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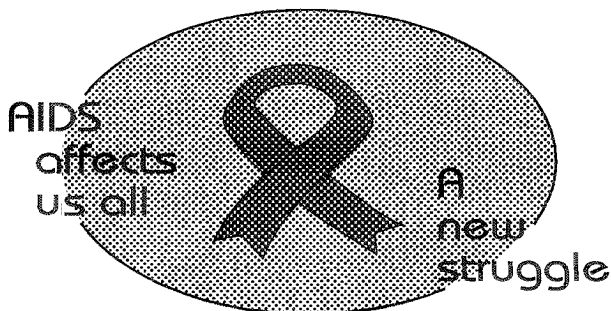
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26 MARCH 2013
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No. 922

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DEPARTMENT OF HEALTH

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MUNICIPAL NOTICE

No. 24**26 March 2013****CITY OF uMHLATHUZE****PUBLIC NOTICE****AMENDMENT TO THE BYLAWS RELATING TO CHILDCARE SERVICES**

The uMhlathuze Municipality has, in terms of Section 156 of the Constitution, 1996 (Act No 108 of 1996) read in conjunction with section 12(3) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), passed a resolution for the amendment of the Bylaws Relating to Childcare Services. The following are the applicable amendments to the Bylaws Relating to Childcare Services as promulgated in the Provincial Gazette Number 6216 under Notice Number 48 dated 16 October 2003, which shall come into operation on the date of publication hereof:

1. Delete the reference to the ***“Childcare Act, 1983 (Act No 74 of 1983) as amended”*** in Section 3(5)(e) and replace it with ***“Children’s Act (Act No 38 of 2005), as amended”***.

The new Section 3(5)(e) will read as follows:

*“as far as childcare facilities are concerned, registration with the Department of Social Development in accordance with the **“Children’s Act (Act No 38 of 2005), as amended”**.*

2. Delete Section 3(7)(d) and replace it to read as follows:

“will be valid for a period of two (2) years from the date of issue for which the premises will be so registered, alternatively until it is suspended or revoked in terms of these Bylaws.”

MN02/2013

CITY OF uMHLATHUZE**PUBLIC NOTICE****AMENDMENT TO THE BYLAWS RELATING TO THE STANDING ORDERS FOR COUNCIL AND ITS COMMITTEES**

The uMhlathuze Municipality has, in terms of Section 156 of the Constitution, 1996 (Act No 108 of 1996) read in conjunction with section 12(3) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), passed a resolution for the amendment of the Bylaws Relating to the Standing Orders for Council and its Committees. The following are the applicable amendments to the Bylaws Relating to the Standing Orders for Council and its Committees as promulgated in the Provincial Gazette Number 6082 under Notice Number 4 dated 31 January 2003, which shall come into operation on the date of publication hereof:

1. Add a heading directly below the subject of the Bylaw to read as follows:

“The Council of the uMhlathuze Municipality has in terms of Section 156 of the Constitution, 1996 (Act No 108 of 1996) read in conjunction with Section 11 of the Municipal Systems Act, 2000 (Act No 32 of 2000), made the following Bylaws:”

2. Delete the reference to ***“Senior Manager: Corporate Services”*** in the definition of ***“Senior Manager: Corporate Services”*** wherever it appears in such definition and wherever else it appears in the bylaw and replace it with ***“Deputy Municipal Manager: Corporate Services”***.

The definition will read as follows:

“Deputy Municipal Manager: Corporate Services” means the Deputy Municipal Manager: Corporate Services, appointed in terms of Section 57 of the Local Government: Municipal Systems Act, 2000, and”

3. Under the last definition, in the ***“DEFINITIONS”*** section of the bylaw, add a further definition for ***“calendar days”***, to read as follows:

“calendar days” means all the days in a month, including weekends and public holidays.”

4. Add a new sentence at the end of Section 4.1 to read as follows:

“Apologies may also be submitted to the Municipal Manager via electronic mail.”

5. Insert the following words under Section 4.2 to read as follows:

“In terms of the provisions of paragraph 4(2) of the Code of Conduct for Councillors, a member who is absent from three or more consecutive meetings of Council without apology, or from three or more consecutive meetings of a committee without apology, which that member is required to attend, must be removed from office as a Councillor;

6. Insert a new Section (d) under Section 9.1(c), to read as follows:

“9.1(d) Declaration of interest.”

7. The current Section 9.1(d) will become Section 9.1(e), which will read as follows:

“9.1(e) Minutes of previous meetings.”

8. The current Section 9.1(e) will become Section 9.1(f), which will read as follows:

“9.1(f) Reports.”

9. Add a new section 9.1(g) to read as follows:

“9.1(g) Presentations.”

10. The current Section 9.1(f) will become 9.1(h), which will read as follows:

“9.1(h) Petitions.”

11. The current Section 9.1(g) will become 9.1(i), which will read as follows:

“9.1(i) Motions.”

12. In Section 18.11(a) and (b), the reference the **“Chairperson”** is to be removed. The Sections will read as follows:

“18.11(a) The Speaker shall read out the number of every motion and the name of the mover and seconder.”

“18.11(b) The Speaker shall ascertain which motions are unopposed and these shall be passed without debate; and”

13. Delete the reference to **“Executive Committee”** in Section 20(1). The Section will then read as follows:

“20.1 A motion of proposal may be withdrawn or amended by the mover with the consent of the Council, which shall be given or refused.”

14. Amend the heading of Section 30, by removing the reference to **“Chairman”** and replacing it with **“Chairperson”**. The heading will read as follows:

“30. PRECEDENCE OF CHAIRPERSON”

15. The reference to **“Head of Department”** in Sections 41(1), 41(2) and 41(4) are to be deleted and replaced with **“Deputy Municipal Manager”**. The Sections will read as follows:

“41.1 For the purposes of this section, “Deputy Municipal Manager” means the head of any department who is not directly responsible to any senior official, other than the Municipal Manager.

41.2 A report by a “Deputy Municipal Manager” shall be submitted to the Municipal Manager who may in turn submit it to the Executive Committee: Provided that the Municipal Manager shall submit a report when this is

required by the Council or Executive Committee or has to be considered in terms of any law.

- 41.4 A **“Deputy Municipal Manager”**, or his/her representative, at any committee meeting shall be entitled to express the views of his/her department on any relevant matter under consideration and where any such matter requires the decision of the Council, the Head of the Department shall be entitled to request the Municipal Manager to ensure that his/her views are made known to the Council.”

MN03/2013

CITY OF uMHLATHUZE
PUBLIC NOTICE
AMENDMENT TO THE NUISANCE BYLAWS

The uMhlathuze Municipality has, in terms of Section 156 of the Constitution, 1996 (Act No 108 of 1996) read in conjunction with section 12(3) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), passed a resolution for the amendment of the Nuisance Bylaws. The following are the applicable amendments to the Nuisance Bylaws as promulgated in the Provincial Gazette Number 6184 under Notice Number 20 dated 19 June 2003, which shall come into operation on the date of publication hereof:

- 1.1 It is proposed that the preamble be amended to include reference to the "***Criminal Procedure Act, 1977 (Act No 51 of 1977)***" and the "***National Road Traffic Act, 1996 (Act No 93 of 1996)***".

The preamble will read as follows:

"The Council of the uMhlathuze Municipality has in terms of Section 156 of the Constitution, 1996 (Act No 108 of 1996), read in conjunction with Section 11 of the Municipal Systems Act, 2000 (Act No 32 of 2000), the Criminal Procedure Act, 1977 (Act No 51 of 1977) and the National Road Traffic Act, 1996 (Act No 93 of 1996), made the following bylaws:"

- 1.2 Above the Definitions an Index is to be inserted, which is to read as follows:

INDEX	
1.	Definitions
2.	Use of Public Place
3.	Use of Streets and Public Footpaths
4.	Nuisances Relating to Public Health
5.	Discharge of Fireworks
6.	Use of premises for Entertainment, Recreation or Social Activities and Functions
7.	Prohibition of a Noise Nuisance
8.	General
9.	Offences and Penalties
10.	Repeal of Bylaws

- 1.3 Delete the reference to "***Senior Manager: Corporate Services***" in the definition of "***Senior Manager: Corporate Services***" wherever it appears in such definition and wherever else it appears in the bylaw and replace it with "***Deputy Municipal Manager: Corporate Services***" and add the words "***in terms of Section 57 of the Local Government Municipal Systems Act, 2000***", after the words "...means the person appointed" in the definition.

The definition will read as follows:

"Deputy Municipal Manager: Corporate Services" means the person appointed in terms of Section 57 of the Local Government Municipal Systems Act, 2000, as "Deputy Municipal Manager: Corporate Services" by the Council or any other person lawfully acting in that capacity; and

1.4 Delete the entire last paragraph under Section 9 and replace it to read as follows:

*“is guilty of an offence and liable, on conviction, to a fine **and/or imprisonment, as determined by a court of competent jurisdiction**”.*

MN04/2013

CITY OF uMHLATHUZE**PUBLIC NOTICE****AMENDMENT TO THE BYLAWS RELATING TO BED AND BREAKFAST AND GUEST HOUSE FACILITIES**

The uMhlathuze Municipality has, in terms of Section 156 of the Constitution, 1996 (Act No 108 of 1996) read in conjunction with section 12(3) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), passed a resolution for the amendment of the Bylaws Relating to Bed and Breakfast and Guest House Facilities. The following are the applicable amendments to the Bylaws Relating to Bed and Breakfast and Guest House Facilities as promulgated in the Provincial Gazette Number 6508 under Notice Number 17 dated 14 September 2006, which shall come into operation on the date of publication hereof:

- 1.1 the word "**Senior Health Inspector**" be deleted from Section 2(1)(c) and replaced with "**Senior Environmental Health Practitioner**" to read as follows:

*"(c) the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No 54 of 1972) and the Regulations governing general hygiene requirements for food premises and the transport of food, formulated under the Health Act, 1977 (Act No 63 of 1977), where a Certificate of Acceptability must be obtained from the Council's "**Senior Environmental Health Practitioner**."*

MN05/2013

CITY OF uMHLATHUZE

PUBLIC NOTICE

AMENDMENT TO THE BYLAWS RELATING TO MUNICIPAL SWIMMING POOLS

The uMhlathuze Municipality has, in terms of Section 156 of the Constitution, 1996 (Act No 108 of 1996) read in conjunction with section 12(3) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), passed a resolution for the amendment of the Bylaws Relating to Municipal Swimming Pools. The following are the applicable amendments to the Bylaws Relating to Municipal Swimming Pools as promulgated in the Provincial Gazette Number 6113 under Notice Number 19 dated 14 July 2002, which shall come into operation on the date of publication hereof:

1. Directly below the subject of these Bylaws on the first page, the following is to be inserted:

"The Council of the uMhlathuze Municipality has in terms of Section 156 of the Constitution, 1996 (Act No 108 of 1996), read in conjunction with Sections 11 to 13 of the Municipal Systems Act, 2000 (Act No 32 of 2000), made the following bylaws".

2. Above the Definitions an Index is to be inserted, which is to read as follows :

INDEX	
1.	Definitions
2.	Admission to Municipal Swimming Pools
3.	Indemnity
4.	Admission Fees
5.	Municipal Swimming Pool Hours
6.	Nuisances
7.	Health Matters
8.	Safety and Order
9.	Improper or Indecent Behaviour
10.	Powers of Authorised Official
11.	Penalties
12.	Repeal of Bylaws

3. Insert a new definition, at the end of Section 1(1), below the definition "tariff" to read as follows :

"communicable disease" means any disease which can be communicated directly or indirectly from any animal or through any agent to any person or from any person suffering therefrom or who is a carrier thereof, to any other person."

4. Delete the words "contagious disease" in Section 7(1)(b) and replace it with "communicable disease".

Section 7(1)(b) will read as follows:

"at any time while suffering from an infection or "communicable disease" or having an open wound on his body enter a municipal public swimming pool;

CITY OF uMHLATHUZE

PUBLIC NOTICE

AMENDMENT TO THE BYLAWS RELATING TO PUBLIC LIBRARIES

The uMhlathuze Municipality has, in terms of Section 156 of the Constitution, 1996 (Act No 108 of 1996) read in conjunction with section 12(3) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), passed a resolution for the amendment of the Bylaws Relating to Public Libraries. The following are the applicable amendments to the Bylaws Relating to Public Libraries as promulgated in the Provincial Gazette Number 6096 under Notice Number 9 dated 11 April 2002, which shall come into operation on the date of publication hereof:

1. After the pre-amble and above the Definitions, an Index is to be inserted to read as follows

INDEX	
1.	Definitions
2.	Admission to Library Buildings
3.	Lending Department
4.	Borrower's Tickets
5.	Overdue Library Material
6.	Lost and Damaged Library Material
7.	Notification of Change of Address
8.	Reference Department
9.	Use of Group Activities Room
10.	Unauthorised Possession of Library Material
11.	Non-Acting Members
12.	Care of Library Material
13.	Exposing Library Material to Infectious Diseases
14.	Hours of Opening
15.	General
16.	Conduct in the Library
18.	Repeal of Bylaws

2. Delete the following words which appear in the definition of "*library material*" or "*item*", namely "***sound film, gramophone record and microfilm microfiche***" and insert the word "***DVD's***".

The definition will read as follows:

"library material" or "item" shall mean any book, magazine, document, print, newspaper, map, audio or visual tape, compact disc, DVD, framed art or similar publication;

3. Insert a new definition at the end of the definitions to read as follows:

"communicable disease" means any disease which can be communicated directly or indirectly from any animal or through any agent to any person or

from any person suffering therefrom or who is a carrier thereof, to any other person.

4. Remove the words ***“and/or listen to audio material”*** in Section 2(3).

Section 2(3) will read as follows:

“Subject to the provisions of subsections (1) and (2) hereof and to the further provisions of these bylaws, 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 Council.”

5. Remove the words ***“and left”*** in Section 3(3).

Section 3(3) will read as follows:

“Any duly enrolled borrower shall, at the discretion of the librarian, be entitled to take out one or more items at a time. A borrower’s library card, as contemplated in Section 4, must be produced at the library whenever an item is borrowed. No item will be issued unless the borrower’s library cards are produced.”

6. Remove the words ***“fourteen days”*** in Section 5(1)(c) and replace it with ***“twenty one days.”***

Section 5(1)(c) will read as follows:

*“art reproductions may be borrowed for a period in excess of **twenty one days**, at the discretion of the librarian.”*

7. Delete the words ***“gramophone records”*** in Section 12(f).

Section 12(f) will read as follows:

“return compact discs, video cassettes or audio cassettes in covers other than those in which they have been issued”.

8. Delete Sections 13(1) and 13(2) and replace it with the following:

“13.1 Any library material being exposed to any person who suffers or has been suffering from a communicable disease, must notify the librarian on return of such material to the library in order to cause the library to disinfect such material to curb/prevent the spreading of such communicable disease.”

