municipality—</p> <p>(i) in the local newspaper or newspapers in the area of the municipality; or</p> <p>(ii) in the newspaper or newspapers circulating in the area of the municipality determined by the Municipality as a newspaper on record; or</p> <p>(iii) by means of radio broadcast covering the area of the municipality; or</p> <p>b) communication with customers through public meetings and ward committee meetings;</p>
"shared consumption"	<p>means the consumption of a customer of a municipal service during a specific period, which consumption is calculated by dividing the total metered consumption of that municipal service within the supply zone within which a customer's premises is situated for it for the same period by the number of customers within that supply zone; during the same period;</p>
"subsidised service"	<p>means a municipal service which is provided to a customer at an applicable rate which is less than the cost of actually providing the service including services provided to customers at no cost;</p>
"supply zone"	<p>means an area, determine by the municipality or its authorize agent, within which all customers are provided with service from the same bulk supply connection; and</p>
"unauthorised services"	<p>means receipt, use or consumption of any municipal service which is not in terms of an agreement, or authorised approved by the municipality or its authorised agent.</p>

CHAPTER 2: PROVISION OF MUNICIPAL SERVICES TO CUSTOMERS OTHER THAN INDIGENT CUSTOMERS

Part 1: Application for Municipal Services

2. Application for services

- 1) A customer who qualifies as an indigent customer must apply for services as set out in Chapter 4 of these By-laws.
- 2) No person shall be entitled to access to municipal services unless application has been made to, and approved by the municipality or its authorised agent on the prescribed for attached as Annexure A to these By-laws.
- 3) If, at the commencement of these By-laws or at any other time, municipal services are provided and received and no written agreement exist in respect of such services, it shall be deemed that—
 - a) an agreement in terms of subsection (7) exists; and
 - b) the level of services provided to that customer are the level of services elected, until such time as the customer enters into an agreement in terms of subsection (2);
- 4) The municipality or its authorised agent must on application for the provision of municipal services and the then applicable tariffs and/or charges associated with each level of service.
- 5) The municipality or its authorised agent is only obliged to provide a specific level of service requested if the service is currently being provided and if the municipality or authorised agent has the resources and capacity to provide such level of service.

- 6) A customer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such requested level of service is available and that any costs and expenditure associated with altering the level of services is paid by the customer.
- 7) An application for services submitted by a customer and approved by the municipality or its authorised agent shall constitute an agreement between the municipality or its authorised agent and the customer, and such agreement shall take effect on the date referred to or stipulated in such agreement.
- 8) In completing an application form for municipal services the municipality or its authorised agent will ensure that the document and the process of interaction with the owner, customer or any other person making such an application are understood by that owner, customer or other person and advise him or her of the option to register as an indigent customer.
- 9) In the case of illiterate or similarly disadvantaged persons, the municipality or its authorised agent must take reasonable steps to ensure that the person is aware of and understands the contents of the application form and shall assist him or her in completing such form.
- 10) Municipal services rendered to a customer are subject to the provisions of these By-laws, any applicable By-laws and the conditions contained in the agreement.
- 11) If the municipality or its authorised agent—
 - a) refuse an application for the provision of municipal services or a specific service or level of service;
 - b) is unable to render such municipal services or a specific service or level on the date requested for such provision to commence; or
 - c) is unable to render such municipal services or a specific service or level of services, the municipality or its authorised agent must, within a reasonable time, inform the customer of such refusal and/or inability, the reasons therefore and, if applicable, when the municipality or its authorised agent will be able to provide such municipal services or a specific service or level of service.

3. Special agreements for municipal services

The municipality or its authorised agent may enter into a special agreement for the provision of municipal services with an applicant—

- a) within the area of supply; if the services applied for necessitates the imposition of conditions not contained in the prescribed form or these By-laws;
- b) receiving subsidies services; and
- c) if the premises to receive such services is situated outside the area of supply, provided that the municipality having jurisdiction over the premises has no objection to such special agreement. The obligation is on the customer to advise the municipality having jurisdiction of such special agreement.

4. Change in purpose for which municipal services are used

Where the purpose for or extent to which any municipal service used is changed, the onus and obligation is on the customer to advise the municipality or its authorised agent of such change and to enter into a new agreement with the municipality or its authorised agent.

Part 2: Applicable charges

5. Applicable charges for municipal services

- 1) All applicable charges may be payable in respect of municipal services, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest will be set by the Municipality in accordance with—
 - (a) its rates and tariff policy;
 - (b) its credit control and debt collection policy;
 - (c) any By-laws in respect thereof; and
 - (d) Any regulations in terms of national or provincial legislation.
- 2) Applicable charges may differ between different categories of customers, users of services, types and levels of services, quantities of service, infrastructure requirements and geographic areas.
- 3) Services will be terminated due to non-payment on the terms and conditions as stipulated in the credit control and debt collection policy.

- 4) Deferment for payment of service accounts can be granted to consumers in terms of the Municipality's delegated powers and conditions approved in its credit control and debt collection policy.
- 5) The municipality may consolidate any separate accounts of persons who are liable for payment to the municipality and may credit all payments received from such a person to any service and order of preference as determined by the Municipality from time to time in its credit control and debt collection policy.

6. Availability charges for municipal services

The Municipality may, in addition to tariffs or charges prescribed for municipal services actually provided, levy a monthly fixed charge, annual fixed charge or once-off fixed charge where municipal services are available, whether or not such services are consumed or not.

7. Subsidised services

- 1) The Municipality may, from time to time, and in accordance with national policy, but subject to principles of sustainability and affordability, by public notice, implement subsidies for a basic level of municipal service.
- 2) The Municipality may, in implementing subsidies, differentiate between types of household customers, types and levels of services, quantities of services, geographical areas and socio-economic areas.
- 3) Public notice in terms of subsection (1) must contain at least the following details applicable to a specific subsidy—
 - a) Household customers who will benefit from the subsidy.
 - b) The type, level and quantity of municipal service that will be subsidised.
 - c) The area within which the subsidy will apply.
 - d) The rate (indicating the level of subsidy).
 - e) The method of implementing the subsidy.
 - f) Any special terms and conditions which will apply to the subsidy.
- 4) If a household customer's consumption or use of a municipal service is—
 - a) less than the subsidised service, the unused portion may not be accrued by the customer and will not entitle the customer to cash or a rebate in respect of the unused portion; and
 - b) in excess of the subsidised service, the customer will be obliged to pay for such excess consumption at the applicable rate.
- 5) A subsidy implemented in terms of subsection (1) may at any time, be withdrawn or altered in the sole discretion of the Municipality, after—
 - a) service of notice as contemplated in section 115 of the Act on the person affected by the Municipality's intention to consider such withdrawal or alteration; and
 - b) Consideration by the Municipality of any comments or request received from the person affected.
- 6) Commercial customers may not qualify for subsidised services.
- 7) Subsidised services shall be funded from the portion of revenue raised nationally which is allocated to the municipality and if such funding is insufficient the services may be funded from revenue raised through rates, fees and charges in respect of municipal services.

8. Authority to recover additional costs and fees.

The municipality or its authorised agent has the authority to, notwithstanding the provisions of any other sections contained in these By-laws, recover any additional costs incurred in respect of implementing these By-laws against the account of the customer, including but not limited to—

- a) All legal cost, including attorney and client costs incurred in the recovery of amounts in arrears shall be against the arrears account of the customer; and/or
- b) The average cost incurred relating to any action taken in demanding payment from the customer or reminding the customer, by means of telephone, fax, e-mail letter or otherwise.

Part 3: Payment

9. Payment of deposit

- 1) The municipality may, from time to time, determine different deposits for different categories of customers, users of services, debtors, services and service standards, provided that the deposit will not be more than two and a half times the monetary value of the most recent measured monthly consumption of the premises for which an application is made.

- 2) A customer must on application for the provision of municipal services and before the municipality or its authorised agent will provide such services, pay a deposit, if the Municipality has determined a deposit.
- 3) The municipality or its authorised agent may annually review a deposit paid in terms of subsection (2) and in accordance with such review require that an additional amount be deposited by the customer where the deposit is less than the most recent deposit determined by the Municipality.
- 4) If a customer is in arrears, the municipality or its authorised agent may require that the customer—
 - a) pay a deposit if that customer was not previously required to pay a deposit, if the Municipality has determined a deposit; and
 - b) pay an additional deposit where the deposit paid by that customer is less than the most recent deposit determined by the Municipality.
- 5) Subject to subsection (7), the deposit shall not be regarded as being payment or part payment of an account.
- 6) No interest shall be payable by the municipality or its authorised agent on any deposit held.
- 7) The deposit, if any, is refundable to the customer on termination of the agreement. A deposit shall be forfeited to the municipality if it has not been claimed by the customer within 12 months of termination of the agreement.

10. Method for determining amounts due and payable

- 1) The municipality or its authorised agent must in respect of municipal services that can be metered, endeavour to, within available financial and human resources, meter all customer connection and/or read all metered customer connections, on a regular basis, subject to subsection (2).
- 2) If a service is not measured, a municipality or its authorised agent may, notwithstanding subsection (1), determine the amount due and payable by a customer, for municipal services supplied to him, her or it, by calculating—
 - a) the shared consumption; if not possible; and
 - b) the estimate consumption.
- 3) If services are metered, but it cannot be read due to financial and human resources constraints or circumstances out of the control of the municipality or its authorised agent, and the customer is charged for an average consumption, the account following the reading of the metered consumption must articulate the difference between the actual consumption and the average consumption, and the resulting credit or debit adjustment.
- 4) Where water supply services provided through communal water services network (standpipe), the amount due and payable by customers gaining access to water supply services through that communal water services network, must be based on the shared or estimated consumption of water supplied to that water services network.
- 5) Where in the opinion of the municipality or its authorised agent it is not reasonably possible or cost effective to meter all customer connections and/or read all a metered customer connections within a determined area, the Municipality may, on the reconnection of the municipality or its authorised agent, determine a basic tariff (flat rate) to be paid by all the customers within that area, irrespective of actual consumption.
- 6) The municipality or its authorised agent must inform customers of the method for determining amounts due and payable in respect of municipal services provide which will apply in respect of their consumption or supply of zones.

11. Payment for municipal services provided

- 1) A customer shall be responsible for payment of all municipal services consumed by him/her or it from the commencement date of the agreement until his/her or its account has been settled in full and the municipality or its authorised agent must recover all applicable charges due to the municipality.
- 2) If a customer uses municipal services for use other than which it is provided by the municipality or its authorised agent in terms of an agreement and as a consequence is charged at a charge lower than the applicable charge the municipality or its authorised agent may make an adjustment of the amount charged and recover the balance from the customer.
- 3) If amendments to the applicable charge become operative on a date between measurements for the purpose of rendering an account in respect of the applicable charges and the date of payment—
 - a) it shall be deemed that the same quantity of municipal services was provided in each period of twenty-four hours during the interval between the measurements; and
 - b) any fixed charge shall be calculated on a *pro rata* basis in accordance with the charge that applied immediately before such amendment and such amended applicable charge.

12. Full and final settlement of an account

- 1) Where an account is not settled in full, any lesser amount tendered and accepted shall not be deemed to be in final settlement of such an account.
- 2) Subsection (1) shall prevail notwithstanding the fact that such lesser payment was tendered and/or accepted in full and final settlement, unless the municipal manager or the manager of the municipality's authorised agent made such acceptance in writing.

13. Responsibility for amounts due and payable

Notwithstanding the provisions of any other sections of these By-laws, the owner of premises shall be liable for the payment of any amounts due and payable to the municipality or its authorised representative in respect of the preceding two years, where the owner is not the customer and the municipality or its authorised agent after taking reasonable measures to recover any amounts due and payable by the customer from the latter, could not recover such amounts.

14. Dishonoured payments

Where any payment made to the municipality or its authorised agent by negotiable instrument is later dishonoured by the bank, the municipality or its authorised agent—

- a) may recover the average bank charges incurred relating to dishonoured negotiable instruments against the account of the customer; and
- b) shall regard such an event as default on payment.

15. Incentive scheme

The Municipality may institute incentive schemes to encourage prompt payment and reward customers that pay accounts on a regular and timeous basis.

16. Paypoints and approved agent

- 1) A customer must pay his/her or its account at pay-points, specified by the municipality or its authorised agent from time to time, or at approved agents of the municipality or its authorised agent.
- 2) The municipality or its authorised agent must inform a customer of the location of the specified pay-points and approved agents for payment of accounts.

Part 4: Accounts**17. Accounts**

- 1) Accounts will be rendered monthly to customers at the address last recorded with the municipality or its authorised agent. The customer may receive more than one account for different municipal services if they are accounted for separately.
- 2) Failure to receive or accept an account does not relieve a customer of the obligation to pay an amount due and payable.
- 3) The municipality or its authorised agent must, if administratively possible, issue a duplicate account to a customer on request upon payment of a fee as prescribed in the Municipality's tariff of charges.
- 4) Accounts must be paid not later than the last date of payment specified in such account, which date will be at least 14 days after the date of the account.
- 5) Accounts will reflect at least—
 - a) The services rendered;
 - b) The consumption of metered services or average, shared or estimated consumption;
 - c) The period stipulated in the account,
 - d) The applicable charges;
 - e) Any subsidies;
 - f) The amount due (excluding value added tax);
 - g) Value added tax;
 - h) The adjustment, if any, to metered consumption which has been previously estimated;
 - i) The arrears, if any;
 - j) The interest payable on arrears, if any;
 - k) The final date for payment;
 - l) The methods, places and approved agents where payment may be made; and state that—

- (i) the customer may conclude an agreement with the municipality or its authorised agent for payment of the arrear amount installments at the municipality or its authorised agent's offices before the final date for payment, if a customer is unable to pay the full amount due and payable;
- (ii) if no such agreement is entered into the municipality or its authorised agent will limit the services after sending a final demand notice to the customer;
- (iii) legal action may be instituted against any customer for the recovery of any amount 45 days in arrears;
- (iv) the account may be handed over to a debt collector for collection; and
- (v) proof of registration as an indigent customer, in terms of the municipality or its authorised agent's indigent policy, must be handed in at the offices of the municipality or its authorised agent before the final date for payment.

18. Consolidated debt

- 1) If one account is rendered for more than one municipal service provided, the amount due and payable by a customer constitutes a consolidated debt, and any payment made by customer of an amount less than the total amount due, will be allocated at the discretion of the municipality between service debts.
- 2) If account is rendered for only one municipal service provided, any payment made by a customer of an amount less than the total amount due will be allocated at the discretion of the municipality.
- 3) A customer may not elect how an account is to be settled if it is not settled in full or if there are arrears.

Part 5: Queries, complaints and appeals

19. Queries or complaints in respect of an account

- 1) A customer may lodge a query or complaint in respect of any accuracy of an amount due and payable in respect of a specific municipal service as reflected on the account rendered.
- 2) A query or complaint must be lodged with the municipality or its authorised agent before the due date for payment of the account.
- 3) A query or complaint must be accompanied by the payment of the average of the last three month's accounts where history of the account is available or an estimated amount provided by the municipality before payment due date until the matter is resolved.
- 4) The municipality or its authorised agent will register the query or complaint and provide the customer with a reference number.
- 5) The municipality or its authorised agent—
 - a) shall investigate or cause the query or complaint to be investigated; and
 - b) must inform the customer, in writing, of its finding within one month after the query or complaint was registered.
- 6) Failure to make such agreed interim payment or payments will render the customer liable for disconnection.

20. Appeals against finding of municipality or its authorised agent in respect of queries or complaints

- 1) A customer may appeal in writing against a finding of the municipality or its authorised agent in terms of section 19.
- 2) An appeal and request in terms of subsection (1) must be made in writing and lodged with the municipality within 21 days after the customer became aware of the finding referred to in section 19 and must—
 - (a) set out the reason for the appeal; and
 - (b) be accompanied by any security determined for the testing of a measuring device, if applicable.

Part 6: Arrears

21. Interest

- 1) Interest will be levied on arrears at the prevailing prime interest rate or at a rate prescribed by the Municipality from time to time.
- 2) The costs associated with the limitation or disconnection of municipal services shall be for the cost of the customer and shall be include in the account following the re-connection.

22. Accounts 45 days in arrears

- 1. Where an account rendered to a customer remains outstanding for more than 45 (forty-five) days the municipality or its authorised agent may—
 - a) institute legal action against a customer for the arrears; and
 - b) hand the customer's account over to a debt collector or an attorney for collection.

2. A customer will be liable for any legal fees, cheque costs, postal charges, administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit, as may be determined by the Municipality from time to time.

Part 7: Agreement for the payment of arrears

23. Agreements

- 1) The following agreements for the payment arrears in instalments may be entered into—
 - a) An acknowledgement of debt.
 - b) Consent to judgment.
 - c) An emolument attachment order.
- 2) The customer shall acknowledge that interest will be charged at the prescribed rate.
- 3) Customers with electricity arrears must agree to the conversion to a prepayment meter if and when implementable, the cost of which, and the arrears total, will be paid off either by—
 - a) Adding it to the arrears account and repaying it over the agreed period; or
 - b) Adding it as a surcharge to the prepaid electricity cost, and repaying it with each purchase of electricity until the debt is settled.
- 4) The municipality or its authorised agent must require a customer to pay at least its current account on entering into an agreement for the payment of arrears in instalments.
- 5) The municipality reserves the right to raise the security deposit requirement of debtors who seek arrangements.

24. Copy of agreement to customer

A copy of the agreement shall be made available to the customer.

25. Failure to honour agreements

- 1) If a customer fails to comply with an agreement for the payment of arrears in instalments, the total of all outstanding amounts, including the arrears, any interest thereon, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit will be immediately due and payable, without further notice or correspondence and the municipality or its authorised agent may—
 - a) disconnect the electricity services provided to the customer, subject to the provisions of section 4.3.7 of numbers 047-1-1999 issued by the National Electricity regulator as amended from time to time;
 - b) in the event that no electricity services are provided by the municipality or its authorised agent, disconnect the water supply services provided to the customer;
 - c) institute legal action for the recovery of the arrears; and
 - d) hand the customer's account over a debt collector or an attorney for collection.

26. Re-connection of services

An agreement for payment of arrear amount in instalments, entered into after the electricity services was discontinued and/or the water services was limited or disconnected, will not result in the services being restored until—

- a) the arrears, any interest thereon, administration fees, costs incurred in taking relevant action and any penalties, including payment of higher deposit, are paid in full; or
- b) in addition to any payments referred to in subsection (1) the customer shall pay the standard re-connection fee as determined by the municipality from time to time, prior to the re-connection of municipal services by the municipality or its authorized agent.

CHAPTER 3: RATES ASSESSMENT

27. Amount due for assessment rates

- 1) The provisions of Chapter 3 shall apply in respect of the recovery of assessment rates.
- 2) All assessment rates due by owners are payable by fixed date as determined by the municipality in its credit control and debt collection policy.
- 3) Joint owners of property shall be jointly and severally liable for payment of assessment rates.
- 4) Assessment rates will be levied in equal monthly instalments. When levied in equal monthly instalments the amount payable will be included in the municipal account.

- 5) A property owner remains liable for the payment of assessment rates included in municipal accounts, notwithstanding the fact that—
 - a) The property is not occupied by the owner thereof; and/or
 - b) The municipal account is registered in the name of a person other than the owner of the property.

CHAPTER 4: PROVISION OF MUNICIPAL SERVICES TO INDIGENT CUSTOMERS

28. Qualification for registration as indigent customer

All households where the combined gross income of all members of the household over the age of 18 years old less than the amount to be determined by the Municipality, qualify for registration as indigent customers.

29. Application for registration

- 1) A household who qualifies as an indigent customer must complete the application form entitled "Application for Registration as Indigent Customer".
- 2) Any application in terms of subsection (1) must be accompanied by—
 - (i) Documentary proof of income, such as a letter from the customer's employer, a salary advice, a pension card, unemployment fund card; or
 - (ii) An affidavit declaring unemployment or income; and
 - (iii) The customer's latest municipal account in his/her possession; and
 - (iv) A certified copy of the customer's identity document; and
 - (v) The names and identity numbers of all occupants over the age of 18 years who are resident at the property.
- 3) A customer applying for registration as an indigent customer shall be required to declare that all information provided in the application form and other documentation and information provided in connection with the application is true and correct.
- 4) The municipality or its authorised agent shall counter-sign the application form and certify that the consequences and conditions of such an application for the customer were explained to the customer and that the customer indicated that the content of the declaration was understood.

30. Approval of application

- 1) The municipality or its authorised agent may send authorised representatives to premises or households applying for registration as indigent customers to conduct an on-site audit of information provided prior to approval of an application.
- 2) An application shall be approved for a period of 12 months only. Subsidies will be forfeited if the applicant fails to submit proof of income or re-apply for the subsidy.

31. Conditions

The municipality or its authorised agent may upon approval of an application or any time thereafter—

- a) install a pre-payment electricity meter for the indigent customer where electricity is provided by the municipality or its authorised agent when implemented; and
- b) limit the water supply services of an indigent customer to a basic supply of not less than 6 (six) kiloliters per month.

32. Application every 12 months

- 1) An indigent customer must re-apply for indigent support every 12 months, failing which the assistance will cease automatically.
- 2) The provisions of section 33 and 34 of these By-laws shall apply to any application in terms of subsection (1).
- 3) The municipality or its authorised agent cannot guarantee a renewal for indigent support.

33. Subsidised services for indigent customers

- 1) The Municipality may annually, as part of its budgetary process, determine the municipal services and levels thereof which will be subsidised in respect of indigent customers in accordance with national policy, but subject to principles of sustainability and affordability.
- 2) The Municipality will in the determination of municipal services which will be subsidised for indigent customers give preference to subsidising at least the following services—
 - a) Water supply services of 6 kiloliters per household per month.
 - b) Sanitation services of daily night soil removal or a improved ventilated pit latrine per household per month whichever is most affordable to the municipality or its authorised agent; and
 - c) Refuse removal services to a maximum of one removal per household per week.

- d) All rates levied on properties of which the municipal value is less than R20 000: provided that if, in the case of any proper or category of properties, it is not feasible to value or measure such property, the basis on which the property rates thereof shall be determined, shall be as prescribed by the Municipality.
- 3) The municipality must, when making a determination in terms of subsection (1) give public notice of such determination.
- 4) Public notice in terms of subsection (3) must contain at least the following—
- a) the level or quantity of municipal service which will be subsidised.
 - b) the level of subsidy.
 - c) the method of calculating the subsidy.
 - d) any special terms and conditions which will apply to the subsidy, not provided for in these By-laws.
- 5) Any other municipal services rendered by the municipality or municipal services consumed in excess of the levels or quantities determined in subsection (1) shall be charged for and the indigent customer shall be liable for the payment of such charges levied on the excess consumption.
- 6) The provisions of Chapter 3 shall *mutatis mutandis* apply to the amounts due and payable in terms of subsection (5).
- 34. Funding of subsidised services**
- 1) The subsidised services referred to in section 33 shall be funded from the portion of revenue raised nationally which is allocated to the municipality and if such funding is insufficient the services may be funded from revenue raised through rates, fees and charges in respect of municipal services.
 - 2) The subsidy amount to be funded from revenue raised nationally which is allocated to municipality shall be calculated by dividing the amount allocated by estimated number of customers which may qualify for registration as indigent customers.
- 35. Existing arrears of indigent customers**
- Arrears accumulated in respect of the municipal accounts of customers prior to registration as indigent customers will be either—
- a) written off;
 - b) applied as a surcharge to prepaid electricity coupons; or
 - c) be attempted to be recovered through legal proceedings and/or extended term arrangements.
- 36. Audits**
- The municipality may undertake regular random audits carried out by the municipality or its authorised agent to—
- a) verify the information provided by indigent customer;
 - b) record any changes in the circumstances of indigent customers; and
 - c) make recommendations on the de-registration of the indigent customer.
- 37. De-registration**
- 1) Any customer who provides or provided false information in the application form and/or any other documentation and information in connection with the application shall automatically, without notice, be de-registered as an indigent customer from the date on which the municipality or its authorised agent became aware that such information is false.
 - 2) An indigent customer must immediately request de-registration by the municipality or its authorised agent if his/her circumstances has changed to the extent that he/she no longer meet the qualifications set out in section 28.
 - 3) An indigent customer shall automatically be de-registered in accordance with section 29 is not made or if such application not approved.
 - 4) An indigent customer shall automatically be de-registered if an audit or verification concludes that the financial circumstances of the indigent customer have changed to the extent that he/she no longer meets the qualifications set out in 28.
 - 5) An indigent customer may at any time request de-registration.

CHAPTER 5: BUSINESSES WHO TENDER TO THE MUNICIPALITY

38. Procurement policy and tender conditions

The procurement policy and tender conditions may provide that—

- 1) When inviting tenders for the provision of services or delivery of goods, potential contractors may submit tenders subject to a condition that the consideration and evaluation thereof will necessitate that the tenderer obtain from the municipality a certificate stating that all relevant municipal accounts owing by the tenderer or its directors, owners or

partners have been paid or that suitable arrangements (which include the right set off in the event of non-compliance) have been made for payment of any arrears;

- 2) A municipal account shall mean any municipal service charge, tax or other fees, fines and penalties, due in terms of a contract or approved target or rate, which is outstanding after the due date normally appearing on the consolidated account or overdue in terms of the contract or any other due date that has passed; and
- 3) Tender conditions contain a condition allowing the municipality from contract payment in terms of a reasonable arrangement with the debtor.

CHAPTER 6: UNAUTHORISED SERVICES

39. Unauthorised services

- 1) No person may gain access to municipal services unless it is in terms of an agreement entered into with the municipality or its authorised agent for the rendering of those services.
- 2) The municipality or its authorised agent may, irrespective of any other action it may take against such person in terms of these By-laws, by written notice, order a person who is using unauthorised services to—
 - a) apply for such services in terms of Chapter 2 Part 1;
 - b) undertake such work, as may be necessary to ensure that the customer installation through which access was gained complies with provisions of these or any other relevant By-laws.
- 3) Any agreement, entered into before the date of coming into effect of these By-laws, and which is in full force and effect, shall be deemed to have been entered into in terms of these By-laws and shall remain in force and effect until cancelled.

40. Interference with infrastructure for the provision of municipal services

- 1) No person other than the municipality or its authorised agent shall manage, operate or maintain infrastructure through which municipal services are provided.
- 2) No person other than the municipality or its authorised agent shall effect a connection to infrastructure through which municipal services are provided.

41. Obstruction of access to infrastructure for the provision of municipal services

- 1) No person shall prevent or restrict physical access to infrastructure through which municipal services are provided.
- 2) If a person contravenes subsection (1), the municipality or its authorised agent may—
 - a) by written notice require such person to restore access at his/her own expense within a specified period; or
 - b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

42. Illegal re-connection

- 1) A person who unlawfully and intentionally or negligently reconnects to the services unlawfully and intentionally or negligently interferes with the infrastructure through which municipal services are provided, after such customers access to municipal services have been limited or disconnected, shall immediately be disconnected.
- 2) A person who re-connects to municipal services in the circumstances referred to in subsection (1) shall be liable for the cost associated with any consumption, notwithstanding any other actions which may be taken against such a person.

43. Immediate disconnection

The provision of municipal services may immediately be disconnected if any person—

- a) unlawfully and intentionally or negligently interferes with infrastructure through which the municipality or its authorised agent provides municipal services;
- b) fails to provide information or provide false information reasonably requested by the municipality or its authorised agent.

CHAPTER 7: OFFENCES

44. Offences and penalties

Any person who—

- a) fails to give information required by the municipality or its authorised agent in terms of these By-laws;
- b) assists any person in providing false or fraudulent information or assist in wilfully concealing information;
- c) uses, tampers or interferes with municipal equipment, service supply equipment, reticulation network or consumption of services rendered;

- d) fails or refuses to give the municipality or its authorised agent such information as may reasonably be required for the purpose of exercising the powers or functions under these By-laws or gives such the municipality or its authorised agent false or misleading information, knowing it to be false or misleading;
- e) contravenes or fails to comply with a provision of these By-laws;
- f) fails to comply with the terms of a notice served upon him/her in terms of these By-laws, shall be guilty of an offence and liable upon conviction to the fines determined by a Chief Magistrate of the Magistrate's Court with jurisdiction in the area in which the offence has been committed or imprisonment as determined by a competent court.

CHAPTER 8: DOCUMENTATION

45. Signing of notices and documents

A notice or document issued by the municipality in terms of these By-laws and signed by a staff member of the municipality or its authorised agent shall be deemed to be duly issued and must on its mere production be accepted by a court of law as evidence of that fact.

46. Notices and documents

- 1) A notice or document issued by the municipality or its authorised agent in terms of these By-laws shall be deemed to be duly authorised if an authorised agent signs it;
- 2) Any notice or other document that is served on an owner, customer or any other person in terms of these By-laws is regarded as having been served—
 - a) if it has been delivered to that person personally;
 - b) when it has been left at that person's place of residence, business or employment in the Republic with a person over the age of sixteen years;
 - c) when it has been posted by registered or certified mail to that person's last known residential address or business in the Republic and an acknowledgement of posting thereof from the postal service is obtained;
 - d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided in subsections (c); or
 - e) it has been posted in a conspicuous place on the property or premises, if any, to which it relates.
- 3) When any notice or other document must be authorised or served on the owner, occupier or holder of any property it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and is not necessarily the name of that person.
- 4) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of delivery or sending of such notice.

47. Authentication of documents

Every order, notice or other document requiring authentication by the municipality shall be sufficiently authenticated if signed by the municipal manager or by a duly authorised officer of the municipality or the authorised agent of the municipality; such authority being conferred by resolution of the municipality, written agreement or by a By-law.

48. *Prima facie* evidence

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

CHAPTER 9: GENERAL PROVISIONS

49. Power of entry and inspection

Subject to the provisions of section 101 of the Act, the municipality or its authorised agent may enter and inspect any premises for any purpose connected with the implementation or enforcement of these By-laws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so.

50. Exemption

- 1) The municipality may, in writing, exempt an owner, customer, any other person or category of owners, customers, ratepayers, users of services from complying with a provision of these By-laws, subject to any conditions it may impose, if it is of the opinion that the application of operation of that provision would be unreasonable, provided that the municipality or its authorised agent shall not grant exemption from any section of these By-laws that may result in—
 - a) the wastage or excessive consumption of municipal services;
 - b) the evasion or avoidance of water restrictions;

- c) significant negative effects on public health, safety or the environment;
 - d) the non-payment for services;
 - e) the Act, or any regulations made in terms thereof, is not complied with.
- 2) The municipality at any time after giving written notice of at least 30 days withdraws any exemption given in terms of subsection (1).

51. Availability of By-laws

- 1) A copy of these By-laws shall be included in the Municipal Code as required in terms of legislation.
- 2) The municipality or its authorised agent shall take reasonable steps to inform customers of the contents of the credit control and debt collection By-laws.
- 3) A copy of these By-laws shall be available for inspection at the municipal offices or at the offices of its authorised agent at all reasonable time.
- 4) A copy of the By-laws may be obtained against payment of a fee as prescribed in the Municipality's tariff of charges from the municipality or its authorised agent.

52. Conflict of laws

- 1) When interpreting a provision of these By-laws, any reasonable interpretation which is consistent with the purpose of the Act as set out in Chapter 9 on Credit Control and Debt Collection, must be preferred over any alternative interpretation which is inconsistent with that purpose.
- 2) If there is any conflict between these By-laws and any other By-laws of the Municipality, these By-laws will prevail.

53. Repeal of By-laws

The municipality's existing By-laws on Credit Control and Debt Collection By-laws are hereby repealed.

54. Short title and commencement

These By-laws are called the Credit Control and Debt Collection By-laws and take effect on the 1st day of the month following the date of publication in the Provincial Gazette.

BY-LAWS RELATING TO FLAMMABLE LIQUIDS INDEX

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1. Definitions

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

"Approved"	means approved by the Chief Fire Officer
"Bulk Depot"	means any premises where the capacity for storage of flammable liquids exceeds 50 kiloliters, which normally receive its supplies from a refinery or other installation by road, rail, water, pipeline or any combination of these methods, and from where the products are delivered direct to consumers in the area immediately surrounding
"Certificate of Registration"	means a certificate issued by the municipality authorizing a specific person or organization to use the said premises therein specified for the manufacturing, storage, use or handling or selling of flammable liquids or to use such premises for the purpose of spray – painting
"Council"	means the council of the Municipality and any other body acting by virtue of any power delegated to it with regard to these by-laws;
"Flammable Liquid"	means any substance in a liquid, gas or vapour form, that is easily ignited, and shall be classified as follows: <ul style="list-style-type: none"> • Class 0 : Liquefied gas • Class I: Liquids which have a closed-cup flash point below 21 degrees Celcius. • Class II: Liquids which have a closed-cup flash point in the range 21- 55 degrees Celcius. • Class III: Liquids which have a closed cup-flash point in the range 55-100 degrees Celcius.
"Flash Point"	(Closed cup) means the lowest temperature at which application of a small flame causes the vapour above a liquid to ignite when the product is heated under prescribed conditions in a closed container.
"Inspector"	means an officer of the Municipality's fire brigade service, duly authorised by the Chief Fire Officer to conduct inspections of any premises as provided for in terms of the Fire Brigade Services Act, 1987 (Act 99 of 1987).
"Municipal Manager"	means the person appointed as the head of administration of the municipality in terms of section 54A of the Municipal Systems Act, and includes any person— <ul style="list-style-type: none"> a) acting in such position; and b) to whom the municipal manager has delegated a power, function or duty in respect of these By-laws;
"Municipality"	means Ulundi Municipality
"Occupier"	means the person or business in actual occupation of a building, land or any premises or a specific portion of any specific building, land or any premises and actually enjoys the benefit thereof.
"Owner"	shall take the meaning as defined in the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).
"Registered premises"	means premises in respect of which a certificate of registration has been issued by the Chief Fire Officer in terms of these by-laws.
"Store"	means any building or structure or part of any building or structure which is used or intended to be used solely for the storage of flammable liquids.

2. Certificate of registration to be obtained

(1) No person shall –

- (a) use any premises in connection with any spray painting activity; or
- (b) store, manufacture, sell, use or handle any flammable liquids or substances on any premises in excess of the following quantities :
 - (i) Class 0 : 48 kilograms
 - (ii) Class I : 210 liters
 - (iii) Class II : 210 liters
 - (iv) Class III: 420 liters unless such person is in possession of a certificate of registration issued by the Municipal Manager in respect of such premises.

(2) In the case of liquefied petroleum gas filling operations, the SABS Code of Practice 087 part VII shall apply.

3. Application for certificate of registration

Every application for a certificate of registration in respect of any premises, shall be submitted to the Municipal Manager on the form prescribed in the first schedule of these by-laws, and shall be accompanied by an approved plan, submitted in accordance with the stipulations of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), as amended.

4. Issue of certificate of registration

(1) No certificate of registration shall be issued unless and until the premises comply with the relevant and applicable legislation, including but not limited to a certificate of occupation issued in terms of the National Building Regulations and Building Standards Act, 1977, as amended.

(2) Any such certificate may be issued subject to such conditions as are deemed necessary by the Chief Fire Officer, having regard to the circumstances of each application, to prevent danger to life and property and

shall further state the maximum amount of each class of flammable liquid permitted to be manufactured, stored, used, sold or handled.

- (3) If any alterations are made to any registered premises, the certificate of registration issued in respect thereof shall be deemed to have been cancelled and application for a new certificate shall be made in terms of section 4.
 - (4) All certificates of registration issued in terms of these by-laws shall be in the form prescribed in the third schedule of these by-laws.
- 5. Conditions of certificate of registration**
No person shall manufacture, store, use or handle any flammable liquid on any premises in excess of the amount stated on the certificate of registration relating to such premises.
- 6. Display of certificate of registration**
Every person to whom a certificate of registration has been issued shall cause such certificate to be affixed and displayed in a conspicuous position on the registered premises at all times.
- 7. Supply of flammable liquids**
- (1) No person shall supply or deliver or cause or permit any flammable liquids to be supplied or delivered to any premises in excess of the quantities specified in section 3, where the occupier is not in possession of a certificate of registration issued in terms of these by-laws in respect of the said premises.
 - (2) No person shall receive or accept delivery or cause or permit any flammable liquids to be received
 - (a) in excess of the quantity specified in section 2 at any premises where the occupier is not in possession of a certificate of registration issued in terms of these by-laws in respect of the said premises;
 - (b) in excess of the amount specified on the certificate of registration issued relating to the premises.
- 8. Transfer of certificate of registration**
- (1) A certificate of registration may, at the discretion of the Municipal Manager, be transferred from one person or organization to another.
 - (2) The person desiring such transfer shall make an application in writing to the Chief Fire Officer on the form prescribed in the second schedule to these by-laws.
 - (3) No certificate of registration shall be transferable from one premises to another.
- 9. Inspection of premises and installations**
- (1) Upon commencement of the installation or erection of any pump, storage tank, filling device, store, spraying room, spraying booth or any other premises used for storage, use or handling of flammable liquids has been commenced with, the occupier of the premises shall notify the Head: Protection Services in writing.
 - (2) No person shall use or cause or permit the use of any such pump, storage tank, filling device, store, spraying booth, spraying room or any other premises used in connection with the storage, use, or handling of flammable liquids until such person is in possession of a certificate of registration relating thereto.
- 10. Storage, use and handling prohibited in certain circumstances**
Except as otherwise provided in these by-laws, no person shall manufacture, store, use, sell or handle or permit or cause to be manufactured, stored, used, sold or handled any flammable liquids on any premises –
- (a) where such flammable liquid or its vapour comes or is likely to come into contact with any fire, flame, naked light or other agency likely to ignite such flammable liquid or its vapour ;
 - (b) unless such premises are situated or constructed or so protected by surrounding walls as not to expose any adjoining premises, room, building or other property to the risk or danger from fire;
 - (c) so situated as to prevent or impede the escape of any person or animal in the case of fire or emergency;
 - (d) unless all equipment and apparatus used in such premises for the storage, use and handling of flammable liquid is maintained in good and proper order and free from leakage of flammable liquid;
 - (e) unless such person has taken all due precautions for the prevention of accidents by fire or explosion on such premises and for the prevention of unauthorized persons obtaining access to the flammable liquids kept thereon.
- 11. Prohibited acts : Notices**
- (1) Whenever so directed by the Head: Protection Services, the occupier of any premises, upon which flammable liquids are manufactured, stored, used, sold or handled, shall post and shall keep posted in a conspicuous position or positions in such premises or such part thereof, as the Chief Fire Officer may specify, a notice or notices in such form as approved by the Chief Fire Officer, prohibiting smoking or the use of a naked flame in such premises or part thereof.

- (2) Any occupier of a premises, or any other person upon or near the premises upon which flammable liquids are manufactured, stored, used, sold or handled who does, or causes or permits to be done, any act or omission which tends to or is likely to cause a fire or explosion or who smokes or uses a naked flame in any portion of the premises where such is prohibited by a notice posted in terms clause (1), and any occupier of premises who fails to post or keep posted any notice as directed in terms of clause(1), shall be guilty of an offence.

12. Notice to discontinue dangerous practice

- (1) Where on inspection of any premises it appears to the inspector that any method of manufacturing, storage, use, selling, transport or handling of flammable liquids is in conflict with the provisions of these by-laws or any other law or is considered by the inspector to be a danger to the public or any person employed in or on the premises, any duly authorized official of the municipality may order the immediate discontinuance of such dangerous practice or the removal of the flammable liquid to a place of safekeeping.
- (2) Any person failing to comply with an instruction of any duly authorized official of the municipality issued in terms of these by-laws shall be guilty of an offence.

13. Flammable liquid spillages

- (1) No person shall cause or permit any flammable liquid to enter any sewer, drain, storm-water system, natural water course or inlet communicating with any such system or any other environmental system.
- (2) Any person becoming aware of any such escape or spillage, accidental or otherwise of any quantity of flammable liquid referred to in subsection (1), shall report such incident to the Chief Fire Officer forthwith.

14. Reporting accidents

The occupier of any premises, or any person becoming aware of it, shall immediately report to the Head: Protection Services any fire, spillage, injury or accident involving flammable liquid or liquids that has occurred in connection with any such premises.

15. Breach of conditions of certificate

Any person who commits any breach of any conditions endorsed on the certificate of registration issued in terms of these by-laws shall be guilty of an offence.

16. Flammable liquid stores to be provided

- (1) Where deemed necessary by the Chief Fire Officer, having regard to the nature and quantity of flammable liquids to be stored, the nature and proximity of adjacent buildings and other risks, an approved flammable liquid store shall be provided in accordance with the requirements of these by-laws or as specified by the Chief Fire Officer.
- (2) No person may use any flammable liquid store for any purpose other than the storage of flammable liquids as defined in these by-laws.

17. Inspection of registered premises

The Head: Protection Services shall arrange for periodic inspection of all premises in respect of which a certificate of registration has been issued in terms of these by-laws in order to ensure that the said premises are maintained and used in accordance with these by-laws.

18. Penalties

Any person contravening any provision of these by-laws or failing to comply with any lawful instruction given in terms of these by-laws, shall be guilty of an offence and liable upon conviction, to a fine or imprisonment for a period not exceeding three years, or both the fine and the imprisonment.

19. Short title and Commencement

These are called Ulundi Municipality By-Laws relating to Flammable Liquids 2012, and shall come into operation on the date of publication in the Provincial Gazette.

**FIRST SCHEDULE: BY-LAWS RELATING TO FLAMMABLE LIQUIDS
APPLICATION FOR A CERTIFICATE OF REGISTRATION**

Date:

Application for a certificate of registration for a spray painting installation, or premises used for the storage, use or handling of flammable liquids, under the fire brigade bylaws relating to flammable liquids. This form must be completed and submitted to the office of the Chief Fire Officer at the Fire Brigade, of Ulundi Municipality

No certificate of registration will be issued unless a Certificate of Occupation has been issued by the Building Control Officer in respect of: (a) the premises and (b) the flammable liquids installation in respect of which application for registration is submitted.

Full name of Applicant / Owner / Chief Executive Officer.....

Trading as.....

Physical address of premises to be registered:.....

Subdivision Lot.....

Street Number.....

Street Name.....

Farm Name.....

Building Name.....

Type of business.....

Number of spraying rooms / booths / cabinets.....

Number of flammable liquid pumps.....

Number of flammable liquid tanks.....

Total capacity of flammable liquid tanks.....

Number of flammable liquid stores.....

Total capacity of flammable liquids.....

Class 0

Class I

Class II

Class III

Signature of applicant.....

Postal Address of applicant.....

Telephone Number

Facsimile Number.....

For office use:

Date of inspection:

Inspector:.....

Comments:.....

New certificate number:

Date of issue:.....

SECOND SCHEDULE: APPLICATION FOR TRANSFER OF A CERTIFICATE OF REGISTRATION

This form must be completed and submitted to the office of the Chief Fire Officer at the Fire Brigade, of Ulundi Municipality

No certificate of registration will be issued or transferred unless a Certificate of Occupation has been issued by the Building Control Officer in respect of: (a) the premises and (b) the flammable liquids installation in respect of which application for registration is submitted.

I hereby apply for the transfer of certificate of the registration as indicated hereunder:

Certificate Number:
Date of issue:.....
Present Holder:.....
Site Address:.....
Name of New Applicant:.....
Postal Address:.....
Telephone Number:.....
Signature of applicant
Date of application.....

For office use:

Date of inspection:
Inspector:.....
Comments:.....
New certificate number:
Date of issue:.....

THIRD SCHEDULE: CERTIFICATE OF REGISTRATION

This is to certify that the premises situated atand occupied by and used as a have been duly registered by the Chief Fire Officer, under the fire brigade bylaws relating to flammable liquids.

The maximum quantity of flammable liquids kept or handled at this address shall not exceed –
Class O Kilograms
Class I Liters
Class II Liters
Class III Liters

This certificate of registration is issued subject to the following conditions:
.....
.....

Chief Fire Officer
Date of Issue.....
Certificate number

This certificate must be displayed in a conspicuous position on the registered premises.

FUNERAL UNDERTAKERS BY-LAWS

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1. Definitions

In these By-Laws unless the context otherwise indicates –

"the Act"	means the National Health Act, 2003 (Act No 61 of 2003), and any expression to which a meaning has been assigned in the Act shall have such meaning ;
"adequately ventilated and illuminated"	means adequately ventilated and illuminated as contemplated in the National Building Regulations and Standards Act, 1977 (Act No 103 of 1977), as amended or the health by-laws applicable within the area of jurisdiction of the municipality ;
"Council"	means Council of Ulundi Municipality or any other body acting by virtue of any power delegated to it with regard to these by-laws;
"certificate of competence"	means a document contemplated in section 5;
"environmental health practitioner"	means a person who is an employee of the Municipality or Zululand District Municipality and who is registered with the Health Professions Council of South Africa and is designated in terms of section 31 (1) of the National Health Act, 2003 (Act No 61 of 2003).
"existing funeral undertaker's premises"	means existing funeral undertakers' premises, which are used as such, on the date of commencement of these by-laws;
"funeral undertaker's premises"	means premises that are or will be used for the preparation and or storage of corpses;
"holder"	means the person in whose name a certificate of competence has been issued;
"new funeral undertaker's premises"	means undertaker's premises that start operating as such after the date of commencement of these by-laws;
"nuisance"	means any condition, thing, act or omission which is offensive or injurious to health or which tends to prejudice the safety, good order or health of the area or part thereof .
"preparation"	means any action aimed at the preparation of a corpse for a funeral or for cremation, export or other disposal and shall include the embalming of such corpse for the said purpose, and "prepare" and any word derived there from shall have a corresponding meaning;
"pure water"	means clean and clear water that contains no Escherichia coli organisms and is free from any substance in concentrations that are detrimental to human health;
"provisional certificate of competence"	means a document as referred to in section 7 .
"rodent-proof"	means rodent-proofed as laid down in the regulations regarding the Prevention of Rodent Infestation and the Storage of Grain, Forage, etc in Urban and Rural areas of the Republic of South Africa promulgated by Government Notice R 1411 of 23 September 1966.
"thermometer"	means an apparatus which can give the temperature readings referred to in the by-laws, the combined accuracy of such a thermometer and its temperature – sensitive sensor being approximately 0,5°C. Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and vice versa.

2. Corpses to be prepared only at funeral undertaker's premises in respect of which a certificate of competence has been issued

Unless otherwise provided for in these by-laws, no person shall prepare and or store any corpse except on funeral undertaker's premises in respect of which a certificate of competence has been issued and is in force.

3. Exemptions

- (1) The municipality may in writing exempt any person from compliance with all or any of these by-laws where, in the opinion of the municipality, non-compliance does not or will not create a nuisance.
- (2) Such exemption shall be subject to such conditions and valid for such a period as the municipality may stipulate in the certificate of exemption.

4. Application for the issue or transfer of a certificate of competence

- (1) Any person wishing to apply for a certificate of competence in respect of new funeral undertaker's premises shall, not less than 21 days before submitting his application to the municipality, cause a notice of his intention to be published in English, Afrikaans and Zulu in a newspaper that circulates in the area in which such premises will be or is situated, provided that:-

such notice shall contain information to the effect that an application for the issue of a certificate of competence in terms of these by-laws is to be submitted to the municipality and that any person who wishes to object to such use shall lodge his objection, together with substantiated representations, with the municipality in writing within 21 days of the date of publication of such notice.

- (2) An application for the issue of a certificate of competence shall be made in writing by the applicant or his authorized representative to the municipality, on the prescribed form.
 - (a) An application for the issue of a certificate of competence shall be accompanied by –
 - (b) a description of the premises and the location thereof; including equipment, storage facilities, preparation areas and toilet facilities.
 - (c) a complete ground plan of the proposed construction or of existing buildings on a scale of 1:100 including the effluent disposal system;
 - (d) a plan of the premises on which north is shown indicating adjacent premises already occupied by the applicant or other persons and the purpose for which such premises are being utilized or are to be utilized;
 - (e) particulars of any person other than the applicant or any of his employees who prepares or will prepare corpses on the premises.
 - (f) a contingency plan for the storage of corpses in the event of a refrigeration or cold room breakdown.
 - (g) a cleansing and disinfection programme.
 - (h) details of registered health care waste remover, transporter and disposer.
- (3) The municipality, when considering issuing a certificate of competence, may request from the applicant or any other person any such further information required.
- (4) The municipality shall not issue / transfer a certificate of competence unless a complete inspection of the premises concerned has been carried out by a medical officer of health or an environmental health officer appointed by the municipality and his report on such inspection, including his recommendation on such issue or transfer, is in the possession of the municipality.

5. Issue or transfer of certificate of competence

When the municipality is satisfied that the premises concerned –

- (1) complies with all requirements laid down in these by-laws and any other applicable legislation;
- (2) are in all respect suitable for the preparation of corpses; and
- (3) will not be offensive to any occupants of premises in the immediate vicinity of such premises, it shall, on conditions as it may determine in respect of the funeral undertaker's premises concerned, issue a certificate of competence in the name of the applicant in such form as it may determine or shall by endorsement transfer an existing certificate of competence to a new holder, as the case may be.

6. Validity and transfer of certificate of competence

A certificate of competence, excluding a provisional certificate of competence, shall, on endorsement by the municipality, be transferable from one holder to a new holder and such certificate shall if so endorsed be valid from the date on which it was issued until it is revoked or suspended in terms of these by-laws.

7. Issue of provisional certificate of competence

- (1) Notwithstanding the fact that the municipality is not satisfied as contemplated in section 4 with regard to funeral undertaker's premises in respect of which a certificate of competence has been applied for, the municipality may in the case of existing funeral undertaker's premises and subject to such conditions as the municipality may determine, issue a provisional certificate of competence in respect of such premises.
- (2) A certificate referred to in subsection (1) will only be issued if the municipality is satisfied that the use of such funeral undertaker's premises does not and will not create a nuisance, and will be issued for a maximum period of six months to enable the applicant to alter such premises in order to comply with the provisions of these by-laws.
- (3) If, after the period referred to in subsection (2) above, the premises does not comply with the provisions of these by-laws, the municipality may revoke the provisional certificate of competence.

8. Duties of holder

- (1) The holder shall immediately inform the municipality in writing if there are any changes in the particulars or circumstances supplied to the municipality in the application for the certificate of competence.

- (2) A funeral undertaker shall not dispose of a body in any place or premises other than a cemetery or crematoria registered in terms of the KwaZulu- Natal Cemeteries and Crematoria Act, 1996 (Act No 12 of 1996).
- (3) The holder shall comply with the provisions of these by-laws, applicable legislation and any conditions imposed by the municipality.

9. Suspension or revocation of a certificate of competence or provisional certificate of competence

- (1) If the municipality is of the opinion, on the strength of an inspection report and/or recommendation by a medical officer of health or environmental health officer, that there are reasonable grounds to suspect that –
 - (a) the funeral undertaker's premises concerned are being used in such a way as to create a nuisance or that conditions constituting a nuisance have been or are being created on the funeral undertaker's premises concerned; or
 - (b) the premises concerned are being used in contravention of the provisions of the National Health Act, 2003 (Act No 61 of 2003), these by-laws or any other applicable legislation or any conditions imposed by the certificate of competence or provisional certificate of competence, the municipality may –
 - (i) in relation to conditions referred to in section 9(1)(a) where in its opinion the health hazard in question is a real hazard revoke the certificate of competence or provisional certificate of competence concerned;
 - (ii) in relation to an irregularity referred to in section 9(1)(b) suspend the certificate of competence or provisional certificate of competence concerned for such period as municipality may determine, to enable the holder to comply with the applicable legislation and/or conditions imposed.
 - (iii) may revoke the certificate without further notice if the holder fails to comply within the period stipulated in the notice of suspension.
- (2) A notice issued by municipality in terms of section 9(1) shall be issued in writing, and then served on the holder.
- (3) The suspension or revocation of a certificate of competence or provisional certificate of competence in terms of this by-law shall have the effect that, from the date of the notice of suspension or revocation –
 - (a) no preparation of any corpse shall be performed on the premises concerned;
 - (b) no corpse shall be received for preparation on the premises concerned; and
 - (c) no corpse shall be preserved on the premises concerned and every corpse shall immediately be removed to a mortuary under the control of the State, a provincial administration or the municipality or any other funeral undertaker's premises, provided that this by-law shall not be applicable and the said notice shall not be so construed as to restrict any other business activity relating to the funeral undertaking profession including the sale of coffins and policies.
- (4) Where the municipality is of the opinion that a condition that gave rise to the revocation of a certificate as contemplated in this by-law has been corrected after such revocation, it shall, on written application made by or on behalf of the holder, repeal such revocation by endorsement on the certificate concerned.

10. Requirements relating to funeral undertaker's premises

- (1) Provision for the following shall be made on funeral undertaker's premises:
 - (a) A preparation room for the preparation of corpses.
 - (b) Change-rooms, separate for each sex, for the use of the employees employed at such premises.
 - (c) Refrigeration facilities for the refrigeration of corpses.
 - (d) Facilities for the washing and cleansing of utensils and equipment inside the building.
 - (e) Facilities for the cleansing of vehicles on the premises.
 - (f) Facilities for the loading and unloading of corpses as contemplated in clause 10 (6)
- (2) No room on a funeral undertaker's premises shall be used for any purpose other than the purpose for which it is intended.
- (3) The preparation room –
 - (a) shall be so designed as to –
 - (i) be separated from all other rooms on the premises and as not to communicate directly with any office or salesroom: Provided that, where a preparation room on existing funeral undertaker's premises so communicates, the entrance thereto shall be so concealed that

- the interior thereof is completely out of the sight of any person in such office or salesroom;
- (ii) enable obnoxious odours and vapors to be adequately treated; and
 - (iii) be sufficiently ventilated and lighted;
- (b) shall have a floor –
- (i) covering an area of not less than 16m² for the first table of the kind referred to in section 10 (3) (e) and 8m² for each additional table;
 - (ii) constructed of concrete or similar waterproof material with a smooth non slippery surface that is easy to clean, and sloped at an angle to ensure that any run-off will drain into a disposal system approved by the municipality; and
 - (iii) which, if it is replaced or laid after the date of commencement of these by-laws, shall be provided with half round filling where it meets the walls;
- (c) shall have walls the inner surfaces of which have a smooth finish and are covered with a light-colored washable paint or other suitable, smooth, waterproof, light-colored and washable material.
- (d) shall be provided with a ceiling not less than 2,4 m above the floor level, which ceiling shall be dust proof and painted with a light coloured washable paint;
- (e) shall contain not less than one table of stainless steel or glazed earthenware or other suitable material, equipped with a raised rim on the outside, a tap with cold running water to which a flexible pipe can be connected and a drainage opening connected to an approved disposal system;
- (f) shall contain not less than one wash basin for each table, made of stainless steel or other suitable material, with a working surface of the same material, taps with hot and cold running water and a drainage opening permanently connected to an approved disposal system, and provided with disposable towels, a nailbrush and soap;
- (g) shall have not less than one tap with running water to which a flexible pipe, long enough to reach all corners of such room, can be connected for cleaning the interior surfaces;
- (h) shall have door openings that are not less than 0,82m in width and 2,00 m in height so that corpses can be taken into and out of such room without any difficulty.
- (4) Each change-room shall contain at least the following:
- (a) One hand-basin with hot and cold running water for every six employees or part thereof;
 - (b) disposable towels, soap, nailbrushes and disinfectant; and
 - (c) not less than one toilet for every 15 male employees or part thereof and not less than one toilet for every 15 female employees or part thereof employed at the funeral undertaker's premises concerned, provided that, where a separate urinal for men forms part of such facilities, one toilet plus one separate urinal shall be permissible for every 30 men or part thereof.
- (5) Refrigeration facilities such as refrigeration or cold chambers for the keeping of corpses, shall be installed in or close proximity of such preparation room and –
- (a) where refrigerators are used, it shall be constructed of a material that does not absorb moisture, shall be provided with removable trays and shall be so designed as to drain into an approved drainage system and be easy to clean;
 - (b) be of such a nature that the surface temperature of any corpse shall be no higher than 5°C within 3 hours of its being received on the premises and no higher than 15°C during preparation. An accurate thermometer must be provided at the refrigerator or cold chamber and must be operational at all times.
 - (c) in instances where cold chambers are used, it shall comply with section 10 (3)(a)(ii), (b)(ii), (c), (d) and (h) and shall be provided with shelves manufactured from a material that does not absorb moisture and that is easy to clean.
 - (d) corpses are not to be stored on top of each other and must be stored individually on the trays or shelves.
- (6) The cleansing, loading and unloading facilities shall consist of a paved area, screened from public view, with a drainage system into a gulley connected to a sewer system approved by the municipality.
- (7) The loading and unloading of corpses and the cleansing of vehicles shall not take place anywhere except in the area contemplated in section 10 (6).

- (8) The funeral undertaker's premises shall be rodent-proof.

11. Hygiene

- (1) All health care waste generated must be stored, removed, transported and disposed of in accordance with the South African National Standard, SANS 10248:2004.
- (2) Every holder of a certificate of competence relating to funeral undertaker's premises shall –
- (a) provide clean protective clothing consisting of surgical gloves, gumboots, plastic aprons so designed that the front hangs over the top of the gumboots, face masks and overcoats/overalls to all employees and all other persons involved in the preparation of corpses or post mortems, and each such employee or other person shall, at all times when so involved, wear such clothing;
 - (b) keep such premises free of pests and insects at all times.
 - (c) clean immediately after the preparation of any corpse, all working areas or surfaces at such premises where corpses are prepared;
 - (d) wash and disinfect all equipment used for the preparation of corpses immediately after use;
 - (e) wash, clean and disinfect all protective clothing that has been used on the premises on a daily basis;
 - (f) keep such premises clean and tidy at all times; and
 - (g) if a corpse has been transported without a moisture-proof covering, wash and disinfect the loading space of the vehicle concerned after such corpse has been removed.

12. Offences and Penalties

Any person who –

- (1) contravenes or fails to comply with any provisions of these by-laws;
- (2) contravenes or fails to comply with any notice given or condition imposed in terms of these by-laws;
- (3) for the purpose of these by-laws makes a false statement knowing it to be false or deliberately furnishes false or misleading information to an authorized official or officer; or
- (4) threatens, resists, interferes with or obstructs an authorized officer or employee of the municipality in the performance of his powers, duties or functions under these by-laws, shall be guilty of an offence and upon conviction be liable to a fine or imprisonment for a period not exceeding twelve months or to both to such fine and the imprisonment.

13. Short title and commencement

These are called Ulundi Municipality Funeral Undertakers By-Laws, 2012, and shall come into operation on the date of publication in the Provincial Gazette

POUND BY-LAWS

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1. Definitions

In these by-laws, unless inconsistent with the context –

"animal"	means a horse, bovine, donkey, sheep, goat, pig, ostrich, dog, cat, domesticated ostrich, or any hybrid of such animals, or any poultry;
"animals"	has a corresponding meaning;
"Council"	means the council of the Ulundi Municipality;
"impounded animal"	means any animal received into a pound as contemplated in section 5;
"owner"	in relation to any:- a) animal, means an owner who is known or whose identity, with the exercise of reasonable diligence, can be ascertained and includes the agent of the owner or other person having the lawful custody or possession of such animal ; and b) land includes the registered owner, the lessee and any lawful occupier of such animal;
"pound"	means any premises on which a pound has been established by or on behalf of the municipality for the impounding of animals under these by-laws; and
"pound manager"	means the person appointed from time to time by the municipality in terms of its recruitment policy to manage a pound established by the municipality 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"	means a public road as described under Section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996).

2. Application

Nothing prevents any animal detained in terms of these by-laws from being impounded in a pound or any similar facility established by any other municipality, the provincial government or other lawful authority.

3. Establishment of pound

- (1) The Municipality shall establish a pound at any convenient place within its area of jurisdiction and, whenever the Municipality deems it necessary.
- (2) The municipality may enter into a service delivery agreement with an institution, municipal entity, another municipality or an organ of state including a traditional authority to provide for the establishment and operation of the pound to service its area of jurisdiction.
- (3) The Municipality shall give notice of the establishment of a pound, by publishing a notice in at least two newspapers circulating in the area of jurisdiction of the municipality.

4. 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 municipality, a member of the South African Police Services/South African Defence Force/KwaZulu-Natal Road Traffic Inspectorate or the pound manager/ Municipal Traffic Officers.
- (2) Any person who has detained an animal for the purpose of impounding it shall -
 - (a) remove such animal to a pound provided that such animal may not be removed to a pound before notice is given to the owner in writing no less than 72 hours prior to the removal to the pound;
 - (b) not keep such an animal seized for a period longer than 6 hours without supplying such animal with adequate food and water;
 - (c) handle such an animal humanely and with patience and tolerance;
 - (d) avoid transporting an animal where such may cause injury to itself or any other animal;
 - (e) not keep a seized fractious animal with other kept animals;
 - (f) ensure that proper care is taken of the seized animal until the animal is received at the pound; and

- (g) comply with Schedule 1 of the Code of Good Practice on the Handling and Transportation of Impounded Animals

5. 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 5(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;
 - (iv) number and description of animals received; and
 - (v) the land upon which the animal was trespassing.
 - (c) keep a copy of each receipt issued in terms of section 5(2)(b).
- (3) No person shall release or attempt to release, otherwise than in accordance with these by-laws, any animal which has been received at a pound.

6. Pound Register

- (1) The pound manager must:-
 - (a) maintain a pound register containing the information contemplated in section (5)(2) which may be available for public inspection at all reasonable times; and
 - (b) complete the pound register immediately upon the acceptance into the pound of any animal.

7. Care of Animals

- 1) The pound manager shall take proper care of any animal impounded in terms of these by-laws.
- 2) The pound manager shall not use or cause or permit use of any animal impounded in terms of these by-laws.
- 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.
- 5) If the pound manager is of the opinion that an impounded animal is dangerously vicious, permanently disabled or terminally ill, he must apply to court, who may authorise the destruction or other disposal of the impounded animal;
- 6) Where a court has authorised a destruction or disposal of animal, the pound manager will notify the owner in writing immediately.

8. 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 Municipality from time to time; and
- 3) paid any veterinary or other expenses incurred in the impounding of the animal. The pound manager may refuse the release of an animal, whereupon s/he may apply to court for authority to impound the animal or to claim any damages s/he may have suffered, in which event the court may make any order, including an order as to costs that the court deems just and equitable.

9. Disposal of animals

- (1) The pound manager may sell by public auction and for cash any impounded animal which has not been claimed within 14 days of being impounded, and in respect of which –

- (a) the Municipality 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 8(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 Municipality 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.
- (3) The proceeds of any sale shall be applied in defraying the fees and expenses referred to in section 7 and the balance, if any, shall be forfeited to the Municipality 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 Municipality.
- (5) Any shortfall between the proceeds of sale, if any, and the fees and expenses referred to in section 7, or the costs of destruction as contemplated in clause 8(4), may be claimed by the Municipality from the owner.
- (6) The pound manager, family member or close associate may not purchase an impounded animal.

10. Indemnity

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

11. Offences and penalties

Any person who contravenes or fails to comply with any provision of these by-laws shall be guilty of an offence on conviction and liable for a fine not exceeding R30 000 or imprisonment for a period not exceeding six months or for both such fine and imprisonment.

12. Repeal of existing By-laws

The municipality's existing Pound by-laws are hereby repealed.

13. Short title and commencement

These by-laws are called the Pound By-laws, 2012, and shall come into operation on the date of publication in the Provincial Gazette.

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CHAPTER 1: DEFINITIONS

1. Definitions

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

"authorised official"	means an official of the Municipality who is authorised to manage or assist in the management of a public amenity;
"Council"	means the Municipal Council of the Municipality;
"motor vehicle"	means any self-propelled vehicle and includes- (a) a trailer; (b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include- (i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or (ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person; d) a "motor cycle" which is a motor vehicle which has two wheels and includes any such vehicle having a side-car attached; e) a motor quadracycle which is a motor vehicle, other than a tractor, which has four wheels and which is designed to be driven by the type of controls usually fitted to a motor cycle; and f) a motor tricycle which is a motor vehicle, other than a motor cycle or a tractor, which has three wheels and which is designed to be driven by the type of controls usually fitted to a motor cycle.
"notice"	means an official notice of the municipality displayed at entrances to or at conspicuous places in a public amenity;
"public amenity"	means any outdoor or indoor amenity which is vested in or controlled by the Municipality and to which the public have access, and includes, without limiting the generality of this definition – a) a park, botanical or zoological garden, pleasure resort, nature reserve, hiking trail, sports ground or swimming pool; and b) any building situated within a public amenity; and
"the Municipality"	means the Ulundi Municipality.

CHAPTER 2: ENTRANCE TO PUBLIC AMENITIES

2. Opening times

- (1) A public amenity shall be open to the public during times determined by the municipality and indicated by notice; and
- (2) No person shall enter or be present in a public amenity other than during the opening times determined by the municipality in terms of subsection (1).

3. Entrance fees

The municipality shall determine entrance fees to a public amenity:-

- (1) No person shall enter a public amenity unless he or she has paid the entrance fee determined by the municipality in terms of subsection (1); and
- (2) The municipality may suspend the payment of entrance fees on any specific day or days as it deems fit.

4. Entrance and exit

- (1) No person shall enter or leave a public amenity except through the gates provided for that purpose; and
- (2) No person shall create any unauthorized entrance to a public amenity destroying any structure or fencing prohibiting unauthorized entrance to a public amenity.

5. Maximum number of visitors

The municipality may determine, and display by notice, the maximum number of visitors who may be admitted to or be present in any public amenity during specific times or on specific days.

6. Closing of public amenities

The Municipality may:-

- (1) for any special purpose by notice close a public amenity or part thereof for such time as it may from time to time consider necessary or expedient; and
- (2) for any purpose related to the operation and maintenance of the public amenity by notice close any part of public amenity to the public.

CHAPTER 3: PROHIBITED CONDUCT**7. Personal behavior**

No person in a public amenity shall:-

- (1) do anything which endangers or is likely to endanger another person or property belonging to another person;
- (2) do anything which constitutes a nuisance or interferes with another person in the proper enjoyment of the public amenity;
- (3) use profane, indecent or improper language;
- (4) conduct any sexual or indecent activities;
- (5) consume alcohol or any other intoxicating substance, or be intoxicated;
- (6) use, intrude upon or attempt to intrude upon any toilet, urinal or other place of convenience provided for the opposite sex;
- (7) enter any part of a public amenity determined by the municipality and indicated by notice to be closed to the public;
- (8) pollute, through the washing of clothes or otherwise, any stream, river, lake, dam, pond, fountain or ornamental water feature;
- (9) swim in any stream, river, lake, dam, pond, fountain or ornamental water feature unless a notice specifically permits swimming in that place; or
- (10) launch a boat, canoe, raft or any other floating object on any stream, river, lake, dam, pond, fountain or ornamental water feature except with the written consent of the Municipality; and
- (11) remain in permanent residence in any structure/building and/or facility in a public amenity without written consent from the municipality.

8. Damage

No person in a public amenity shall:-

- (1) place or leave any placards or notices;
- (2) damage or remove any vegetation, including any grassed area;
- (3) light any fire, except at designated braai facilities;
- (4) litter;
- (5) erect any structure or tent of any kind without the consent of the Municipality in writing; and
- (6) damage any building or other structure erected by or with the consent of the municipality.

9. Animals

(1) No person in a public amenity shall:-

- (a) take a dog or any other animal into a public amenity in contravention of a notice;
 - (b) bathe or wash a dog or any other animal, or allow a dog or any other animal to swim, in any stream, river, lake, dam, pond, fountain or ornamental water feature;
 - (c) interfere with or harm any bird or wild animal; and
 - (d) dispose of a dead animal in any public amenity.
- (2) In any public amenity where dogs are allowed, the owner or person having custody of a dog shall ensure that-
- (a) the dog is kept on a leash;
 - (b) the dog does not attack, terrify or interfere with any person, animal or bird;
 - (c) any faeces left by the dog are removed; and
 - (d) no dog is left unattended by him/her.
- (3) The Municipality may impound any dog or other animal which is found in a public amenity and which appears not to be in the custody of a person.

10. Fishing

No person shall:-

- (1) fish without a permit issued by the Municipality;
- (2) fish in contravention of any notice or conditions of permit

11. Duty of Care

- (1) No person shall pollute any park, botanical or zoological garden, pleasure resort, nature reserve, hiking trail, sports ground or swimming pool in a public amenity; and
- (2) A person who causes, has caused or may cause significant pollution or degradation of the environment must take reasonable measures to prevent such pollution or degradation from occurring, continuing or recurring, or, in so far as such harm to the environment is authorised by- law or cannot reasonably be avoided or stopped, to minimise and rectify such pollution or degradation of the environment.

12. Vehicles

No person in a public amenity shall:-

- (1) drive or park a motor vehicle in contravention of a notice;
- (2) clean, maintain or carry out repairs on any motor vehicle;
- (3) ride a bicycle, skateboard, roller skates or other similar device in contravention of a notice;
- (4) drive negligently or recklessly; or
- (5) take part in any unauthorized racing competitions and/or activities.

13. Games and play areas

No person in a public amenity shall:-

- (1) play soccer, cricket or rugby or any other similar game, except in the allocated places and at times determined by the Municipality;
- (2) enter play areas, or use play apparatus, designated by notice as being suitable for the use of children under a particular age; and
- (3) contravene any other notice applicable to any play area.

CHAPTER 4: GENERAL PROVISIONS**14. Authorised officials**

An authorised official may:-

- (1) require any person to produce proof of payment of any applicable entrance fee; and
- (2) instruct any person to comply with the provisions of these by-laws or a notice.

15. Directives

The Municipality may:-

- (1) set aside areas within a public amenity for specified activities and prohibit other specified activities within those areas; and
- (2) issue directives regarding any aspect of the use of a public amenity.

16. Penalties

Any person who:-

- (1) contravenes or fails to comply with any provision of these by-laws; or
- (2) fails to comply with any notice issued in terms of these by-laws; or
- (3) fails to comply with any lawful instruction given in terms of these by-laws; or
- (4) who obstructs or hinders any authorised official or employee of the municipality in the execution of his or her duties under these by-laws, shall be liable for a fine not exceeding R5 000, 00 or to imprisonment for a period not exceeding 6 months or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 92 of the Magistrate's Courts Act. 1944 (Act No 32 of 1944).

17. Repeal of existing By-laws

The Municipality's existing Public Amenities by-laws are hereby repealed.

18. Short title and commencement

These by-laws are called Ulundi Municipality Public Amenities By-laws, 2012, and shall come into operation on the date of publication in the Provincial Gazette.

SOLID WASTE BY-LAWS**INDEX**

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CHAPTER 1: INTERPRETATION**1. Definitions.** In these By-laws, unless the context indicates otherwise –

"affected person"	means a person who has been issued, or who is being issued, with an enforcement notice;
"approved" ,	in the context of bins, bin liners, wrappers and containers means approved by the municipality for the collection and storage of waste;
"Bill of Rights"	means chapter 2 of the Constitution of the Republic of South Africa, 1996;
"bin"	means an approved receptacle used for the temporary storage of waste in terms of these by-laws and which has a capacity of less than 1 cubic meters;
"bin liner"	means an approved loose plastic or other suitable material liner for use in the interior of a bin;
"bulky waste"	means business waste or domestic waste which, by virtue of its mass, shape, size or quantity cannot be conveniently stored in a bin or container;
"business waste"	means waste, generated on premises other than premises used for residential or worship purposes, but does not include hazardous waste, building waste, industrial waste, garden waste, health care risk waste, bulky waste and special industrial waste;
"building waste"	means all waste generated during the construction, alteration, repair or demolition of any structure, and includes building rubble, earth, vegetation and rock displaced during such construction, alteration, repair or demolition;
"container"	means an approved receptacle used for the temporary storage of waste in terms of these by-laws and which has a capacity of more than 1 cubic meters;
"council"	means the Council of Ulundi Municipality
"damage to the environment"	means any pollution, degradation or harm to the environment whether visible or not;
"Director: Community Services"	means a person appointed by the municipality in that capacity or a person acting in that capacity and includes officials of the municipality who under such person's control exercises any function, duty or authority in terms of these By - laws;
"disposal site"	means any place or facility designated by the municipality to receive waste for final disposal;
"domestic waste"	means waste generated on premises used solely for residential purposes and purposes of public worship including halls or other buildings used for worship purposes, but does not include building waste, bulky waste, garden waste or special domestic waste;
"dump"	means placing waste anywhere other than an approved receptacle or a place designated by the municipality as a waste disposal facility or a waste handling facility;
"enforcement notice"	means a notice issued by the municipality under section 22 of these By-laws;
"environment"	means the surroundings within which human beings exist, made up of – (a) the land, water and atmosphere of the earth, (b) micro-organisms, plant and animal life, (c) any part or combination of (a) and (b) and the interrelationships among and between them, and (d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;
"environmental emergency"	means any unexpected or sudden occurrence that may cause or has caused serious harm to human health or damage to the environment, regardless of whether the potential for harm or damage is immediate or delayed;
"garden waste"	means waste generated as a result of normal domestic gardening activities, including grass cuttings, leaves, plants, flowers and other similar small and light organic matter, but does not include tree branches with a diameter thicker than 40mm at any point of its length, bulky waste, building waste or any waste generated as a result of garden service activities;
"garden waste handling facility"	means a waste handling facility that receives and temporarily stores garden waste or any other recyclable waste;
"garden service"	means the provision of commercial gardening services, including the cutting of grass, pruning of trees or any other horticultural activity including landscaping, by any person excluding the municipality, to any domestic, business, commercial or industrial premises;
"hazardous waste"	means waste containing or contaminated by poison, a corrosive agent, a flammable substance having an open flash-point of less than 90 degrees Celsius, an explosive, radioactive material, a chemical or any other waste that has, in the opinion of the council, the potential even in low concentrations to have a significant adverse effect on public health or the environment because of its inherent toxicological, chemical and physical characteristics;
"industrial waste"	means waste generated as a result of manufacturing, maintenance, fabricating, processing or dismantling activities, the activities of workshops and the activities of railway marshalling yards, but does not include building waste, business waste, special industrial waste, hazardous waste, health care risk waste or domestic waste;

"law enforcement officer"	means a law enforcement officer appointed by the municipality as a peace officer in terms of Section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977);
"litter"	means any object or matter which is discarded by a person in any place except in an approved receptacle provided for that purpose or at a waste disposal facility (or disposal site if preferred) or a waste handling facility controlled by the municipality and
"littering"	shall have a corresponding meaning
"health care risk waste"	means all hazardous waste generated at health care facilities such as hospitals, clinics, laboratories, medical research institutions, dental and medical practitioners and veterinarians;
"municipal services"	means a municipal service relating to the collection of waste provided by the municipality in accordance with these By-laws;
"nuisance"	means any injury, harm, damage, inconvenience or annoyance to any person which is caused in any way whatsoever by the improper handling or management of waste, including but not limited to, the storage, placement, collection, transport or disposal of waste or by littering;
"occupier"	includes any person in actual occupation of land or premises without regard to the title under which he or she occupies, and, in the case of premises sub-divided and let to lodgers or various tenants, includes the person receiving the rent payable to the lodgers or tenants whether for his or her own account or as agent for any person entitled thereto or interested therein;
"owner"	includes any person that has title to any premises or land or any person receiving the rent or profits of any land or premises from any tenant or occupier thereof, or who would receive such rents or profits if such land or premises were let, whether for his or her own account or as agent for any person entitled thereto or interested therein: Provided that the "owner" in respect of premises on the Sectional Title Register opened in terms of section 12 of the Sectional Titles Act, 1986, (Act 95 of 1986) means the body corporate, as defined in that Act, in relation to such premises;
"person"	means a natural or juristic person and includes a firm or any association of persons and also licensees;
"pollution"	means any change in the environment caused by – (a) substances; or (b) noise, odours, dust or heat, emitted from any activity, including the storage or treatment of waste or substances, construction and the provision of services, whether engaged in by any person or an organ of the state, where that change has an adverse effect on human health or well-being or on the composition, resilience and productivity of natural or managed ecosystems, or on material useful to people, or will have such an effect in the future;
"premises"	means an erf or any other portion of land including any building or structure thereon or any other structure utilised for business, industrial, residential or worship purposes;
"public place"	includes any public building, public road, overhead bridge, foot pavement, sidewalk, lane, square, open space, garden, park, enclosed space vested in the municipality, recreation area, town land, and any road, place or thoroughfare however created which is in the undisturbed use of the public or which the public has the right to use or the right to access;
"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;
"road reserve"	means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic which is between the edges of the roadway or that portion of a road, street or thoroughfare, including a sidewalk, which is not the roadway or the shoulder;
"recyclable waste"	means waste which in the opinion of the municipality is suitable for re-use, reclamation or recycling and which has been set aside for that purpose;
"special domestic waste"	means waste generated on premises used solely for residential purposes and which cannot by virtue of its mass, shape, size or quantity be conveniently stored in a bin;
"special industrial waste"	means waste, consisting of a liquid, sludge or solid substance, resulting from a manufacturing process, industrial treatment or the pre-treatment for disposal purposes of any industrial or mining liquid waste, which in terms of the municipality's drainage or sanitation By-laws may not be discharged into a drain or sewer;
"tariff"	means the appropriate charge for the provision of municipality services, determined and promulgated by the municipality;
"waste"	means any matter or material, whether solid, liquid or containing a gaseous component, or a by-product or residue of any process or activity, which has been discarded, abandoned, accumulated or stored and which is no longer deemed useful by any person;
"waste disposal facility"	means any facility or site designated by the municipality to receive waste for disposal and includes garden waste

	handling facilities;
"waste handling facility"	means any facility that accepts, accumulates, handles, recycles, sorts, stores or treats waste prior to its transfer for incineration or final disposal;
"wrapper"	means a plastic or other suitable or approved material covering that totally encloses bales or slugs of compacted waste.

CHAPTER 2: BUSINESS AND DOMESTIC WASTE

2. The provision of municipal services

- (1) The municipality shall, subject to the provisions of these By-laws, provide municipal services for the collection of business and domestic waste at a cost to the owner of the premises determined in accordance with the prescribed tariff promulgated by the municipality.
- (2) The occupier of premises on which business or domestic waste is generated is obliged to make use of the municipal services for the collection of such waste, except where the occupier –
 - (a) has obtained the written consent from the municipality to sell or otherwise dispose of any swill, corrugated cardboard, paper, glass or other material for recycling or consumption; or
 - (b) utilises such domestic waste as may be suitable for making compost, provided that the compost remains on the premises and such composting does not cause a nuisance.
- (3) The municipality may deliver containers to premises if, having regard to:
 - (a) the quantity of waste generated on the premises concerned;
 - (b) the suitability of such waste for storage in containers; and
 - (c) the accessibility and adequacy of the space provided by the owner or occupier of the premises in terms of section 3(2) to the waste collection vehicles, it considers containers more suitable than bins for the storage of the waste.
- (4) Where a container has been delivered to premises in terms of subsection (3), the occupier of such premises must, 24 hours before the container is likely to be filled to capacity, inform the municipality thereof.
- (5) The municipality may upon receipt of written notification from the occupier of the premises to the effect that the generation of business or domestic waste has ceased, decreased, or increased in volume, remove so many of the bins or containers or deliver as many additional bins or containers as it may consider necessary, subject to the provisions of section 26.
- (6) Where bins or containers have been provided by the municipality, it remains the property of the municipality.
- (7) The municipality may –
 - (a) determine the quantities of waste that will be collected;
 - (b) determine which premises require municipal services more frequently than the regular collection service for reasons of health, safety and environmental protection;
 - (c) determine the maximum amount of waste that may be placed for collection without the provision of an additional service or the imposition of an additional tariff; and
 - (d) specify requirements for the provision of waste storage areas and access to such areas.
- (8) The municipality may determine or designate –
 - (a) collection schedules;
 - (b) locations for placing approved bins or containers for collection;
 - (c) which types of waste generated by the occupier of any premises are recyclable waste and determine the conditions for their storage and collection; and
 - (d) which types of waste are unsuitable for collection.
- (9) The municipality must notify all generators of domestic and business waste of any decisions taken in terms of subsections (7) and (8) in writing.

3. Placing of bins and containers

- (1) The occupier of the premises must provide a waste handling facility and any other facilities deemed necessary by the municipality on the premises, including space for the storage of the bins or containers delivered by the municipality.

- (2) The space provided in terms of subsection (1) shall –
- (a) in the case of bins, be in such a position on the premises as will allow the storage thereof without it being visible from a street or public place;
 - (b) be so located as to permit convenient access to and egress from such area by municipality's waste collection vehicles;
 - (c) not be more than 10 metres from the entrance to the premises;
 - (d) be sufficient to house all waste, including the materials and any containers used in the sorting and storage of the waste contemplated in sections 2(2)(a) and 6(6), provided that this requirement does not apply in the case of buildings erected, or buildings the building plans of which have been approved prior to the coming into operation of these By-laws.
- (3) The occupier of premises must place or cause the bins or containers delivered to be placed in the space provided in terms of subsection (1) and must at all times keep them there, save that –
- (a) in the case of buildings erected, or buildings the building plans of which have been approved prior to the coming into operation of these By-laws; or
 - (b) in the event of the municipality, in its opinion, being unable to collect and remove waste from the space provided in terms of subsection (1); the municipality may, having regard to the avoidance of nuisance and the convenience of collection of waste, indicate a position within or outside the premises where the bins or containers must be placed for the collection and removal of such waste and such bins and containers must then be placed in such position at such times and for such period at the municipality may require.
- (4) Where, in the opinion of the municipality, the collection of waste from any premises is likely to cause damage to the premises or to the municipality's property, or injury to the municipal employees or to any other person, the municipality may require the owner or occupier of the premises to indemnify the municipality in writing against any such damage or injury or against any claims arising there under.
- 4. Use of bin liners for domestic waste and business waste**
- (1) In order to facilitate the collection of waste, the municipality may require that bin liners be used in bins for the storage of domestic waste or business waste and where so required, the occupier may not place any waste in such bin without using a bin liner approved by the municipality.
- (2) Whenever required by the municipality as referred to in subsection (1), the occupier of premises must place the full bin liner, undamaged and properly closed so as to prevent the dispersal of its contents –
- (a) outside the entrance to the premises before a time on the day of the week specified by the municipality, except where, on written application to the council, the municipality has indicated in writing that it is satisfied that such person is physically infirm or otherwise incapable of complying with this subsection; or
 - (b) in areas where municipality only collects waste from bins or containers, such liner must be placed inside the bin or container in the space as contemplated in section 3.
- 5. Use and care of bins and containers**
- (1) The occupier of premises to which bins or containers have been delivered by the municipality must ensure that –
- (a) all the domestic or business waste generated on the premises is placed and kept in the bins or containers for collection by the municipality, except where an exemption was granted in accordance with the provisions of section 2(2)(a) or (b);
 - (b) no hot ash, unwrapped glass or other business or domestic waste which may cause damage to bins, bin liners or containers, or which may cause injury to the municipality's employees while performing their duties in terms of these By-laws, is placed in bins or containers before suitable steps have been taken to avoid such damage or injury;
 - (c) no material, including any liquid, which by reason of its mass or other characteristics is likely to render the bins, bin liners or containers unreasonably difficult for the municipality's employees to handle or carry, is placed in the bins, bin liners or containers;
 - (d) every bin or container on the premises is kept closed save when waste is being deposited therein or discharged from it, and every bin or container is kept in a clean and hygienic condition;
 - (e) the bin or container is not used for any purpose other than the storage of domestic waste and business waste;
 - (f) no fire is lit in a bin or container.

- (2) The owner of premises to which bins or containers were delivered will be liable to the municipality for the loss thereof and for all damage caused thereto except for such loss or damage as may have been caused by the employees of the municipality.

6. Compaction of business waste

- (1) The municipality may require the occupier who generates business waste to compact that portion of the waste that is compactable. Such a requirement may be imposed where in the opinion of the municipality the quantity of business waste generated on the premises requires the daily removal of more than the equivalent of six 240 –litre bins and where, in the opinion of the municipality, the major portion of such waste is compactable. The occupier of premises may also elect to compact any volume of such waste as is compactable.
- (2) The occupier must place compacted waste into an approved container or wrapper, provided that –
 - (a) the capacity of the wrapper does not exceed 85 litres and the mass of the wrapper and contents do not exceed 20 kilograms; and
 - (b) after the waste has been compacted and put into a wrapper, it is placed in the approved bin or container and is stored so as to prevent damage to the wrapper or any nuisance arising until collected.
- (3) The occupier of the relevant premises must supply the containers or wrappers mentioned in subsection (2).
- (4) The municipality may collect, empty and return any container or wrapper used in terms of subsection (2) at such intervals as it may deem necessary.
- (5) The occupier of the premises must prepare the container or wrapper used in terms of subsection (2) for collection by the municipality and reconnects it to the compaction equipment forthwith after its return by the municipality to the premises.
- (6) Notwithstanding the provisions of this section, the occupier of premises who has obtained the municipality's prior written consent may sell or otherwise dispose of any swill, corrugated cardboard, paper, glass or other material for recycling in a manufacturing process or, in the case of swill, for consumption.
- (7) "Approved" for the purposes of subsection (2) means approved by the municipality, regard being had to the fitness of the container or wrapper for its purpose, and also to the reasonable requirements of the particular instance having regard to human health, safety of the environment, and the storage, collection and disposal of the waste.

CHAPTER 3: INDUSTRIAL WASTE

7. The provision of municipality services

- (1) The municipality shall, subject to the provisions of these By-laws and in particular the provisions of section 8 provide for the collection of industrial waste at a cost to the owner of the premises determined in accordance with the prescribed tariff promulgated by the municipality.
- (2) The provisions of chapter 2, read with the necessary changes, must apply to industrial waste, save that the provisions of section 6 only apply to industrial waste where the occupier of the premises elects to compact such waste.

8. Collection of industrial waste

- (1) Notwithstanding the provisions of section 7, the owner or occupier of premises generating industrial waste, may use the commercial services of a private contractor to collect such waste, provided that such contractor complies with the provisions of these by-laws and any other applicable legislation and condition imposed by municipality.
- (2) In addition to subsection (1), the contractor must ensure that –
 - (a) the equipment which it intends using is suitable for the purpose;
 - (b) the industrial waste is contained in transit;
 - (c) the industrial waste is deposited at a waste disposal facility designated by the council for that purpose;
 - (d) the service rendered is in respect of industrial waste only.

- (3) The owner or occupier of premises on which industrial waste is generated and who makes use of the services of a contractor in terms of subsection (1), must ensure that such waste is collected by the contractor within a reasonable time after the generation thereof.

9. Storage of industrial waste

- (1) The owner or occupier of premises on which industrial waste is generated must ensure that –
 - (a) subject to the provisions of section 2(2)(a) read with the necessary changes, such waste is stored in the bins or containers delivered by the municipality for such purpose, if such waste can by its nature conveniently be stored in the bins or containers or, if the municipality's service is not made use of, in receptacles approved by the municipality, until such time as such waste is collected from the premises;
 - (b) no dust or other nuisance is caused by any industrial waste generated on the premises; and
 - (c) no bin, container or other approved receptacle used for the storage of industrial waste is kept in or on a public place except as may be required for collection.

CHAPTER 4: GARDEN, SPECIAL DOMESTIC AND BULKY WASTE

10. Storage, collection and disposal of garden, special domestic and bulky waste

- (1) The owner or occupier of the premises on which garden waste is generated may compost garden waste on the property, provided such composting does not cause a nuisance.
- (2) The occupier of the premises on which garden waste is generated and not composted or on which special domestic or bulky waste is generated must ensure that such waste is collected and disposed of within a reasonable time after the generation thereof.
- (3) Any person may collect and dispose of garden, special domestic and bulky waste, provided that once such waste has been collected from the premises on which it was generated, it is disposed at a waste disposal facility designated by the municipality for that purpose in accordance with the provisions of section 16.
- (4) At the written request of the occupier of premises the municipality may, in its sole discretion, deliver a bin or container for the purpose of storing garden waste in addition to any bin or container delivered to the premises for the storage of domestic or business waste. The provisions of chapter 2, read with the necessary changes, must apply to a bin or container delivered in terms of this subsection and which is to be used for the storage of garden waste.
- (5) Where the municipality has delivered a bin or container in terms of subsection (4) the municipality must, in the course of providing municipal services, remove such garden waste that has been placed in a bin or container delivered by the municipality to the premises, against payment of the tariff prescribed by the municipality.
- (6) At the request of the occupier of premises and against payment of the tariff charge prescribed by the municipality, the municipality may collect any garden waste not placed in a bin or container as contemplated in subsection (4), special domestic and bulky waste from premises, provided that the municipality is able to do so with its waste removal equipment.

CHAPTER 5: BUILDING WASTE

11. Generation and storage of building waste

- (1) The owner or occupier of premises on which building waste is to be generated must ensure that –
 - (a) until disposal, all building waste, together with the containers used for the storage, collection or disposal thereof, is kept on the premises on which the waste was generated;
 - (b) the premises on which the building waste is generated does not become unsightly or cause a nuisance as a result of accumulated building waste;
 - (c) any building waste which is blown off the premises is promptly retrieved; and
 - (d) pursuant to any instructions from the municipality, any structure necessary to contain the building waste is constructed.
- (2) The owner or occupier of premises may apply in writing to the municipality for written consent to place an approved receptacle for the storage and collection of building waste in the road reserve for the period of such consent. Any consent given by the municipality in terms of this subsection may be subject to such conditions as the municipality may consider necessary.

- (3) The owner or occupier must ensure that every approved receptacle authorised in terms of subsection (2) and used for the storage of building waste –
 - (a) has clearly marked on it the name, address and telephone number of the person in control of such receptacle;
 - (b) is fitted with reflecting chevrons or reflectors which completely outline the front and the back thereof, and
 - (c) is covered at all times other than when actually receiving or being emptied of such waste so that no displacement of its contents can occur.

12. Collection and disposal of building waste

- (1) The owner or occupier of premises on which building waste is generated must ensure that the waste is collected and disposed of within a reasonable time after the generation thereof, but in any event not later than 21 days after the completion or ceasing, temporary or otherwise, of the activities generating the building waste on the premises.
- (2) All building waste must be disposed of at a site designated by the municipality for that purpose, unless the municipality has given written consent for the building waste to be used for the purpose of land reclamation or for recycling.

CHAPTER 6: SPECIAL INDUSTRIAL, HAZARDOUS, HEALTH CARE RISK WASTE

13. Generation of special industrial, hazardous and health care risk waste

- (1) No person may perform any activity which may cause special industrial, hazardous or health care risk waste to be generated, without notifying the municipality prior to the generation of such waste of the composition of such waste, the estimated quantity to be generated, the method of storage, the proposed duration of storage, the manner in which it will be collected and disposed, and the identity of the person removing such waste: Provided that where such waste is being generated as a result of activities which commenced prior to the commencement of these By-laws, the generator must notify the municipality within 3 months of the commencement of these By-laws.
- (2) The person referred to in subsection (1) must with immediate effect notify the municipality in writing of any changes occurring with respect to the generation, composition, quantity, method and duration of storage and location of disposal of the special industrial, hazardous or medical waste.
- (3) If so required by the municipality, the notification referred to in subsection (1) and (2) must be substantiated by an analysis of the composition of such waste certified by an appropriately qualified industrial chemist.
- (4) Subject to the provisions of section 192 of the Local Authorities Ordinance of Natal, Ordinance 25 of 1974 as amended, or any other applicable empowering legislation, the municipality or any person duly authorised by the municipality may enter premises at any reasonable time to ascertain whether special industrial, hazardous or health care risk waste is generated on such premises and may take samples and test any waste found on the premises to ascertain its composition.

14. Storage of special industrial, hazardous and health care risk waste

- (1) Any person carrying on an activity which may cause special industrial, hazardous or health care risk waste must ensure that the special industrial, hazardous or health care risk waste generated on the premises is kept and stored thereon until it is collected from the premises.
- (2) The person referred to in subsection (1) must ensure that the special industrial, hazardous or health care risk waste stored on premises is stored in such a manner that it does not become a nuisance or cause harm to human health or cause damage to the environment.
- (3) Hazardous or health care risk waste must be stored in a container and in a storage area, approved by municipality for a period not exceeding any maximum period to be stipulated by the municipality before collection.
- (4) If any person contravenes the provisions of subsections (2) or (3) the municipality may, subject to the provisions of section 22, issue a notice on that person to remove the waste within 48 hours. If the person fails to comply with the notice, the municipality may, subject to the provisions of section 22, itself or through any person remove the waste and recover any reasonable expenditure from the person who failed to act as directed.

15. Collection and disposal of special industrial, hazardous and health care risk waste

- (1) A person may not collect and transport special industrial, hazardous or health care risk waste from the premises on which it was generated without the written consent of the municipality, and must do so in accordance with the requirements of the municipality in respect of the type of vehicle, the markings and manner of construction of such vehicle, procedures for safety and cleanliness, and documentation relating to the source, transportation and disposal of such waste.
- (2) The person referred to in subsection (1) must inform the municipality at those intervals as the municipality may stipulate, about the removal of special industrial, hazardous or health care risk waste, the identity of the remover, the date of such removal, the quantity and the composition of the special industrial, hazardous or health care risk waste removed and the facility at which the waste has been or will be disposed.
- (3) The person referred to in subsection (1) must dispose of special industrial, hazardous and health care risk waste at a site designated by the municipality for that purpose, provided that health care risk waste must be disposed of by incineration.
- (4) If any person contravenes the provisions of this section, the municipality may, subject to the provisions of section 22, issue a notice to that person to dispose of the waste in a manner directed by the council within 48 hours. If the person fails to comply with the notice, the municipality may, subject to the provisions of section 22, itself or through any person dispose of the waste and recover any reasonable expenditure from the person who failed to act as directed.

CHAPTER 7: DISPOSAL OF WASTE AT WASTE DISPOSAL SITES**16. Disposal of waste at waste disposal sites**

- (1) The municipality may direct that a category of waste be disposed of at a particular disposal site. Waste generated within the area of jurisdiction of the municipality must be disposed of at a waste disposal site that has been permitted to accept and dispose of such waste.
- (2) No person may burn waste either in a public or private place other than at a place designated by the municipality for that purpose or at an authorised incinerator operated by a person licensed to do so.
- (3) The disposal of waste at any waste disposal facility may be subject to such conditions as the municipality may from time to time specify, including the hours of opening and closing, the nature of the waste that may be disposed of, the position in any such waste disposal facility in which the waste may be placed and any other matters which the municipality considers necessary to ensure the environmentally sound management of waste.
- (4) Every person who enters a waste disposal facility, must –
 - (a) enter the waste disposal facility at an authorised access point;
 - (b) on request, provide the council with any information regarding the composition of the waste;
 - (c) on request of the municipality, present a vehicle or a container on a vehicle that has entered the waste disposal facility for the purpose of disposing waste to be weighed at a weigh bridge or in any manner required by the council;
 - (d) ensure that any vehicle or a container on a vehicle used for the transportation of waste that has entered the waste disposal facility have its correct tare legibly displayed on both sides;
 - (e) follow all instructions of the council in regard to access to the actual disposal point, the place where and the manner in which the waste should be deposited; and
 - (f) pay the relevant tariff charge in respect of the waste deposited or comply with any prior arrangements made with the municipality with regard to payment of charges.
- (5) No person may –
 - (a) bring any liquor or intoxicating or narcotic substance onto a waste disposal facility, or enter such facility in an intoxicated state;
 - (b) enter a waste disposal facility for any purpose other than the disposal of waste in terms of these By-laws, unless authorised by the municipality and then only at such times and on such conditions as the municipality may from time to time determine;
 - (c) dispose of waste at a waste disposal facility which is not permitted for such waste; and
 - (d) light any fire upon or near any waste disposal facility.
- (6) Any person who contravenes subsection 7(c) will, in addition to any liability imposed in terms of section 27, be liable for all reasonable costs incurred by the municipality in removing or otherwise dealing with waste improperly disposed of at a waste disposal facility.

- (7) The municipality may refuse to accept waste at a waste disposal facility which may, in the opinion of the municipality, have an adverse effect on human health or well-being or on the environment, and the municipality may impose any conditions it may consider necessary for the acceptance of such waste.
- (8) The municipality may inspect the content and nature of waste to be disposed or processed at a waste disposal facility and may take samples and test any waste found on any vehicle or in any container on a vehicle that has entered a waste disposal facility for the purpose of disposing of waste to ascertain its composition.
- (9) The municipality may refuse entry to, or remove from a waste disposal site controlled by municipality any person who contravenes any of the provisions of this section.
- (10) All waste disposed at a waste disposal site controlled by municipality will become the property of the municipality and no person may remove or interfere with such waste unless authorised by the municipality to do so.

CHAPTER 8: LITTERING, DUMPING AND ABANDONED ARTICLES

17. Duty to provide facilities for litter

- (1) The municipality, or the owner in the case of privately owned premises, must take reasonable steps to ensure that sufficient approved receptacles are provided for the discarding of litter by the public in any place to which the public has access.
- (2) The municipality, or the owner of privately owned premises, must ensure that all approved receptacles installed on the premises for the collection of litter are –
 - (a) maintained in good condition;
 - (b) suitably weighted and anchored so that they cannot be inadvertently overturned;
 - (c) constructed in such a manner as to ensure that they are weatherproof and animal proof;
 - (d) of suitable size to contain all litter likely to be generated on the premises and by the users thereof;
 - (e) placed in locations convenient for the use by users or occupants of the premises to discourage littering or the unhealthy accumulation of waste; and
 - (f) emptied and cleansed periodically or when full. The emptying and cleansing of approved receptacles must be sufficiently frequent as to ensure that no receptacle or its contents may become a nuisance or provide reasonable grounds for complaint.
- (3) In any place where an approved receptacle has been placed for the depositing of litter, the municipality may put up notices regarding littering.

18. Prohibition of littering

- (1) No person may:-
 - (a) cause litter;
 - (b) sweep any waste into a gutter, onto a road reserve or onto any other public place;
 - (c) disturb anything in, or remove anything from any receptacle placed for the purpose of collecting litter in such a manner as to cause the contents of the receptacle to spill or fall onto the ground around it; and
 - (d) allow any person under his or her control to do any of the acts contemplated in subsections (a), (b) and (c) above. For purposes of this subsection, a person will be presumed to have allowed the acts of persons under his or her control unless the contrary is proved.
- (2) Notwithstanding the provisions of subsection (1), the municipality, or the owner in the case of privately owned premises to which the public has access, must within a reasonable time after any litter has been discarded, dumped or left behind, remove such litter or cause it to be removed. For the purposes of this subsection, a reasonable time may mean that period of time before the litter becomes a nuisance or cause for complaint.

19. Prohibition of dumping and abandoning articles

- (1) No person may, without authorisation from the municipality, deposit or permit the depositing of any waste, whether for gain or reward or otherwise, upon any premises or in any building of which that person is the owner or occupier, except where such deposits are made in accordance with the provisions of these By-laws.
- (2) No person may dump waste.
- (3) Subject to any provisions to the contrary contained in these By-laws, no person may leave any article or allow any article under his or her control to be left at a place with the intention of abandoning it.

- (4) Where a person has left an article or allowed an article to be left at a place of which he or she is not the owner or occupier, the person will be presumed to have contravened the provisions of subsection (2) until the contrary is proved.
- (5) Any article, other than a motor vehicle deemed to have been abandoned in terms of section 114 of the National Road Traffic Act, 1996 (Act No. 93 of 1996), which, in the light of such factors as the place where it is found, the period it has been lying at such place and the nature and condition of such article, is reasonably regarded by the municipality as having been abandoned, may be removed and disposed of by the municipality as it may deem fit.
- (6) Where any article has been removed and disposed of by the municipality in terms of subsection (5), the person responsible will be liable to pay the municipality the tariff charge in respect of such removal and disposal.
- (7) For the purpose of subsection (6) the person responsible will be –
 - (a) the last owner of the article before it was removed by the municipality or the person who was entitled to be in possession of the article at the time when it was abandoned or left in the place from where it was so removed, unless that person can prove that he or she was not involved in the abandonment or did not know of its being abandoned or left in that place; or
 - (b) the person by whom it was left in the place from where it was removed as aforesaid; or
 - (c) the person who knowingly permitted the placing of the article in the place aforesaid.

CHAPTER 9: ADMINISTRATIVE ENFORCEMENT PROVISIONS

20. Appointment of authorised officials

The municipality may appoint authorised officials to perform and exercise any function, duty or power specified in these By-laws and in terms of any other law or legislation on behalf of the municipality, in particular in terms of section 101 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000).

21. Powers of authorised officials

- (1) In addition to the powers an authorised official has as a representative of the municipality under section 101 of the Local Government: Municipal Systems Act 2000 (Act 32 of 2000) or any other legislation, an authorised official may –
 - (a) to the extent that access to premises does not fall within the scope of section 101 of the Local Government: Municipal Systems Act 2000 (Act 32 of 2000) or any other legislation, if he or she has reasonable grounds to suspect that there is an environmental emergency and that any delay in obtaining a search warrant will cause serious harm to human health or damage to the environment, without a warrant, enter and search any premises associated with the emergency: Provided that the entry and search be conducted in conformity with the requirements of the Bill of Rights and any other law;
 - (b) inspect any vehicle or mode of conveyance with the consent of the owner or person in charge of it, and where such consent is not obtained, may stop and inspect a vehicle or other mode of conveyance pursuant to a warrant being issued.
- (2) Where, in the opinion of the authorised official, any inspection of a vehicle as contemplated in these By-laws, gives rise to the reasonable apprehension that the presence of waste in or on that vehicle is a serious and immediate danger to human health or to the environment, the authorised official may seize that vehicle in order to prevent, or where that is impossible, to mitigate harm to human health or damage to the environment.
- (3) In the event of the seizure of any vehicle under subsection (2), the municipality must –
 - (a) forthwith take steps to dispose of such waste in order to prevent, and where that is impossible, to mitigate, harm to human health or damage to the environment; and
 - (b) return the said vehicle, within 48 hours after disposing of such waste, to the control of the licensee or person from whose possession or control it was taken.
- (4) In order to monitor or enforce compliance with these By-laws, the authorised official may, subject to the provisions of the Bill of Rights and any other law, require a licensee or any person to disclose information, either orally or in writing, on any matter to which these By-laws relate.

22. Enforcement notices

- (1) If, in the opinion of the authorised official, a person –
 - (a) is causing a nuisance, harm to human health or damage to the environment; or

- (b) does not comply with any obligations prescribed in these By-laws, the authorised official may issue or cause to be issued on that person an enforcement notice in terms of this section.
- (2) An enforcement notice issued under this section must state –
- (a) the name and residential and postal address, if these be known, of the affected person;
 - (b) where –
 - (i) the notice is issued pursuant to circumstances envisaged in subsection 1(a), the nature of the nuisance, harm to human health or damage to the environment that the affected person is causing or is likely to cause, as well as the steps required to forestall or remedy the nuisance, harm to human health or damage to the environment in sufficient detail to enable compliance with the enforcement notice; and
 - (ii) the notice is issued pursuant to circumstances envisaged in subsection 1(b), the obligations the affected person is not complying with, as well as the steps required to comply with the obligations of the owner or occupier in sufficient detail to enable compliance with the enforcement notice.
 - (c) that the affected person must not later than the number of days indicated in the notice and calculated from the day on which the notice is issued, take steps to comply with the notice;
 - (d) that failure to comply with the requirements of the enforcement notice within the period contemplated in paragraph (c) may result in criminal and/or civil liability; and
 - (e) that such written representations may be made to the municipality in accordance with section 24, or a designated committee or internal functionary to which powers under these By-laws have been delegated, at a specified place, within 21 days of receipt of the notice.
- (3) If an affected person fails to comply with an enforcement notice, the municipality or anyone authorised by the municipality, may perform the steps required in the enforcement notice, provided they do so in conformity with the requirements of the Bill of Rights.
- (4) Where the municipality incurs any expenditure as a result of performing such steps, the municipality may recover any reasonable expenditure from the person who failed to act as directed.

23. Complaints

Any person may lodge a complaint with an authorised official, or through any other channel established by the municipality, that any other person is causing harm to human health or damage to the environment by contravening the provisions of these By-laws, in which event the authorized official, unless he or she has reasonable grounds to believe that the complaint is frivolous or unreasonable, must investigate the complaint and must, if he or she is satisfied that such harm or damage is or is likely to be caused, issue an enforcement notice.

24. Representations

- (1) Any affected person may make representations to the municipality, or a designated committee or internal functionary of the municipality to which the council has delegated its powers, in the manner specified in the enforcement notice.
- (2) Representations must be made by submitting a sworn statement or affirmation to the municipality, designated committee or internal functionary within 21 calendar days of the service of the notice.
- (3) Any representation not lodged within 21 calendar days will not be considered, save where the affected person has shown good cause and the municipality, the designated committee or internal functionary condones the late lodging of the representation.
- (4) The municipality, or designated committee or internal functionary must duly consider the representations and any response thereto by an authorised official or any other person, if there be such a response, and may, if deemed necessary, conduct any further investigations to verify the facts. If the municipality, or designated committee or internal functionary should conduct any such further investigations, the results of such investigation must be made available to the affected person, who must be given an opportunity to make a further response if he or she so wishes, and the municipality, or designated committee or internal functionary must also consider such further response.
- (5) After the municipality, or designated committee or internal functionary, is satisfied that the requirements of subsection (4) have been satisfied, the municipality, or designated committee or internal functionary, must make a finding and/or order in writing and give a copy thereof to the affected person. Such an order may –
 - (a) confirm, alter or set aside in whole or in part, an enforcement notice; and
 - (b) must specify the period within which the affected person must comply with any order made by it.

- (6) If the enforcement notice is confirmed, in whole or in part, or is altered but not set aside, the municipality, or designated committee or internal functionary, must inform the affected person that he or she may elect to be tried in court, or must discharge the obligations set out in the enforcement notice.
- (7) If the affected person elects to be tried in court, he or she must notify the municipality, or designated committee or internal functionary of his or her election within 7 calendar days. On receipt of such notification by the municipality, or designated committee or internal functionary, the authorised official must within 10 calendar days take all necessary steps, as envisaged in the Criminal Procedure Act, 1977 (Act No 51 of 1977), to secure the attendance and prosecution of the accused person, in which event the enforcement notice or infringement notice must be cancelled.
- (8) If the affected person does not elect to be tried in court, he or she must discharge his or her obligations under the enforcement notice within the prescribed manner and time.
- (9) If the affected person lodges a representation or elects to be tried in court, any requirement in terms of section 22(2) of these By-laws requiring compliance with an enforcement notice, may be suspended unless, in the opinion of the municipality, the affected person has caused an environmental emergency in which event and without derogation from any right that the affected person may have, or may in future have, under any law, to any relief of whatever nature, the affected person must immediately comply with any such requirement on being ordered by the municipality to do so.
- (10) If there is an environmental emergency and if the affected person, despite receiving a lawful order made in terms of subsection (9), fails to comply with such an order, the municipality may itself cause the environmental emergency to be stopped, reversed or abated, in which event the municipality may institute civil proceedings for the recovery of any reasonable and necessary expenditure which it has incurred or may incur in effecting such a stoppage, reversal or abatement.

CHAPTER 10: GENERAL PROVISIONS

25. Tariff charges

The municipality may determine and promulgate prescribed tariff charges for the provision of municipal services in terms of these By-laws.

26. Liability to pay for municipal services

- (1) Unless otherwise provided in these By-laws, the owner of any premises to which any service has been provided by the municipality in terms of these By-laws, is liable to pay the prescribed tariff charge to the municipality. Such person is not entitled to an exemption from the liability to pay the prescribed tariff charges by reason of his or her not making use of, or of making partial or limited use of the municipal services.
- (2) Where the municipality has amended the provision of any services to any person in terms of these By-laws, whether by reducing or by providing additional services, the municipality may amend its tariff accordingly. The person referred to in subsection (1) will be liable for the amended tariff from the date of commencement of the amended services. For purposes of this subsection, the municipality records will serve as proof of the date of commencement of the amended services until the contrary is proved.
- (3) Notwithstanding the provisions of subsection (1) and (2), the owner of unoccupied premises will be liable for the minimum tariff equal to the cost of 1 x 240L bin prescribed by the municipality for the particular area.
- (4) The prescribed tariff charges become due and payable monthly on the same date as the general assessment rate levied.

27. Offences and penalties

- (1) Any person who –
 - (a) contravenes or fails to comply with any provisions of these By-laws; or
 - (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) obstructs or hinders any employee of the municipality in the execution of his or her duties under these By-laws, is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding 12 months, or to both such fine and imprisonment.

28. Short title and commencement

These are called Solid Waste By-laws and shall come into operation on the date of publication in the Provincial Gazette.

STREET TRADING BY-LAWS INDEX

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CHAPTER 1: DEFINITIONS AND INTERPRETATION

1. Definitions

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

“authorized official”	means an official of the municipality authorized to implement the provisions of these by-laws;
“Council”	means the Council of Ulundi Municipality or other body acting by virtue of any power delegated to it by Council;
“garden or park”	means a garden or park to which the public has a right of access;
“goods”	includes a living thing and any transferable interest;
“intersection”	means an intersection as defined in Section 1 of the National Road Traffic Act, (Act No 93 of 1996);
“litter”	includes any receptacle, container or other object or matter which has been discarded, abandoned or left by a person trading or his or her customers;
“Minister”	Means The Minister Of Economic Development And Tourism of KwaZulu - Natal Province;
“municipal area”	means the area of jurisdiction of Ulundi Municipality;
“national monument”	means a building declared to be a national monument under the National Monuments Act, 1969 (Act No 28 of 1969);
“nuisance”	shall bear the meaning given to it by the Ordinance;
“ordinance”	means the Local Authorities Ordinance, 1974 (Ordinance 25 of 1974, Natal);
“prohibited area”	means any place in the municipal area which has been or may be declared under Section 6A(2) of the Act to be an area in which street trading may be prohibited;
“property”	in relation to a person carrying on the business of street trading, means any article, receptacle, vehicle or or intended to be used in connection with such business, and includes goods in which he or she trades;
“public building”	means a building occupied solely by the national or provincial government of the municipality;
“public place”	means a public place as defined in Section 1 and 2 of the Local authorities Ordinance, 1974 (Ordinance No 25 of 1974, Natal);
“public road”	means a public road as defined in Section 1 of the National Road Traffic Act, 1996 (Act No 93 of 1996), public place;
“restricted area”	means any place in the Municipal area which has been declared under Section 6A(2) of the Act by Council to be an area in which street trading may be restricted;
“roadway”	means a roadway as defined in Section 1 of the National Road Traffic Act, 1996;
“sell”	includes supply and also : - barter, exchange or hire; - store with a view to sell; - store, expose, offer or prepare for sale; - provide a service for reward.
“services”	includes any advantage or gain for consideration or reward;
“sidewalk”	means a sidewalk as defined in Section 1 of the National Road Traffic Act, 1996;
“the Act”	means the Businesses Act, 1991 (Act 71 of 1991) and includes the regulations made hereunder;
“trade”	means sell goods or services in a public road or public place, and “trading” has a corresponding meaning;
“urban area”	means any place in the municipality which is an urban area as defined in Section 1 of the National Road Traffic Act, 1996;
“verge”	means a verge as defined in Section 1 of the National Road Traffic Act, 1996; and any word or expression meaning has been assigned in the Businesses Act, 1991, shall have that meaning.

2. Interpretation

- 1) In these by-laws, unless the context indicates otherwise, any word or expression defined in the Act shall bear the meaning given to it.
- 2) For the purpose of these by-laws a single act of offering for sale or of selling goods or services in or from a public road or public place constitutes the carrying on of the business of a street vendor, pedlar or hawkler.
- 3) For the purposes of these by-laws, a reference to a person carrying on the business of street vendor, peddler or hawkler shall include any employee of such person.

CHAPTER 2: GENERAL SUPERVISION AND CONTROL

3. General Conduct

A person trading shall –

- (a) not place his or her property on a verge or public place except for the purpose of commencing to trade;
- (b) ensure that his or her property does not cover an area of a public road or public place which is greater in extent than three metres in length or two metres in width;
- (c) not place or stack his or her property in such a manner that it constitutes a danger to any person or is likely to injure any person;
- (d) not obstruct access to a fire hydrant;
- (e) on concluding business for the day remove his or her property to a place which is not part of a public road or public place;

- (f) not display his or her goods or other property on a building or other private property, without the consent of the owner, occupier or person in control of such building or property;
- (g) on request by an employee or agent of the municipality or any supplier of telecommunication or electricity or other services, move his or her property so as to permit the carrying out of any work in relation to a public road, public place or any such service;
- (h) not attach any object by any means to any building, structure pavement, tree, parking meter, streetlight-pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;
- (i) not make a fire at a place or in circumstances where it could harm any person or damage a building or vehicle or any street furniture referred to in paragraph
- (j) not store his or her property in a manhole or stormwater drain;
- (k) not contravene the terms and conditions of the lease or allocation to him/her of a stand or area contemplated in Section 6A(3)(b) and (c) of the Business Act.
- (l) not sleep overnight at the place of such business or erect any structure (other than a device which operates in the same manner as, and is shaped like an umbrella) for the purpose of providing shelter;
- (m) not carry on business in such a manner as to -
 - ✓ create a nuisance
 - ✓ damage/deface the surface or any public road or public place or any public or private property
 - ✓ create a traffic hazard

4. Cleanliness

A person trading shall -

- (a) keep the area or site occupied by him or her for the purpose of such business in a clean and sanitary condition;
- (b) properly dispose of litter generated by his or her business;
- (c) not dispose of litter in a manhole, stormwater drain or other place not intended for the disposal of litter;
- (d) ensure that on completion of business for the day the area or site occupied by him or her for the purposes of trade is free of litter;
- (e) in the case of a vendor of foodstuffs, take such precautions as may be necessary to prevent the spilling onto a public road or public place of any fat, oil or grease in the course of conducting his or her business and to prevent any smoke, fumes or odors emanating from his or her activities from becoming a nuisance. Any person preparing or selling perishable foodstuffs must comply with the Health Act No. 61 of 2003;
- (f) on reasonable request by an employee or agent of the Municipality, move his or her property so as to permit the cleansing of the surface of the area or site where he or she is trading;
- (g) carry on business in such a manner as not to be a danger or threat to public health or public safety.

5. Obstruction caused by traders

No person shall trade at a place where:-

- (a) it obstructs access to street furniture such as a bus passenger bench or shelter or queuing line, a refuse disposal bin, bicycle-stand or other facility intended for the use of the general public;
- (b) it obstructs the visibility of a display window in business premises, if the person carrying on business in the business premises concerned objects thereto;
- (c) it obstructs access to an entrance to or exit from a building or automatic bank teller machine, arcade and/or mall;
- (d) it obstructs access to a pedestrian crossing, parking or loading bays and other facilities for vehicle or pedestrian traffic;
- (e) it obstructs access to any vehicle;
- (f) leaves less than one and a half metres in width of a sidewalk clear for pedestrian use;
- (g) in any other manner that substantially obstructs pedestrians in their use of a sidewalk.

6. No trading in stands or areas which have been let except by the lessee

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

CHAPTER 3: TRADING NEAR CERTAIN RESIDENTIAL AND BUSINESS PREMISES

7. No trading near residential buildings in certain circumstances

Subject to the provisions of these by-laws, no person shall, inside an area specified in Schedule A, trade in that half of a public road contiguous to a building used for residential purposes if -

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

8. No trading near certain business premises

No person shall trade on a verge contiguous to that part of a building in which business is being carried on by a person (other than a department store or supermarket or other supplier of many different lines of goods) who as one of his or her principal lines sells goods of the same nature as or of a similar nature to goods being sold by the trader, without the consent of owner/occupier

CHAPTER 4: RESTRICTIONS RELATING TO VEHICULAR TRAFFIC

9. Obstruction of vehicular traffic

No person shall trade at a place where -

- (a) it causes an obstruction on a roadway;
- (b) it limits access to parking or loading bays or other facilities for vehicular traffic;
- (c) it obscures any road traffic sign or any marking, notice or sign displayed or made in terms of these by-laws; or
- (d) it interferes in any way with any vehicle that may be parked alongside such place.
- (e) it is on or alongside a public road inside an urban area, within 180 metres of a railway level crossing or any road traffic sign denoting a blind corner or rise thereon or within five metres from any intersection thereon, provided that this subsection does not prohibit the trade inside an urban area on a roadway within five metres from any intersection of the goods or services specified in Schedule B.
- (f) on or alongside any public road outside an urban area.

CHAPTER 5: GARDENS AND PARKS, AND VERGES NEXT TO CERTAIN BUILDINGS

10. No trading in certain gardens and parks, except where and as specified

No person may trade in a garden or park which is specified in -

- (a) Part 1 of Schedule C, outside a stand or area set apart for trading purposes as contemplated in Section 6A(3) of the Act;
- (b) Part 2 of Schedule C, outside the house so specified in relation to each such garden or park;
- (c) Part 3 of Schedule C, other than in goods or services so specified in relation to each such garden or park;
- (d) Part 4 of Schedule C, in any circumstances.

11. No trading on verges next to certain public buildings, places of worship and national monuments, except where and as specified

No person shall trade on a verge contiguous to any public building, place of worship or national monument which is specified in -

- (a) Part 1 of Schedule D, outside a stand or area set apart for trading purposes as contemplated in Section 6A(3) of the Act;
- (b) Part 2 of Schedule D, outside the hours so specified in relation to such verge;
- (c) Part 3 of Schedule D, other than in goods or services so specified in relation to each verge;
- (d) Part 4 of Schedule D, in any circumstances.

CHAPTER 6: RESTRICTED AREAS AND PROHIBITED AREAS

12. Restricted areas

No person shall trade in a restricted area which is specified in -

- (a) Part 1 of Schedule E, outside a stand or area set apart for trading purposes as contemplated in Section 6A(3) of the Act;
- (b) Part 2 of Schedule E, outside the hours so specified in relation to each such restricted area;
- (c) Part 3 of Schedule E, other than in goods or services so specified in relation to each such restricted area.

13. Prohibited areas

No person shall trade in any prohibited area.

CHAPTER 7: GENERAL

14. Signs indicating restrictions and areas

The municipality shall -

- (a) by resolution prescribe signs, markings or other devices indicating -
 - (i) specified hours, places, goods or services in respect of which street trading is restricted;
 - (ii) the boundaries of a stand or area set apart for trading purposes under Section 6A(3)(b) of the Act;

- (iii) the fact that any such stand or area has been let or otherwise allocated;
- (iv) the location or boundaries of places where street trading is prohibited; and
- (b) display any such sign, marking or device in such a position and manner as will indicate the restriction, prohibition, location or boundary concerned.

15. Removal and impoundment

- (1) An officer may remove and impound any goods, article, receptacle, vehicle or structure -
 - (a) which he or she reasonably suspects is being used or intended to be used or has been used in or in connection with street trading in contravention of these by-laws; and
 - (b) which he or she finds at a place where street trading is restricted or prohibited in terms of section 3(d) and sections 5 to 14 of these by-laws inclusive and which, in his or her opinion, constitutes an infringement of any such section.
- (2) The disposal of any goods, articles, receptacle, vehicle or structure removed and impounded as contemplated in subsection (1), and the liability of any person for the expenses incurred in connection with such removal, impoundment and disposal, shall be in accordance with the regulations prescribed by the Minister under section 6(1)(b) of the Act.

16. ENFORCEMENT AND PENAL PROVISIONS

Any person who -

- (a) contravenes any provision contained in chapter 2, 3 or 4 of these by-laws; or
- (b) fails to comply with any direction conveyed by a sign, marking or device -
 - (i) which indicates a restriction or prohibition in terms of any provision contained in chapter 5 or 6 of these by-laws; and
 - (ii) which has been displayed in the manner prescribed in Section 15(b), shall be guilty of an offence.

17. Presumptions

In any prosecution for an offence under these by-laws, an allegation in the charge concerning -

- (a) any goods with which a business was carried on were or were not of a particular kind, class, type or description;
- (b) any goods or services were sold;
- (c) any place was situate in a public road or public place or within a particular area;
- (d) any person carried on the business of street trading and in a manner and place alleged;
- (e) any sign, marking or device which indicates a restriction or prohibition contained in any relevant provision contained in chapter 5 or 6 of these by-laws was displayed in the manner prescribed in section 15(b), shall be presumed to be correct unless the contrary is proved.

18. Vicarious responsibility of persons carrying on business

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

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

19. Vicarious responsibility of employees

When a person carrying on the business of street trading is by virtue of section 20 liable for an act or omission by an employee of that person, that employee shall also be liable thereof as if he or she were the person carrying on the business concerned.

20. Penalties

Any person who is guilty of an offence in terms of these by-laws shall on conviction be liable to a fine, or to imprisonment for a period not exceeding three months or both such fine and imprisonment.

21. Short title and Commencement

These By-Laws are called Street Trading By-Laws 2012, and shall come into operation on the date of publication in the Provincial Gazette.

SCHEDULE A

Areas excluded from restriction on trading near residential buildings: [Section 7]

A. Residential area and portions of residential areas

SCHEDULE B

Goods or services which may be traded at intersections: [Section 9]
FLOWERS; NEWSPAPERS

SCHEDULE C

Gardens and Parks: [Section 10]

Part 1: Gardens and parks where trading is restricted to demarcated stands and areas
Central Business District (CBD) of Ulundi. Babanango and Mahlabathini Towns.

Part 2: Gardens and parks where trading is restricted to certain hours
GARDEN OR PARK TRADING HOURS

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Part 3: Gardens and parks where trading is restricted to certain goods or services
GARDEN OR PARK GOODS OR SERVICES

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Part 4: Gardens and parks where trading is prohibited

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