



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SAKWAZULU-NATALI

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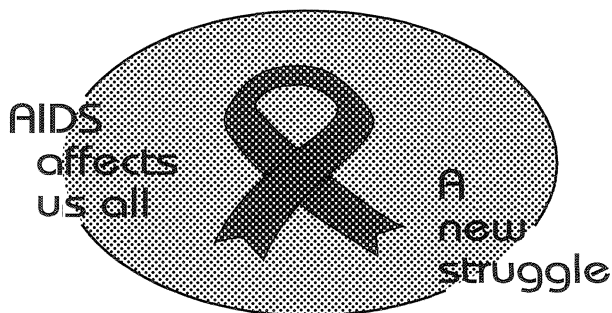
Vol. 8

PIETERMARITZBURG,

24 JUNE 2014
24 JUNIE 2014
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No. 1163

We all have the power to prevent AIDS



**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

Prevention is the cure

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MUNICIPAL NOTICES

No. 54

24 June 2014



THE MSUNDUZI MUNICIPALITY

ADVERTISING BY-LAWS

THE MSUNDUZI MUNICIPALITY
ADVERTISING BY-LAWS

DRAFT ONE: SEPTEMBER 2013

[MUNICIPAL NOTICE NO. OF]

[DATE OF COMMENCEMENT: ,]

These By-laws were published in Provincial Gazette No. dated ,2013.

MSUNDUZI LOCAL MUNICIPALITY
ADVERTISING BY-LAWS

ANNEXURE B

ADVERTISING SIGNS AMENDMENT BYLAWS

The Msunduzi Municipality acting in terms of section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), read with section 13 of the said Act, hereby publishes the By-laws set forth hereafter, which By-laws shall come into effect on the date of publication thereof.

1. The Msunduzi Municipality's Advertising Signage Bylaws, promulgated on 14 September 2006 under Municipal Notice no 18 of 2006, are hereby amended as follows:

(a) Bylaw 1 is amended by the insertion of the following definition:

“street pole sign” means a permanent sign attached to street poles within the municipal road reserve which is used to accommodate and display a commercial third party advertisement;”

(b) by the insertion of the following bylaw 25:

“Street Pole Advertisements

(1) Any person who displays or causes a street pole advertisement to be displayed shall comply with the following requirements:

- (a) Only commercial products and enterprises shall be advertised.

- (b) No street pole advertisement shall be displayed by any person unless accommodated in signs specifically provided for that purpose by the Council.
- (c) Text on posters shall not be smaller than 70 mm in height.
- (d) Signs shall not cover any municipal markings or painted stripes on lampposts.
- (e) Advertisements in the vicinity of signalled intersections shall not display the colours red, amber or green if such colours will, in the opinion of the Council, constitute a road safety hazard.
- (f) No sign shall be erected on any road with a speed limit of more than 60 km/h.
- (g) No illumination or animation shall be allowed.
- (h) No more than one street pole advertisement per street pole shall be permitted.
- (i) Street pole advertisements shall not be used as directional signs.
- (j) Advertisements shall have transparent coverings or otherwise be so manufactured so as to prevent them from becoming untidy due to the effects of the weather.”

(c) By the renumbering of bylaw 25 to bylaw 26.

2. These amendments shall come into operation on the date of publication.

**MUNICIPAL MANAGER
MSUNDUZI MUNICIPALITY**

No. 55

24 June 2014



THE MSUNDUZI MUNICIPALITY

**BY -LAWS RELATING TO FIRE
PREVENTION AND FLAMMABLE
LIQUIDS & SUBSTANCES**

MSUNDUZI MUNICIPALITY**BY- LAWS RELATING TO FIRE PREVENTION AND FLAMMABLE LIQUIDS & SUBSTANCES****DRAFT ONE: SEPTEMBER 2013**

[MUNICIPAL NOTICE NO. - OF]

[DATE OF COMMENCEMENT:]

These By-laws were published in Provincial Gazette No. dated ,2013.

MSUNDUZI LOCAL MUNICIPALITY**BY- LAWS RELATING TO FIRE PREVENTION AND FLAMMABLE LIQUIDS & SUBSTANCES**

The Msunduzi Municipality acting in terms of section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), read with section 13 of the said Act, hereby publishes the By-laws set forth hereafter, as made by the Municipality, which By-laws shall come into effect on the date of publication thereof.

**THE MSUNDUZI MUNICIPALITY
BY LAWS RELATING TO FIRE PREVENTION AND FLAMMABLE LIQUIDS & SUBSTANCES**

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**MSUNDUZI MUNICIPALITY or CITY OF CHOICE
BY LAWS RELATING TO FIRE PREVENTION AND FLAMMABLE LIQUIDS & SUBSTANCES**

CHAPTER 1

1. DEFINITIONS AND INTERPRETATION

In these by laws, unless the context indicates otherwise;

“above ground storage tank” means a tank situated above ground for the storage of flammable substances as contemplated in SANS 0131, SANS 089 Part 1 and SANS 087 Part 3.

“approved” means approved by the Chief Fire Officer

“area” means the area of jurisdiction of the Msunduzi Municipality.

“building” means:-

- (a) Any structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction thereof, erected or used for in connection with:-
 - i) The accommodation or convenience of human beings or animals
 - ii) The manufacture, processing, storage or sale of any goods
 - iii) The rendering of any service
 - iv) The destruction or treatment of combustible refuse or combustible waste
 - v) The cultivation or growing of any plant or crop
- (b) Any wall, swimming pool, reservoir or bridge or any other structure connected therewith
- (c) Any fuel pump or any tank used in connection therewith
- (d) Any part of any building, including a building as defined in paragraph a. or b.
- (e) Any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of supplying water supply, drainage, sewerage, storm water disposal, electricity supply or other similar service in respect of the building;

“Building Control Officer” means the person appointed or deemed to be appointed as a building control officer by a local authority in terms of section 5 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977).

“bulk depot” means any premises defined as such in SANS Code of Practice 089: Code of Practice for the Petroleum Industry: Part 1 – 1983: The handling, storage and distribution of petroleum products, as published under General Notice 463 of 1982 dated 9 July 1982, that is, premises that normally receive supplies from a refinery or installation by road, rail, water, or pipeline or by a combination of these methods, and from which the products are delivered directly to consumers.

“bund wall” means a containment wall surrounding an above ground storage tank, constructed of an impervious material and designed to contain 100% of the contents of the tank and 10% including a flammable liquid store.

“certificate of competence” means a certificate issued by South African Qualifications Authority

“certificate of registration” means a certificate issued by the Chief Fire Officer in terms of Section 60 of these by-laws which authorises a person to occupy the registered premises, or to use the premises for spray-painting activities or for the storage or handling of dangerous goods, flammable liquid substance including L.P. gases by having complied with all fire related requirements.

“Chief Fire Officer” means the person appointed by the Council in terms of section 5(1) of the Fire Brigade Services Act, No.99 of 1987), and includes any member who exercises any power or performs any duty delegated by the Chief Fire Officer to that member under section 19 of the Act, and also includes an Acting Chief Fire Officer appointed in terms of section 5(3) of the Act, **“Manager: Fire Services”** has a corresponding meaning.

“Chief Inspector of Explosives” means the Chief Inspector of Explosives appointed in terms of section 2 of the Explosives Act, 1956.

“Civil Aviation Authority” means the South African Civil Aviation Authority established in terms of section 2 of the South African Civil Aviation Authority Act, 1998 (Act no 4 of 1998).

“classification of flammable liquids & substances”

Group I: Explosives

Fireworks

Group II: Gases

- 2.1 Flammable gases with total cylinder capacity not exceeding 100kg
- 2.2 Non-flammable gases with total cylinder capacity not exceeding 333 kg
- 2.3 Toxic gases

Group III: Flammable liquids

- 3.1 With flash points greater than 18 °c and with total quantity not exceeding 100 ℓ
- 3.2 With flash points greater than 18 ° c and with total quantity not exceeding 420 ℓ
- 3.3 With flash points greater than 23 °c and with total quantity not exceeding 1 100 ℓ
- 3.4 With flash points greater than 61 °c and with total quantity not exceeding 1 100 ℓ

Group IV: Flammable solids

- 4.1 Flammable solids with total quantity not exceeding 250 kg
- 4.2 Pyrophoric substances
- 4.3 Water-reactive substances

Group V: Oxidising agents and organic peroxides

- 5.1 Oxidising agents with total quantity not exceeding 200 kg
- 5.2 Group I organic: peroxides
- 5.3 Group II organic peroxides in packs not exceeding 200 kg

Group VI: Toxic/infective substances

- 6.1 Group I toxic substances with total quantity in packets not exceeding 5 kg
- 6.2 Group II toxic substances with total quantity in packets not exceeding 50 kg
- 6.3 Group III toxic substances with total quantity in packets not exceeding 500 kg
- 6.4 Infective substances

Group VII: Radioactive materials

Group VIII: Corrosive/caustic substances

- 8.1 Group I acids in packets with total quantity not exceeding 50 kg
- 8.2 Group II acids in packets with total quantity not exceeding 200 kg
- 8.3 Group III acids in packets with total quantity not exceeding 1 000 kg
- 8.4 Group I alkaline with total quantity not exceeding 50 kg
- 8.5 Group II alkaline with total quantity not exceeding 200 kg
- 8.6 Group III alkaline with total quantity not exceeding 1 000 kg

Group IX: Miscellaneous substances

- 9.1 Liquids Total quantity may not exceed 210 ℓ
- 9.2 Solids Total quantity may not exceed 210 kg

“**competent person**” means a person who is qualified by virtue of his or her experience and / or training.

“**Constitution**” means the Constitution of the Republic of South Africa.1996 (Act No. 108 of 1996)

“container” means any vessel used or intended to be used for the holding of flammable liquids, but shall not include the fuel tank of any motor vehicle or stationary internal combustion engine for normal use as such.

“Council” means the duly constituted Msunduzi Municipality and includes **Municipality**.

“dangerous goods” means any flammable gas, flammable liquid or flammable solid as contemplated in SANS 0228.

“designated area” means a place designated in relation to fireworks as such in terms of:

- i) The municipality may designate any public place or street or any part thereof within the municipal area as the only place at which fireworks may be discharged.
- ii) The municipality may, on application by the owner or lawful occupier of any private open space as defined in the applicable zoning scheme regulations in its area of jurisdiction, designate such private open space as a place where fireworks may be discharged.
- iii) The list of places designated in terms of subsections (i) and (ii) or any amendment thereof must be published by the municipality in terms of its communication protocol.
- iv) The municipality may impose conditions as to the dates, periods or time and hours when the discharge of fireworks may take place in any designated area and may impose further conditions as to the manner of discharge.

“designated premises” means any premises designated by the Chief Fire Officer to have an emergency evacuation plan as contemplated in Section 29 of these by-laws.

“dump” means to abandon or discard any hazardous substance by depositing, discharging, spilling or releasing it.

“emergency” means any incident or eventuality which seriously endangers or may endanger any life or property.

“emergency evacuation plan” means a written procedure and a set of detailed plans as contemplated in Section 28 of these by laws.

- i) The Chief Fire Officer may, by written notice, designate any premises as premises requiring an emergency evacuation plan.
- ii) The notice contemplated in subsection (i) must be served on the premises concerned and addressed to the owner or person in charge of the premises.

“explosive(s)” means explosive as defined in the Explosives Act No 15 of 2003 and any Regulations made under that Act.

“firebreak burning season” means a specific time bound period as determined by the Chief Fire Officer in conjunction with any other party which may include a registered Fire Protection Association or Department of Water Affairs and Forestry.

“Fire Brigade Services Act” means the Fire Brigade Services Act, No 99 of 1987 and any regulations made under that Act.

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

“fire fighting equipment” means any portable or mobile fire extinguisher, hose reel, fire hydrant, sprinkler system or related fire fighting equipment.

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

“fire installation” means any water installation which conveys water solely for the purposes of fire fighting.

“fire official” means the Chief Fire Officer and any other official of the Fire Brigade Service who has been duly appointed by the municipality to undertake or perform any of the functions of a fire official under this by-law.

“fire point” means the temperature at which a substance evolves into flammable vapours at a rate fast enough to sustain combustion once an ignition source has been applied.

“fire protection plan” means an approved plan containing aspects of compliance and requirements for fire protection.

“fireworks” means any explosive device or substance which burns or explodes after ignition, including firecrackers, and which is regulated under the Explosives Act.

“fireworks display” means the use of fireworks for purposes of a public display

“fireworks inspector” means a person deputised to act as an inspector under the Act; and/ or is a Peace Officer of the municipality.

“flame and vapour proof” when applied to an apparatus denotes that the containing case or other enclosure is certified by its supplier or manufacturer, and can withstand without injury an application to it of a flame under practical conditions of operation and will prevent the transmission of flame, sparks and flashes such that would ignite flammable liquid or gas and the transmission of vapour.

“flammable gas” means a gas which, at 20°C and having a standard pressure of 101, 3 kilopascals:

- a) Is ignitable when in a mixture of 13% or less by volume with air, or
- b) Has a flammable range with air of at least 12%, regardless of the lower flammable limit.

“flammable liquid” means a liquid or combustible liquid which has a closed-cap flash point of 93°C or below.

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

“flammable liquid store” means a store that is used for the storage of flammable liquids.

“Flammable substance” means any flammable liquid, combustible liquid or flammable gas.

“flash point” means the lowest temperature at which a substance gives off sufficient flammable vapour to produce a momentary flash on the application of a small flame.

“hazardous substance” means any hazardous substance contemplated in the Hazardous Substances Act, No 15 of 1973.

“Hazardous Substances Act” means the Hazardous Substances Act, No 15 of 1973 and any regulations made under this Act.

“liquefied petroleum gas (LPG)” means a mixture of light hydrocarbons (predominantly propane, and butane) that is gaseous under conditions of ambient temperature and pressure and that is maintained in a liquid state by an increase of pressure or lowering of temperature.

“municipality” shall mean the Msunduzi Municipality.

“municipal manager” means the person appointed by the council in terms of Section 82 of the Municipal Structure’s Act, Act 117 of 1998.

“member” means a member of the service with fire-fighter experience.

“National Building Regulations” means the National Building Regulations made in terms of section 17 of the Act and to be read in conjunction with the Building Standard Act 103 of 1977.

“Non-combustible” in relation to building materials, means non-combustible when tested in accordance with the South African National Standards Code of Practice.

“Occupancy compliance certificate” means a certificate contemplated in section 31 Of these by-laws, which has been issued by the Chief Fire Officer in terms of fire related requirements to authorise a person to occupy the designated premises (being a public building), accordingly.

“Occupier” includes any person in actual occupation of premises, without regard to the title under which he occupies.

“owner” in relation to premises, means the registered owner of the premises and includes:

- a) Any person who receives rental or profit from the premises, whether on own account or as an agent
- b) A body corporate in respect of any sectional title scheme contemplated under the sectional titles act 1986. (Act No. 95 of 1986) and
- c) An executor or curator of any deceased or insolvent estate

“power isolating switch” bipolar switch fitted to dangerous goods vehicles to cut off engine and battery supply.

“peace officer” shall have the meaning assigned thereto in the Criminal Procedure Act, 1997 (act 51 of 1997), in respect of persons authorised by the Municipality to enforce the provisions of this by-law.

“premises” means any land, building, terrain road, construction or structure or part thereof and includes any train, boat, aircraft or other vehicle

“public building” means any building where people gather to view theatrical and operatic performances, orchestral and choral recitals, and cinematographic screenings, or to attend or participate in indoor sports activities, including any place where people dance or practise or perform any physical activity.

“public gathering” means a public gathering as defined in Disaster Management Act No.57 of 2002.

“public place” means any path, street, walk-way, side-walk, park, place of rest or other place in which the public has authorised unimpeded access

“pyro-technician” means any appropriately qualified person responsible for the setting and lighting of fireworks at a fireworks display

“registered premises” means premises in respect of which a certificate of registration has been issued.

“SANS” means the South African National Standards Code of Practice.

“source of ignition” is any means whereby sufficient energy is supplied to ignite a flammable source

“spontaneous ignition temperature” means the temperature at which a flammable liquid or substance will ignite of its own accord when heat, and not a naked light or flame, is applied to it

“spray booth” means any subdivision or compartment that is independent of a spraying room used for the purpose of spraying vehicles or articles

“spray room” means any room or structure used or intended to be used for the purpose of spraying vehicles or articles

“storage tank” means a tank of adequate strength used or intended to be used for the storage or conveyance of flammable liquids or substances

“store room” means any approved building or part thereof which is used or intended to be used for the storage of flammable liquids or substances

“tariff of charges” a list of services charged by the Local Municipality related to Fire and emergency services which are upgraded on a yearly basis.

“temporary settlement area” means the established residential site for a limited period as approved by the municipality.

“transfer under seal” means the transfer of flammable liquid from or to a road tank wagon in such a manner as to prevent the escape of flammable liquid or its vapour at any point during transit except in the case of vapour through a vent pipe designed for the purpose

“vent pipe” means a vertical pipe so constructed and so installed so as to allow the escape of vapour from flammable liquids into the atmosphere.

CHAPTER 2**ADMINISTRATIVE PROVISIONS****2. Administrative Functions**

- (1) The Council has established a Fire Brigade Service as contemplated in Section 3 of the Fire Brigade Services Act, Act no. 103 of 1997, as amended.
- (2) The Council shall maintain the Service within its area, which includes:
 - (a) The appointment of a Chief Fire Officer and the necessary members of the Service
 - (b) Ensuring that the members and other personnel are properly trained and correctly attired
 - (c) Acquisition of vehicles, machinery, equipment, devices and accessories to ensure that the Service is effective and able to attain its objective being:
 - (i) Preventing the outbreak or spread of fire
 - (ii) Fighting or extinguishing a fire
 - (iii) The protection of life or property against a fire or other threatening danger
 - (iv) The rescue of life or property from a fire or other threatening danger.

3. Delegation

- (1) The municipal manager may delegate any power granted to him in terms of this By-law in accordance with the system of delegation of the Municipality developed in terms of section 59 of the Municipal Systems Act.
- (2) The Chief Fire Officer may delegate any power granted to him in terms of this By-law in accordance with section 19 of the Fire Brigade Services Act.
- (3) The Chief Fire Officer may make such orders as he deems necessary for the safeguarding of life and protection of property from fire.
- (4) (a) The Chief Fire Officer is responsible and accountable for the day to day running of the Service.
(b) If the Chief Fire officer is, for any reason, unable to perform his/her duties of office, the Municipal Manager will appoint a member as Acting Chief Fire Officer to perform the duties and functions of the Chief Fire Officer.
- (5) The Council may, in terms of an agreement as contemplated in Section 12 of the Fire Brigade Services Act, 1987, employ its Service within or outside its area of jurisdiction, against payment of the tariffs determined by Council.

4. Procedure & Duties During An Emergency Situation.

- (1) The Chief Fire Officer or a member who is in charge of an emergency situation must ensure that:-
 - (a) Adequate available manpower and the appropriate apparatus and equipment are used without delay;
 - (b) the emergency situation is assessed and that additional equipment and/or assistance where applicable, is acquired without delay.
 - (c) all pertinent information, including information about places and times and relevant particulars, is recorded during the emergency situation or as soon as possible thereafter, and that the recorded information is preserved in accordance with the provisions of the National Archives of South Africa Act, 1966 (Act 43 of 1996), and any regulations made under the Act.
 - (d) any building or premises are sealed off by temporarily closing a street, passage or place which he/she deems necessary for public safety or for effectively fighting a fire or dealing with any other emergency that may give rise to a fire, explosion or other

threat to life or limb, and a member may remove, using no more force that is reasonably necessary, any person who refuses to leave the street, passage or place after having been requested by the member to do so.

5. Designated Officers

- (1) Designated Officers shall be suitably trained and certified as peace officers and be appointed as such in terms of Government notice R 159 of 2 February 1979, as amended:
- (2) All designated officers have the power:-
 - (i) in terms of the provisions of section 56, read with section 57, of the Criminal Procedure Act, 1977 (Act 51 of 1977), to issue summons involving a spot fine;
 - (ii) in terms of the provisions of section 341 of the Criminal Procedure Act, 1977, to issue spot fines for certain minor offences;
 - (iii) in terms of the provisions of section 44 of the Criminal Procedure Act, 1977, to issue a warrant of arrest;
 - (v) in terms of the provisions of section 41 of the Criminal Procedure Act, 1977, to ask certain persons for their names and addresses and to arrest persons without a warrant if duly authorised to do so; and
 - (vi) in terms of the provisions of section 54 of the Criminal Procedure Act, 1977, to serve summons in order to secure the attendance of the accused in a magistrate's court.

6. Fire Official Powers

- (1) A **fire** official may as often as may be deemed necessary or desirable:
 - (a) Enter any premises for the purpose of identifying any hazardous condition, circumstance or practice which may result in a fire or to inspect hazardous manufacturing processes, and the storage facilities pertaining thereto and any installation, in which acetylene or other gases, chemicals, oils, explosives, flammable liquids or substances and other hazardous liquids or substances are used and any fire alarms, sprinkler systems and fire fighting equipment;
 - (b) Inspect any premises, except the interior of private dwellings, for the purpose of identifying any defective fire fighting equipment and any condition liable to cause or to facilitate the spread of fire and;
 - (c) Take such steps as he may consider necessary in the circumstances to prevent any injury to persons or damage to property through fire which may arise from a condition, circumstance or practice referred to an (a) or (b) above;

7. Impersonating A Member Of The Service

- (1) No person, except a member, may wear any official clothing, uniform, badge or insignia of the Service;
- (2) No person may pretend to be a member of the Service
- (3) Any person who represents himself/herself as a member must identify himself/herself by producing the relevant certificate of appointment, or by furnishing proof of identity within a reasonable period of time.

8. Authority to Investigate.

- (1) Notwithstanding anything to the contrary contained in any other by-law, the Chief Fire Officer has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger and should include:
 - (a) Death
 - (b) Arson
 - (c) Unknown cause
 - (d) Major incident

9. Failure To Comply With Provisions

- (1) When Chief Fire Officer finds that there is a non-compliance with the provisions of this By-law, a written notice, including the following, must be issued:
 - (a) Confirmation of the findings
 - (b) Outlining the contravention of any conditions imposed upon the granting of any application, consent, approval, concession, relaxation, certificate, permit or authority in terms of these by-laws, the remedial action required, and;
 - (c) The time within which the notice must be complied with.
- (2) An order or notice issued under this by-law must be served either by personal delivery or registered mail upon a person who, in the opinion of the Chief Fire Officer, is deemed to be the appropriate person.
- (3) For unattended or abandoned premises, a copy of such order or notice must be posted on the premises in a conspicuous place at or near the entrance to such premises, and the order or notice must be mailed, by registered mail, to the last known address of the owner, the person in charge of the premises, or both.
- (4) Notwithstanding the provisions contained in subsection (1), a spot fine may be issued when a Chief Fire Officer finds that there is non-compliance with the provisions of this by-law.

10. Denial, Suspension Or Revocation Of An Approval Or A Certificate

- (1) The Chief Fire Officer may refuse, suspend or revoke an approval or a certificate required by these By-laws for:
 - (a) Failure to meet the provisions of this By-law for the issuance of the approval or certificate; or
 - (b) Non-compliance with the provisions of the approval or certificate.

11. Charges

- (1) The Municipality may determine the fees payable by a person on whose behalf, the controlling authority rendered a service, as contemplated in section 10 of the Fire Brigade Services Act.
- (2) The Municipality may charge a fee for the provision of an inspection, re-inspection or any other service, as well as the issuing of permits, approvals, or certificates in accordance with the applicable local government legislation regulating the charging of fees.

12. Indemnity

The municipality shall not be liable for damage or loss as a result of bodily injury, loss of life, or loss of or damage to property, or financial loss, which is caused by, or arises out of, or in connection with anything done or performed in good faith in the exercise or performance of a power, function, or duty performed, or imposed in terms of By-laws.

13. Reporting A Fire Hazard And Other Threatening Danger

An owner, occupier, or the person who in the opinion of the Chief Fire Officer is in charge or any other person of any premises, upon discovering any evidence of a fire hazard or other threatening danger pertaining to this By-law, must immediately notify the Fire Department of such hazard.

CHAPTER 3

FIRE PROTECTION

14. General Provisions

- (1) The Chief Fire Officer must take steps to prosecute a contravention of the National building Regulations relating to Fire Safety of buildings and premises.
- (2) Every owner of any building must submit a fire plan to the municipality save for a dwelling house unless deemed necessary.

15. Design and construction of other structures and sites

- (1) Every person who designs, constructs or erects any of the following structures, must ensure that they comply with a design as contemplated by the National Building Regulations in relation to—
 - (a) any grain silo;
 - (b) any atrium;
 - (c) any air traffic control tower;
 - (d) any tower for telecommunications or other use;
 - (e) any thatched structure which is larger than 20 square metres and situated within 4, 5 metres of any boundary line of the property concerned;
 - (f) any tent or other temporary structure for holding a public gathering;
 - (g) any open-plan commercial or industrial premises with a distance that exceeds 45 metres measured from any point in the premises to any escape or exit door.
- (2) Every person who designs or constructs any aircraft hanger or helicopter pad, must ensure that it—
 - (a) complies with a design as contemplated in the National Building Regulations;
 - (b) provides for the effective drainage of any liquid from the floor of the hanger or helicopter pad or any approach to the aircraft hanger or helicopter pad;
 - (c) provides for the effective channeling of any liquid from the floor of the hanger or helicopter pad to a drainage area connected to a separator well;
 - (d) prevents the spread of any liquid from the floor of the hanger or helicopter pad;
 - (e) is equipped with effective earthing devices for the discharge of static electricity.

16. Requirements For Sprinkler Systems

- (1) If a sprinkler system is required in any building or if the Chief Fire Officer so requires, the owner or person in charge of the premises must ensure that the building is equipped with such sprinkler system.
- (2) Every person who designs, constructs or installs a sprinkler system must ensure that it is designed, constructed and installed with the requirements of applicable legislation insofar as it relates to fire protection.

17. Requirements for Extractor Fan Systems

- (1) Every person who designs, constructs or installs an extractor fan system, any related ducts or any similar chimney system and every owner or person in charge of the building in which such a system is installed must ensure that—
 - (a) it is designed, constructed and installed in a manner that provides for clearly demarcated, adequate and easy access for inspection, maintenance and repairs; and
- (2) The conduit and outlet of any such system is installed in a manner that does not result in a fire hazard to any person or property.
 - (a) Every owner, occupier, or the person who in the opinion of the Chief Fire Officer is in charge of a building in which an extractor fan system, any related ducts or any similar chimney system has been installed, must ensure that every filter, damper, screen or conduit forming an integral part of the system is regularly inspected, cleaned and maintained to ensure that fat residue or any other combustible residues do not accumulate.

18. Requirements For Emergency Exits

- (1) Every owner of a building must ensure that any escape door in that building—
 - (a) is fitted with hinges that open in the direction of escape; and
 - (b) is equipped with a fail-safe locking device or devices that do not require a key in order to exit.
- (2) Every owner of a building must ensure that any door in a feeder route—
 - (a) is a double swing-type door;
 - (b) is not equipped with any locking mechanism,
- (3) Notwithstanding the provisions of subsection (2), if it is necessary that a door in a feeder route be locked for security reasons, the owner or person in charge of the building must provide an alternative means of escape approved by the Chief Fire Officer
- (4) No person may obstruct or allow the obstruction of any escape route from any premises that may prevent or hinder the escape of any person or animal from the premises in an emergency.
- (5) Where required by the Chief Fire Officer, an escape route must be clearly indicated with signage, which complies with SANS 1186 as amended, indicating the direction of travel in the event of fire or any other emergency.

19. Requirements Regarding Fire Doors and Assemblies

- (1) Subject to the provisions of SANS 1253 as amended, a fire door and assembly must be maintained in such a manner that, in the event of a fire, it retains its integrity, insulation and stability for the time period required for that particular class of door.
- (2) A fire door may be kept open, only when it is equipped with an automatic releasing hold-open device approved by the chief fire officer.
- (3) A fire door and assembly may not be rendered less effective through the following actions—
 - (a) altering the integrity, insulation or stability of a particular class of door;
 - (b) disconnecting the self-closing mechanism;
 - (c) wedging, blocking or obstructing the door so that it cannot close;
 - (d) painting the fusible link actuating mechanism of a door;
 - (e) disconnecting or rendering less effective an electric or electronic release mechanism, or
 - (f) any other action that renders a fire door or assembly less effective.

20. Design, Identification and Access For Fire-Fighting And Rescue Purposes

- (1) Subject to the requirements of any applicable zoning scheme regulations or the conditions of establishment of any township, every person who plans, designs or constructs a building, excluding a dwelling house, must ensure that the premises on which the building is situated, are planned, designed and constructed so that—
 - (a) at least one elevation of the building fronts onto a street;
 - (b) if the premises do not front onto a street, an access road is provided with dimensions and carrying capacity approved in writing by the chief fire officer;
 - (c) a motorised or electronically operated gate is equipped in such a manner that access to the premises can be gained without the use of a motor or any other electronic device or any other assistance;
 - (d) there is a climate-proof and weather-proof parking surface for parking and operating fire brigade machines and equipment in an emergency—
 - (i) of dimensions at least 10 meters wide;
 - (ii) that runs the full length of the side elevation of the building that borders the surface;
 - (iii) with a carrying capacity of at least 70 metric tons; and
 - (iv) any entrance arch to the premises provides an opening with dimensions at least 4.5 metres wide and high respectively, unless there is an alternative and easy access route to the premises of at least the same dimensions.
- (2) For purposes of easy identification by any member in an emergency, every owner or person in charge of the premises must ensure that the correct street number of the premises—
 - (a) is displayed clearly on the street boundary of the premises in numbers at least 75 millimeters high;
 - (b) is visible from the street; and
 - (c) is maintained in a legible condition at all times.

21. Accessibility of fire-fighting equipment and fire installations

- (1) Any fire-fighting equipment or fire protection installations installed on any premises must be accessible to the fire service at all times. Any person, who causes or permits any fire-fighting

equipment or fire protection installations to be obstructed or impedes such accessibility or operation, commits an offence.

22. Barricading of vacant buildings

- (1) Every owner, occupier, or the person who in the opinion of the Chief Fire Officer is in charge of a building or portion of a building that is vacant must, to the satisfaction of the Chief Fire Officer—
 - (a) remove all combustible waste and refuse from the building; and
 - (b) block , barricade or otherwise secure all windows, doors and other openings in the building in a manner that will prevent the creation of any fire hazard caused by the entering of the building by any unauthorised person.

CHAPTER 4 CONTROL OF FIREFIGHTING EQUIPMENT

23. Repairing, servicing and installation of fire fighting equipment.

No person shall cause or permit fire fighting equipment on any premises to be dismantled, recharged, disconnected, serviced or repaired or sold or any new, repaired equipment to be installed housed or placed premises except by or under the control and supervision of a holder of a Certificate of Competence issued or recognised in terms of these by-laws.

24. Examination of fire fighting equipment.

The owner, occupier or person in charge of any premises in which any portable fire extinguisher, sprinkler system or other fire fighting equipment or any fire alarm system has been installed in terms of these by-laws, shall cause such extinguisher, equipment or system to be examined at least once every calendar year by the holder of a certificate of competence.

25. Report on condition of fire fighting equipment.

The person carrying out the examination of the equipment referred to in the preceding section shall cause a label to be accurately affixed thereto in a prominent position on which shall be written in ink:-

- (1) The name of the person conducting the examination.
- (2) The number of his/her Certificate of Competence
- (3) The date of the examination
- (4) The condition of equipment
- (5) Date of next service.

If any defect is discovered during the examination, he shall inform the owner or occupier of the premises thereof in writing and deliver a copy of such report to the Chief Fire Officer.

26. Restriction on removal, alteration and installation of fire fighting equipment.

- (1) No portable fire extinguisher shall temporarily be removed from any premises for servicing or repair unless such appliances are temporarily replaced by similar serviceable equipment.
- (2) No fire fighting equipment shall permanently be removed from any premises or rendered unserviceable without due notice, in writing, being given to the Chief Fire Officer.
- (3) No fire fighting equipment shall be installed, changed or added to without the authority of the Chief Fire Officer.

- (4) Whenever sprinkler / detection / auto extinguisher alarm systems are repaired, serviced or removed the local fire authority must be notified timeously.

27. Portable fire extinguishers to be periodically tested.

Every portable fire extinguisher shall be subject to servicing and pressure testing in accordance with applicable classification.

**CHAPTER 5
EMERGENCY EVACUATION PLANS**

28. Chief Fire Officer may designate premises for emergency evacuation plans

- (1) The Chief Fire Officer may, by written notice, designate any premises as premises requiring an emergency evacuation plan.
- (2) The notice contemplated in subsection (1), must be served on the premises concerned and addressed to the owner or person who in the opinion of the Chief Fire Officer is in charge of the premises.

29. Duties of owner or occupier of designated premises

- (1) The owner, or with the approval of the Chief Fire Officer, the occupier, of any premises designated in terms of section 28 must—
 - (a) Prepare a comprehensive emergency evacuation plan for the premises and submit it to the chief fire officer within 30 days of receipt of the notice;
 - (b) Ensure that the emergency evacuation plan is reviewed—
 - (i) At least every 12 months;
 - (ii) Whenever the floor layout of the premises is altered: and
 - (iii) Whenever the Chief Fire Officer requires revision of the plan;
 - (c) Display the emergency evacuation plan at conspicuous positions inside the premises: and
 - (d) Identify an assembly point where persons who reside or work on the designated premises may gather during an emergency for the purpose of calling the roll.

PART D: PUBLIC GATHERINGS

30. Prohibition of public gatherings in certain circumstances

- (1) No person may hold a public gathering or allow a public gathering to be held in any building or temporary structure unless a Occupancy Compliance Certificate has been issued by the Chief Fire Officer in respect of that building or temporary structure, such public gathering may be held if the existing Certificate is still valid.
- (2) Subsection (1) does not apply in respect of a building or temporary structure which existed at the commencement of these By-laws, unless
 - (a) the building or temporary structure is rebuilt, altered, extended or its floor layout is altered;
or
 - (b) ownership or control of the building or structure changes hands.

31. Application for Occupancy Compliance Certificate

An application must be submitted at least 30 days before any intended public gathering.

32. Requirements for Occupancy Compliance certificate

- (1) The chief fire officer may not issue an Occupancy Compliance Certificate in respect of a building or temporary structure—
 - (a) Unless the Municipality is in possession of an up-to-date set of building plans for the premises;
 - (b) Unless the building or temporary structure complies with the requirements of these by-laws; and also in accordance with the requirements of the National building Regulations.
 - (c) For a period of validity not exceeding 12 months for a temporary structure.

33. Particulars of Occupancy Compliance Certificate

- (1) A Occupancy Compliance Certificate must be in the form as prescribed and must at least record the following information, where applicable—
 - (a) the trade name and street address of the building or temporary structure;
 - (b) a description of the type of activity carried out in the building or structure;
 - (c) the full names and addresses of the persons who are in occupation or who are owners of the building.
 - (d) the maximum permissible number of people who may be admitted to the useable floor area of the building or structure;
 - (e) the number of emergency exits and their dimensions; and
 - (f) the dates of issue and expiry of the certificate.
- (2) Notwithstanding subsection (1), the Chief Fire Officer may request additional information from the applicant.

34. Duties of holder of Occupancy Compliance Certificate

The holder of an Occupancy Compliance Certificate must comply with the provisions of the certificate.

CHAPTER 6 WATER SUPPLY FOR FIRE FIGHTING PURPOSES

35. Township development water supply requirements

- (1) Any person who develops or redevelops a township must design and develop that township with sufficient supply of water, minimum flow and hydrant requirements as contemplated in section 11 of SANS 10090 of 2003 and must furnish written proof of such compliance to the Chief Fire Officer.
- (2) The fire official must inspect the fire hydrants and conduct flow and pressure tests as contemplated in SANS 10090 of 2003.

36. Township development fire-extinguishing stream requirements

Any person who develops or redevelops a township must ensure that the water supply provides a fire-extinguishing stream that is immediately available to the service in an emergency, of the following volume and duration:

Fire risk category	Minimum volume of extinguishing stream (litres per minute)	Minimum duration of extinguishing stream (hours)
High risk	11 500	6
Moderate risk	5 750	4
Low risk	37. 300	2

37. Township development fire hydrant requirements

- (1) Every person who develops or redevelops a township must ensure that fire hydrants are plotted on a plan and installed in accordance with the following minimum delivery volumes and distance frequencies:

Fire risk category	Minimum fire hydrant delivery volume measured at peak consumption (litres per minute)	Minimum distance between fire hydrants (metres)
High risk	1980	120
Moderate risk	1 150	180
Low risk	900	240

- (2) Every person who develops or redevelops a township must ensure that the position of fire hydrants is plotted accurately on a plan that is furnished to the Chief Fire Officer for operational fire-fighting purposes.

38. Fire risk categories

- (1) For purposes of Chapter 6, the following areas of a township must be regarded—
- (a) as high risk—
- (i) any factory area, high density shopping area, warehouse or commercial building;
 - (ii) any plantation, timber yard or wooden building;
 - (iii) any building higher than 3 storeys;
 - (iv) any building in which hazardous substances are used, handled or stored or in which hazardous processes are conducted; and
 - (v) any other area that has a high fire risk or high fire spread risk;
- (b) as moderate risk—
- (i) any area in which—
 - (aa) factories, commercial buildings or residential buildings are generally detached from each other and do not exceed 3 storeys; and
 - (ba) The Chief Fire Officer has not declared the materials processed or stored in these buildings as highly dangerous;

- (ii) any area where the fire risk and fire spread risk is moderate; and
 - (iii) any other area that is not a high or low risk area; and
- (c) as low risk—
- (i) any area that is mainly residential or semi-rural;
 - (ii) any area that has predominantly detached, duet, cluster or town house developments; and
 - (iii) any area where the fire risk or spread risk is slight or insignificant.

39. Connections to water reticulation system

- (1) No person may obtain a water connection to the water reticulation system of the municipality unless the fire protection plans for the premises to be connected have been approved by the Chief Fire Officer.
- (2) Every person or owner of premises who requires a water connection to the water reticulation system of the municipality must—
 - (a) if the premises to be connected are protected by a sprinkler installation, ensure that—
 - (i) the connection is calculated and designed for each sprinkler installation in accordance with a rational design as contemplated in the National Building Regulations, and
 - (ii) the size, delivery pressure and flow of the water connection is calculated in advance by the responsible engineer;
 - (b) ensure that the size, work pressure and delivery flow, except in the case of a water connection to a sprinkler installation, is calculated and designed in accordance with SANS 10400; and
 - (c) ensure that the water installation upon completion complies with the provisions of SANS-10400.

CHAPTER 7 FIRE PERMITS AND RESTRICTIONS

40. Prevention of fire hazards

- (1) No person shall burn or set alight any rubbish, tree, weeds, grass or any other substance or matter outside the confines of a building except with the prior written consent of the Chief Fire Officer.
- (2) The Chief Fire Officer in granting consent in terms of subsection(1) may impose such conditions as he deems fit; provided that no authority granted shall be in conflict with any of the provisions of the Atmosphere Pollution Prevention Act, 1965 (act 45 of 1965).

41. Storage and accumulation of combustible material

- (1) No person may store any combustible material or allow it to be stored, at any place or in any manner that may pose a fire hazard to any person, animal or property.
- (2) No person may allow the accumulation of dust at any place in quantities sufficient to pose a fire hazard to any person, animal or property.
- (3) No person may use or allow to be used any sawdust or similar combustible material to soak up any flammable liquid.
- (4) No person may allow soot or any other combustible material to accumulate in any chimney, flue or duct in such quantities or in any manner that may pose a fire hazard to any person or property.
- (5) No person may allow any vegetation to become overgrown at any place under that person's control that may pose a fire hazard to any person, animal or property.
- (6) If a fire hazard contemplated in subsection (5) arises, the owner or person in charge of the premises must without delay eliminate the hazard or cause the hazard to be eliminated by—
 - (a) cutting any grass, leaves or weeds associated with the fire hazard to a maximum height of 150 millimetres;
 - (b) pruning, chopping down or sawing any shrub or tree; and
 - (c) removing any resulting combustible residue from the property.

42. Electrical fittings, equipment and appliances

- (1) No person may cause or allow—
 - (a) any electrical supply outlet to be overloaded; or
 - (b) any electrical appliance or extension lead to be used in any manner that may pose a fire hazard to any person, animal or property.

43. Flame-emitting devices

No person may use or cause or allow the use of any flame-emitting device, including but not limited to any candle, lantern or torch, in any manner that may pose a fire hazard to any person, animal or property.

44. Discarding of flammable liquid or substance in sewers or drains

- (1) No person may discard into, or cause, permit or allow any flammable liquid or flammable substance to enter any waste or foul water or storm water sewer or drain whether underground or on the surface.
- (2) A person who becomes aware of any escape, whether accidental or otherwise, of any quantity of flammable liquid or flammable substance which is likely to constitute a fire hazard, from any premises or vehicle into any sewer or drain or any inlet or drain linking with such sewer or drain, must immediately report such escape to the Chief Fire Officer.

45. Flammable gas

No person may fill any balloon or other device with flammable gas without the written authority of the Chief Fire Officer, and subject to such conditions as he may require after having regard to the circumstances of the specific case.

46. Smoking restrictions and discarding of combustibles

- (a) If conditions in the opinion of the Chief Fire Officer exist where smoking may create a fire hazard on any premises, smoking must be prohibited and "No Smoking" signs must be prominently displayed in positions as directed by the controlling authority.
- (b) A person may not remove or damage a "No Smoking" sign.
- (c) No person may light or smoke a cigarette or any other smoking materials or ignite or otherwise set fire to other material, nor hold or discard any lit or smoldering substance in any place where expressly prohibited.
- (d) The owner or person in charge of any premises may not allow or permit any person to light or smoke a cigarette or any other smoking materials or ignite or otherwise set fire to any other material, nor hold or discard any lit or smoldering substance in any place where expressly prohibited.
- (e) Where smoking is permitted, adequate provision must be made for the safe disposal of any smoking materials and matches.
- (f) No person may discard or otherwise dispose of a burning cigarette or any other burning materials or objects including materials capable of self-ignition or capable of spontaneous combustion, on any road, in any road reserve or in any other public place.
- (7) Where any cigarette, smoking materials or other burning materials, including materials capable of self-ignition or spontaneous combustion are discarded from a vehicle onto a road, or in any road reserve or any other place, it shall be presumed, in the absence of evidence to the contrary, that such action was performed by the driver of such vehicle.

47. Safety requirements for temporary settlement areas

- (1) In the event of the establishment of any temporary settlement area, the following minimum requirements shall apply:
 - (a) a safety distance of 3 metres between structures shall be maintained;
 - (b) the settlement must be divided into blocks of not more 20 structures per block, with a minimum distance of 6 metres between blocks.
 - (c) sufficient access routes for the purposes of firefighting which shall not be less than 4,5 meters in width.
 - (d) sufficient access to water for firefighting purposes.

CHAPTER 8 REGULATION OF FIREWORKS

48. License to deal in fireworks

No person shall sell or supply fireworks without being in possession of a valid license.

49. Requirements for the handling and storage of fireworks

- (1) Premises in which fireworks are handled should have at least two exits. Where any premises have only one exit the fireworks shall be restricted to 150Kg and be kept at the rear (relative to the exit) of the premises.
- (2) The doors to the exits shall be kept clear and accessible at all times.
- (3) A dealer shall have a 9Kg dry chemical fire extinguisher which shall be serviced annually on the premises, in a readily accessible position or as determined by a designated Fire Officer.
- (4) A dealer may keep, on his premises, no more than 1000 kilograms gross mass of fireworks or the amount stipulated at the discretion of the Chief Fire Officer, provided that the fireworks, contained in their inner or outer packages, are kept on shelves or other fittings separated from goods of a flammable or combustible nature.
- (5) Fireworks in excess of 1000 kilograms gross mass shall be stored in a fireworks magazine built according to legislative specifications.
- (6) Notices with 100mm red lettering on a white background must be provided as follows:
 - (a) To the outside of the premises in a prominent position adjacent to every entrance, reading "Dealer in Fireworks".
 - (b) In prominent positions inside the premises, "No Smoking" and "No Naked lights" in appropriate official languages.
 - (c) Goods of a dangerous nature such as flammable liquids, acids, alkalis and the like shall not be kept on the same premises together with fireworks and safety matches.

50. Public Fireworks displays

- (1) Application for permission to operate a public display of fireworks shall be made in writing to the Chief Fire Officer and shall provide:-
 - (a) The name of the person or the organization sponsoring the display, together with the names and qualifications of the persons in actual charge of the firing of the display who shall be at least 18 years of age and competent for the work.

CHAPTER 9

CERTIFICATE OF REGISTRATION FOR USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES

51. Use, Handling & Storage of flammable substances prohibited in certain circumstances.

- (1) No person shall manufacture, store, convey, sell, use or handle flammable liquids or substances except in accordance with the provisions of these by-laws.

52. Certificate of Registration Requirements

- (1) No person shall:-
- (b) Use any premises as a spraying room or booth
 - (c) Transport or convey any flammable liquid, substance or liquefied petroleum gas or vapours by means of any vehicle within the City without a certificate of registration in respect of such premises or of such vehicle as contemplated in section 54 and 55.
 - (d) Without a certificate of registration in respect of any premises as contemplated in section 54 and 55 store, manufacture, sell, use or handle any flammable gas/liquids/substances on any premises in excess of the following quantities:

Group III: Flammable liquids

3.1 with flashpoints <18°C but but not < 23°C	Total quantity may not exceed 100 ℓ.
3.2 with flashpoints > 18°C 420 ℓ.	Total quantity may not exceed 420 ℓ.
3.3 with flashpoints >23°C but <61°C	Total quantity may not exceed 1 100 ℓ.
3.4 with flashpoints > 61°C but < 100°C	Total quantity may not exceed exceed 1 100 ℓ.

- (2) For the purpose of sub-section 1, any container for liquefied petroleum gas found on any premises shall be deemed to be full until the contrary is proven.

53. Application for Certificate of Registration

- (1) An application for a Certificate of Registration in respect of premises shall be submitted to the Chief Fire Officer on the form prescribed in the Third Schedule to these by-laws and shall be accompanied by:-
- (a) A plan of the premises in respect of which the certificate is required, drawn to a scale of not less than one in a hundred (1 : 100) which shall indicate the proposed installation or room in which the flammable liquid or substance is to be stored, used or handled, describe the material with which such installation or room is to be constructed and indicate the position of any pump, storage tank, store, pipeline, dry cleaning machinery, spraying room, spraying booth or ventilating equipment;
 - (b) A block plan of such premises drawn to a scale of not less than one in five hundred (1 : 500) which shall specify:-

- (i) The buildings in relation to adjoining subdivisions and the materials of which such buildings are constructed or to be constructed;
 - (ii) The subdivisions and lots immediately adjoining the premises giving their street, block and postal numbers;
 - (iii) The names of any streets on which the premises abut; and
 - (iv) The north point.
- (2) Where the plan relates to existing premises in respect of which a Certificate of Registration has been issued and wherein it is proposed to make alterations or additions to any building or equipment or apparatus lawfully used or intended to be used thereon for the storage or handling of flammable liquid or the existing Certificate of Registration to be adjusted if required;
 - (a) All plans shall be signed by the applicant or his agent;
 - (b) Every application for a certificate of registration for purposes of the conveyance of flammable liquids or substances shall be submitted to the Chief Fire Officer.

54. Issue of Certificates of Registration.

- (1) No Certificate of Registration shall be issued until the premises or the vehicle in respect of which it is issued, as the case may be, complies with the requirements of these by-laws.
- (2) A Certificate of Registration, once issued, shall be valid for 12 months or until cancelled or revoked. All certificates issued in terms of these by-laws shall be on the standard form as prescribed in the fifth schedule.
- (3) The local authority may recognise a certificate issued by another authority with similar by-laws.
- (4) 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/vehicle, and he shall ensure that the said certificate is at all times legible.

55. Supply of flammable liquids or substances

- (1) No person shall supply or deliver or cause or permit any flammable liquid or substances to be supplied or delivered at any time to any premises or vehicle in excess of the quantities specified in section 54, unless the occupier or person having control of such premises/ vehicle is in possession of a Certificate of Registration issued in terms of section 55 in respect of the said premises/vehicle.
- (2) No person shall receive or accept delivery or cause or permit any flammable liquids or substances to be received at any one time:-
 - (a) In excess of the quantities specified in section 54, at any premises or vehicle the occupier or person having control of which, as the case may be, is not in possession of a certificate of registration issued in terms of section 55 in respect of the said premises/vehicle.

- (b) At any premises or in any vehicle in excess of the amount specified on the certificate of registration relating to such premises or vehicle.

56. Register for Certificates of Registration

The Chief Fire Officer shall maintain a register in which he enters full particulars of the premises/vehicles in respect of which he has issued a certificate and the names and addresses of the person to whom it has been issued and the date of the issue, as well as the date of any transfer, cancellation, suspension or inspections.

57. Exemptions

Notwithstanding anything contained in these by-laws flammable liquids shall be deemed not to be stored or conveyed or transported when contained in the fuel tank of a motor vehicle or stationary engine in normal use.

58. Transfer of Certificate of Registration

- (1) A Certificate of Registration may be transferred from one person to another but no certificate of registration shall be transferred from one premise to another or from one vehicle to another.
- (2) The person desiring such transfer shall make application in writing to the Chief Fire Officer on the form prescribed in the Seventh Schedule to these by-laws. Such application shall be accompanied by the Certificate of Registration relating to the premises or vehicle in respect of which such transfer is desired.

CHAPTER 10

GENERAL PROVISIONS REGARDING THE USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES.

59. General provisions regarding the use, handling and storage of flammable substances.

Except as otherwise provided by these by-laws, no person shall store, use or handle or permit or cause to be stored, used or handled any flammable liquid or substance on any registered premises:

- (1) In circumstance that such flammable liquid or substance, 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 substance or its vapour;
- (2) Unless such premises are situated or constructed or so protected by surrounding walls or bunds so as to adequately protect adjoining premises or part thereof from the risk of danger from fire;
- (3) That prevents, or impede the escape of any person or animal;
- (4) Unless all equipment used in such premises for the storage, use and handling of flammable liquid or substance is maintained in good and proper order and free from leakage of flammable liquid or substance;

- (5) 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 unauthorised persons obtaining access to the flammable liquid or substance kept thereon;
- (6) That makes or allows any fire device capable of producing an open fire flame or allow any other person to do so, within 5 metres of any place where flammable substance is stored;
- (7) That delivers or supplies or allows to be delivering or supplying, any flammable liquid substance to any premises unless the owner or person in charge of the premises is in possession of a valid certificate of registration.

60. Use, handling and storage of Liquefied petroleum gas

- (1) No person may use, handle or store liquefied petroleum gas in any quantity exceeding that stipulated in the Fourth Schedule unless:
- (2) Liquid petroleum gas may only be used, handled or stored within property boundaries and in compliance with safety distances.
- (3) No liquid petroleum gas cylinder may be used, handled or stored at any public exhibition or demonstration without the prior written permission of the Chief Fire Officer.
- (4) The Chief Fire Office may impose any reasonable condition on the use, handling and storage of liquid petroleum gas cylinders at a public exhibition or demonstration, including but not limited to, the number of cylinders, the manner of storage, safety distances and other safety requirements.
- (5) Any person using, handling or storing any liquid petroleum gas cylinder at any public exhibition or demonstration must comply with any condition imposed by the Chief Fire Officer.
- (6) No person shall cause or allow more than 19kg of liquefied petroleum gas to be kept or stored in any building and for the purpose of this provision any container for liquefied petroleum gas found in any building shall be deemed to be full until the contrary is proved.

61. Construction of storage tanks

- (1) Every storage tank containing flammable substances shall be constructed of iron, steel or other suitable metal plates of adequate strength and properly welded, brazed or otherwise secured by some equally satisfactory process.
- (2) The top and sides of a storage tank shall be supported and strengthened by such uprights, girders, angle-irons and ties as, having regard to the capacity, shape and situation of the tank may be necessary to render it sufficiently strong for the purpose to which it is to be used.
- (3) Every opening in an underground storage tank other than a vent pipe shall be securely closed by an effective and properly secured cap, cover, tap or valve.
- (4) All pipes and other pipes connected to an underground storage tank shall be carried to within 100mm of the bottom of the tank.

- (5) Every surface storage tank shall have an adequate system of ventilation so as to prevent excessive internal pressure.
- (6) The whole of the exterior of all tanks shall receive an approval coating to prevent corrosion.
- (7) The holder of a certificate of registration in respect of premises in which are situated bulk liquid petroleum gas storage vessels, vaporisers, pipe works and fittings shall ensure that they conform with SANS 10131.

62. Installation of storage tanks

- (1) Every person who installs or uses a storage tank shall ensure that it complies with the requirements of these by-laws.
- (2) Any underground tank shall be installed that no part of it shall be within 2m of any part of a building, or 3.6m from the boundary of any premises or 6m from any basement, cellar or pit.
- (3) No part of any underground tank shall be covered until all piping has been subjected to an air test to a pressure of 25,6cm on a monometer of 40 kpa or a pressure gauge for a period of 30 minutes.
- (4) No underground storage tank shall have more than one filler point, one vent and one dipping hole pipe.

No portion of a building, other than a canopy or similar projection to which the occupants of such building have no direct access, shall be erected over an underground storage tank or any pump connected to it unless:

- (a) the underside of such portion is at least 3,6m above ground level;
- (b) the floor forming the underside of such portion has a fire-resistance of at least 4hours and extends at least 2m in every direction beyond the sides of the pump and tank concerned.
- (c) the floor below such pump, where such pump is erected over a basement storey, has a fire resistance of at least 4 hours and extends at least 2m in every direction beyond the sides of the pump and tank concerned.

63. Ventilation of Underground storage

The holder shall ensure that every underground storage tank installed on the premises in respect of which a certificate of registration has been issued has a ventilation pipe of not less than 30mm internal diameter.

64. Storage Tanks in Basement

- (1) No person shall erect an above-ground tank or install storage tank in a basement of a building unless he has obtained the prior written authority from the Chief Fire Officer and complies with all the requirements of SANS 10131.
- (2) A basement storage tank authorised in terms of subsection 1 shall have a capacity not exceeding 1500 litres and the person to whom authority has been given under that sub-section shall comply with all conditions subject to which such authority has been given.

65. Storage in Open air

No person shall store flammable liquid outside a building or elsewhere in the open air except in accordance with the following requirements:-

- (1) the flammable liquid may only be stored in sealed containers which shall be stacked to a height not exceeding three containers;
- (2) No flammable liquid or drum shall be nearer than –
 - (a) 3m from any boundary of the premises or any drain
 - (b) 6m from any building on the premises
 - (c) 15m from any building on adjacent premises
- (3) The area demarcated for storage shall be to the satisfaction of the Chief Fire Officer.
- (4) Signs prohibiting smoking and naked flames shall at all times be displayed so as to be visible to all persons approaching the storage area.

66. Provision of stores

- (1) When deemed necessary by the Chief Fire Officer, having regard to the nature and quantity of flammable liquids and substances to be stored, the nature and proximity of adjacent buildings and other attendant risks, the occupier of the premises shall provide thereon a store in accordance with the requirements of these by-laws for the storage of such liquids or substances.
- (2) No person who is the holder of a certificate of registration shall store in any store provided in terms of these by laws any greater quantity of flammable liquids or substances than is permitted by the certificate of registration issued in respect of that store.

67. Use of store

No person shall, without the prior written authority of the Chief Fire Officer:

- (1) Use any store or cause or permit such store to be used for any purpose other than the storage of flammable liquids or substances and their containers.
- (2) Be present in or cause or permit any other person to be present in any store unless all doors of the store are fully open and kept entirely unobstructed.

68. Unauthorised persons entering store

No person shall enter any store or cause or permit any store to be entered without the express permission of the occupier of the premises or other responsible person in charge of such store.

69. Signage

- (1) No person shall use or permit the use of a store for the purpose of storing flammable liquid or substance, unless it complies with the requirements of these by-laws and until warning notices SANS 1186 as amended are legibly painted or otherwise displayed on the outer face of the door of such store and such notices shall at all times be maintained in such position and in a legible condition.

70. Electrical equipment in storeroom

- (1) The owner, occupier, or the person who in the opinion of the Chief Fire Officer is in charge of any storeroom must ensure that all electrical apparatus, fittings or switch gear used or installed in the storeroom are used or installed in accordance with relevant legislation.
- (2) Any electrical installation in a storeroom must be installed and certified only by an electrician who is qualified and competent by virtue of his or her training and experience.
- (3) The owner, occupier, or the person who in the opinion of the Chief Fire Officer is in charge of a storeroom must submit the certificate contemplated in subsection 2 to the Chief Fire Officer for record purposes immediately after installation contemplated in such subsection.

71. Abandoned tanks

- (1) The following steps shall be carried out before any storage tank is removed:
 - (a) all flammable liquid shall be removed from the tank and from connecting pipes;
 - (b) the suction, filler, vent and dipping hole pipes shall be disconnected;
 - (c) the tank shall be rendered thoroughly airtight after disconnecting all pipes by blanking off all flanges and screwing in metal gas plugs onto any sockets in the tank.
 - (d) All leakage holes shall be plugged with lead or hardwood plugs.
- (2) An underground storage tank which is no longer in use must be filled with sand or liquid concrete or polyurethane foam if such tank is not removed.
- (3) Where a tank is to be disposed of as scrap, it shall, before disposal be re-tested for explosive vapours and, if necessary, be rendered gas-free and a sufficient number of holes or openings shall be made in such tank so as to render it unfit for future use.
- (4) Unhitched trailer tanks shall not to be left unattended in public areas.

72. Construction of portable tanks

No person shall store or convey or cause or permit to be stored or conveyed Group III flammable liquid in a quantity exceeding 5 Litres except in a container constructed of metal having a thickness of at least 1,25mm, or liquefied petroleum gas except in a container constructed in accordance with the requirements of Portable metal containers for compressed gases. SANS 10019 of

73. Filling of Containers

- (1) No person shall fill a container with Group II and Group III flammable liquid other than in a room or building constructed of non-combustible materials and used solely for such purpose, which room or building shall be adequately ventilated or in the open air at a distance of not less than 15m from any fire, flame, naked light or any other agency likely to ignite flammable liquid or its vapour.

- (2) No person shall fill a container with liquefied petroleum gas (Group II) or cause or permit it to be filled except in accordance with the requirements of SANS 10087 (Part I): retail outlets and similar LP gas filling sites for small containers.
- (3) A person who fills a container with Group II liquefied petroleum gas or Group III flammable liquid shall ensure that both it and the container which it is filled is properly earthed.

74. Quantity in Containers

- (1) No container shall be filled with flammable liquid to more than ninety five percent of its capacity; provided that in the case of liquefied petroleum gas, containers shall not be filled to more than eighty percent of their capacity.

75. Storage of empty containers

- (1) No person shall place or keep any used container or cause or permit any used empty container to be placed or kept in any part of any premises other than a store; provided, however, that –
 - (a) Such a container may be stored in the open air at a distance of not less than 6m from any fire, flame, naked light, or other agency likely to ignite flammable liquid or its vapour.
 - (b) No person shall cause or allow any used empty container to remain in or on any public street or public place.
- (2) The person who stores used empty containers in terms of subsection (1) shall at all times ensure that they are securely closed with a bung or other suitable stopper.
- (3) The holder of a certificate of registration in respect of any premises shall ensure that the storage of filled liquefied petroleum gas containers and empty cylinders shall be in accordance with the requirements of legislation.

76. Marking of containers

- (1) No person shall supply or deliver to any person any Group II and Group III flammable liquids or gas as contemplated in group ii or group iii in any container unless such container bears in conspicuous symbols or letter the words "FLAMMABLE" and the marking of liquefied petroleum gas containers.

CHAPTER 11

DANGEROUS GOODS

77. Transport of dangerous goods prohibited without permits issued by the relevant authority.

- (1) The owner of any vehicle used for transporting dangerous goods must-
 - (a) be in possession of a valid transport permit issued in accordance with the relevant authority and
 - (b) ensure that the transport permit is available in the vehicle for inspection at all times.

78. Application for Transport permits

- (1) An application for a transport permit must be completed and submitted to the Chief Fire Officer.
- (2) The application must be accompanied by proof of payment as prescribed in the Municipal Tariff Policy.
- (3) A transport permit is only valid for a period of 12 months.

79. Permit Validity

- (1) The Chief Fire Officer reserves the right to cancel any permit issued by Msunduzi Municipality and/or
- (2) Not to adopt the validity of a transport permit issued by any other authority.
- (3) In the event of a disputed permit, the relevant authority is to be notified.

**CHAPTER 12
GENERAL****80. Offences**

- (1) Any person who –
 - (a) Contravenes any provision of these bylaws; or
 - (b) Contravenes any conditions imposed upon the granting of any application, consent, approval, concession, relaxation, certificate, permit or authority in terms of these bylaws; or
 - (c) Fails to comply with the terms of any order given to or notice served upon such person in terms of these bylaws,
 - (d) shall be guilty of an offence and liable, upon conviction, to the maximum penalty of the court having jurisdiction may impose in any criminal proceedings herein.
 - (e) Failure to comply with the terms of any condition or notice referred to subsection (1) (b) or (c) above shall constitute a continuing offence and any person failing to comply with the terms of such condition or notice shall be guilty of a separate offence for each day during which such person fails to comply with such terms.

81. Repeal

The City of Pietermaritzburg: Bylaws Relating to Fire Prevention and Flammable Liquids and Substances approved and published by the Administrator in terms of section 268 of the Local Authorities Ordinance No 25 of 1974, read with section 17 of the Fire Brigade Services Ordinance No 31 of 1978, as amended, are hereby repealed.

1st SCHEDULE

MSUNDUZI MUNICIPALITY
FIRE & RESCUE SERVICES

BY-LAWS RELATING TO FIRE SAFETY
APPLICATION FOR OCCUPANCY COMPLIANCE CERTIFICATE



APPLICATION FOR APPROVAL OF FIXED OR TEMPORARY PREMISES FOR USE AS A PLACE OF ASSEMBLY OR CONGREGATION FOR PURPOSES OF RECREATION OR ENTERTAINMENT

FIXED

TEMP

NAME OF OWNER:
NAME OF TENANT/OCCUPIER:
NAME OF PREMISES:
USED FOR/AS:
STREET ADDRESS:
.....
SIGNATURE OF OWNER:
SIGNATURE OF OCCUPIER/TENANT:
DATE:

FOR OFFICE USE ONLY

NAME OF EXAMINING OFFICER:
OCCUPANCY CLASSIFICATION.....
TOTAL FLOOR AREA (m²).....
NUMBER TEMP/FIXED SEATS:
REQUIRED NO. OF EXITS:
WIDTH OF EXITS: (mm)
AISLE SPACING: ((mm)
FIRE EQUIPMENT:
APPROVED EVACUATION PLAN: Yes N/A

CERTIFICATION – STRUCTURAL/ELECTRICAL.....
MAXIMUM NO. OF PERSONS PERMITTED:
COMMENT:.....
.....

2ND SCHEDULE

**MSUNDUZI MUNICIPALITY
FIRE & RESCUE SERVICES**

**BY-LAWS RELATING TO FIRE SAFETY
CERTIFICATE OF OCCUPANCY COMPLIANCE**



.....
Name of Premises

The maximum number of persons permitted within such premises is

This Certificate is issued subject to the following conditions:-

- A) The maximum number of persons must not be exceeded unless approved by the Chief Fire Officer.
- B) For a fixed structure, a sign depicting the maximum number of persons allowed must be displayed at the entrance/reception area.
- C) Standard Sign Description
 - 1. Size: 300mm x 300mm.
 - 2. White background with red writing.
 - 3. Font – Roman Bold.
 - 4. Sign should read:- maximum number of persons permitted is
- D) For a temporary structure, the certificate shall expire on DATE:

.....
CHIEF FIRE OFFICER

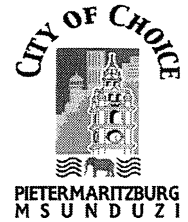
.....
DATE

3RD SCHEDULE

MSUNDUZI MUNICIPALITY
FIRE AND RESCUE SERVICES

BY-LAWS RELATING TO FIRE SAFETY

APPLICATION FOR PERMIT TO STORE DANGEROUS GOODS



Date:.....

This form must, in terms of the Msunduzi Municipal Fire By-laws be completed and forwarded to the Chief Fire Officer together with a plan of the premises

Name of Applicant.....

Trading as.....

Name of Manager:.....

Name of Owner:.....

Name of Premises:.....

Street no. & Name:.....

Suburb:.....

State type of Business:

.....

Give a full description of existing and proposed buildings:

.....

How many spraying rooms are there on the premises?.....

If this application is for additional storage,
State the number of extra litres. Litres:.....

How many flammable liquid tanks are there on the premises? No.....

Capacity of each:

How many flammable liquid stores are there on the premises? Number of stores

State capacity of store in litres: Capacity..... Litres.....

State total quantity in litres or kgs. Proposed to be kept on premises

Class 0 kgs **Liquid Petroleum Gas (LPG)**

Class I Litres **Flashpoint below 18°C.**

Class II Litres **Flashpoint between ≥18°C & ≤23°C.**

Class III Litres **Flashpoint between ≥23°C & ≤61°C**

Class IV Litres **Flashpoint between ≥61° & ≤100°C.**

Other

Does the premises comply with the relevant Fire Regulations:?

YES	NO
-----	----

Signature of Applicant:.....

Capacity of Signatory:

Address:

Postal Address:.....**Phone:**

Issuing Officer:.....



4th SCHEDULE

**MSUNDUZI MUNICIPALITY
FIRE & RESCUE SERVICES
BY-LAWS RELATING TO FIRE SAFETY**

PERMIT TO STORE DANGEROUS GOODS

This is to certify that the premises situated at.....

Occupied by.....

And used as a

Have been duly registered by the Chief Fire Officer under the said fire by-laws.

The maximum quantity of dangerous goods kept or handled at this address shall not exceed:-

Dangerous goods

Class 0..... kgs

Class I Litres

Class II Litres

Class III Litres

Class IV Litres

Other

(Specify types)Kgs/Litres

This certificate is issued subject to the following conditions:-

.....

.....
 CHIEF FIRE OFFICER

.....
Date Stamp

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

5TH SCHEDULE

MSUNDUZI MUNICIPALITY
FIRE AND RESCUE SERVICES
BY-LAWS RELATING TO FIRE SAFETY



APPLICATION FOR OCCUPANY COMPLIANCE CERTIFICATE

DATE.....

This form must, in terms of the Msunduzi Municipal Fire By-laws, be completed and forwarded to the Chief Fire Officer.

Name of applicant:

Trading as:

Street Number and Name:

Suburb:

- | | |
|---------------------------|-----------------------------------|
| 1. Type of Vehicle: | 5. Make & Model of vehicle: |
| 2. Registration No: | 6. Year of manufacture: |
| 3. Tare : | 7. Engine No.: |
| 4. Load: | 8. Chassis no.: |

Make & Model of vehicle:

Quantity of liquid or of flammable liquid to be conveyed:

Class Okgs	Liquid Petroleum Gas (LPG)
Class I Litres	Flashpoint below 18°C.
Class II Litres	Flashpoint ≥ 18°C & ≤ 23°C.

6TH SCHEDULE

**MSUNDUZI MUNICIPALITY
FIRE AND RESCUE SERVICES
BY-LAWS RELATING TO FIRE SAFETY**

TRANSPORTATION OF DANGEROUS GOODS PERMIT



This is to certify that the vehicle particulars of which are given below, has been examined and found to comply with the prescribed structural requirements as contained in the Fire Safety Bylaws relating to dangerous goods for the conveyance of:

Class	Description / quantity
Class O	210 kg LPG
Class II	600 L Paraffin
Multi Load	Yes/No

Name of Company _____

Owners Name: _____

Address: _____

Registration: _____

Type of Vehicle: _____

Make of vehicle: _____

This permit is not a warranty of fitness of the vehicle herein described and any owner, driver or other person interested should satisfy himself as to the construction and condition of the said vehicle.

CHIEF FIRE OFFICER

DATE

7th SCHEDULE



MSUNDUZI MUNICIPALITY
FIRE & RESCUE SERVICES
BY-LAWS RELATING TO FIRE SAFETY

APPLICATION FOR TRANSFER OF CERTIFICATE OF REGISTRATION

I hereby apply for the transfer Certificate of Registration

Issued onDate

In respect of the premises situated at

Used as

Or in respect of the vehicle with registration no.Make

Typeto be transferred to: -

NAME:

ADDRESS:

The reason for this application to transfer the Certificate of Registration from one person or firm to another person or firm is because

.....
.....
.....

Date: SIGNATURE OF APPLICANT:.....

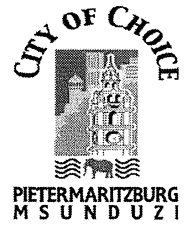
Address:

Phone: P O BOX

8TH SCHEDULE

**MSUNDUZI MUNICIPALITY
FIRE AND RESCUE SERVICES
BY-LAWS RELATING TO FIRE SAFETY**

HOT WORKS PERMIT



Date:.....

Permission is granted to:

To use: In the
(exact location)

Dates:

Times:

The onus remains with the Permit Holder to ensure strict adherence to the following:-

- a) First Aid fire equipment is available for use at any time. This includes the use of fire extinguishers and fire hose reels.
- b) The emergency contact number of the local fire department is on hand.
- c) The area of operations is kept free of flammable solids, liquids, vapours and gases.

SIGNATURE OF PERMIT HOLDER

SIGNATURE OF ISSUING OFFICER

NAME OF ISSUING OFFICER

9TH SCHEDULE

MSUNDUZI MUNICIPALITY
FIRE & RESCUE SERVICES
BY-LAWS RELATING TO FIRE SAFETY



APPLICATION FOR APPROVAL OF PREMISES FOR THE SALE OF FIREWORKS.

NAME OF APPLICANT.....

NAME OF OWNER (PREMISES)

CONSENT OF OWNER (PREMISES) I AGREE.

Yes

No

SIGNATURE:

NAME OF PREMISES:.....

STREET ADDRESS:

SIGNATURE OF APPLICANT

DATE:.....

NB. This approval by no means serves as a license to sell fireworks. An application for such permit must be made to the S.A.P. Explosives Unit.

THE FOLLOWING MUST BE COMPLIED WITH BEFORE ANY APPROVAL IS GRANTED

1. Premises must comply with any relevant section of the Explosives Act and Regulations.
2. Stocks must not exceed 1000Kg at any one time.
3. Fireworks must be displayed out of reach of customers in glass cases which are locked at all times.
4. Storage elsewhere in the shop is not permitted.
5. Fire escapes must be properly demarcated and not obstructed.
6. Install 1 x 4,5Kg DCP fire extinguisher.
7. At every entrance to such premises, a notice reading "Dealer in Fireworks" be prominently placed.
8. Post SABS approved "No Smoking" and "No Naked Lights" signs, dimensions 190mm x 190mm in prominent positions.

NAME OF EXAMINING OFFICER:APPROVED:

SIGNATURE OF EXAMINING OFFICER:.....

10th SCHEDULE

**MSUNDUZI MUNICIPALITY
FIRE & RESCUE SERVICES
BY-LAWS RELATING TO FIRE SAFETY**



APPLICATION FOR BURN PERMIT

1. **DATE:**
2. **NAME OF APPLICANT:**
3. **ADDRESS OF APPLICANT:**
4. **ADDRESS OR PREMISIES FOR CONTROLLED BURNING:**
5. **PREFERRED DATES:**
6. **SIGNATURE OF APPLICANT:**

N.B. A signed permit from the Environment Health Section is to be accompanied with this application.

FOR OFFICE USE ONLY

1. WAS THE PREMISES / AREA INSPECTED?
2. IS THE BURNING WITHIN THE CAPABILITIES OF EXTINGUISHMENT BY A RESPONSIBLE PERSON OR PERSONS?
(Refer to National Veld & Forest Fire Act No.101 1998.)
3. DOES THE APPLICANT HAVE THE EMERGENCY SERVICES CONTACT DETAILS?.....
4. HAVE THE NECESSARY PERSONS, (viz: NEIGHBOURS, FIRE PROTECTION ASSOCIATION, ETC. BEEN INFORMED OF THE INTENDED BURNING?

.....
CHIEF FIRE OFFICER

11TH SCHEDULE

MSUNDUZI MUNICIPALITY
FIRE AND RESCUE SERVICES
BY-LAWS RELATING TO FIRE SAFETY

APPLICATION FOR FIREWORKS DISPLAY SITE APPROVAL



1. DATE:
2. NAME OF APPLICANT / PYROTECHNICIAN:.....
3. ADDRESS OF APPLICANT / PYROTECHNICIAN
.....
4. ADDRESS OR PREMISES FOR FIREWORKS DISPLAY
.....
5. DATE OF DISPLAY: TIME OF DISPLAY.....
6. SIGNATURE OF APPLICANT / PYROTECHNICIAN

FOR OFFICE USE ONLY

1. WAS THE AREA/SITE INSPECTED?:
2. IS ADEQUATE/CORRECT FIRE EQUIPMENT IN POSITION?.....
3. IS THE BURNING OF FIREWORKS WITHIN THE CAPABILITIES OF EXTINGUISHMENT BY A RESPONSIBLE PERSON OR PERSONS ?.....
4. IS THE DISPLAY AREA SUFFICIENTLY CORDONED OFF TO A DISTANCE OF 50 METRES TO DISALLOW UNAUTHORISED PERSONS FROM GAINING ACCESS TO THE SITE?.....
5. DOES THE APPLICANT HAVE THE EMERGENCY SERVICES CONTACT DETAILS: ?.....
6. APPLICATION:APPROVED/NOT APPROVED

CHIEF FIRE OFFICER

12th SCHEDULE

MSUNDUZI MUNICIPALITY
FIRE & RESCUE SERVICES
BY-LAWS RELATING TO FIRE SAFETY



PERMIT TO STORE AND SELL FIREWORKS.

This is to certify that the premises situated at

Occupied by.....

And used as a Retailer of Fireworks

Have been duly registered by the Chief Fire Officer under the said fire by-laws.

The maximum quantity of fire works kept or handled at this address shall not exceed:-

1000KG

It be duly note that the permit serves only to inform/advise the S.A.P. Explosives Unit that the Chief Fire Officer is satisfied that the conditions in the By-laws have been complied with. Licence to sell fireworks must be obtained from the S.A.P. Explosives Unit.

.....
Chief Fire Officer

.....
Date Stamp

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

ANNEXURE I

**MSUNDUZI MUNICIPALITY
FIRE & RESCUE SERVICES
BY-LAWS RELATING TO FIRE SAFETY**

**SPRAY BOOTH / ROOM CONSTRUCTION**

ITEM	REQUIREMENT
WALLS	225mm thick / concrete / non combustible material
ROOF	Reinforced concrete
FLOOR	Concrete or other impervious material
WATER FLOORS	Sunken water-filled floor covered at the level of the sill by a sturdy, stable, non-combustible and corrosion-free grill.
DOORS	<p>A) Constructed of 50mm hardwood, completely covered, insulating the edges with metal not less than 100mm in thickness secured to the door with bolts at 30mm centres along the edges. The doors to open outwards and to be and be hung on Tee hinges bolted to the door.</p> <p>B) Close fitting metal doors not less than 3mm in thickness, carried on an angle iron frame and having an all round overlap of not less than 50mm.</p> <p>C) A second means of escape must be provided at the furthest point from the main door.</p>
WINDOWS	The window frames must be of steel and have window panels that cannot be opened, which panels must be a maximum size of 450mm x 450mm and fitted with wire glass with a minimum thickness of 8mm.
POSITIONING OF VENTILATION INLETS	<p>A) All ventilation inlets and outlets shall be so placed as to effect a continuous and complete change of air within any such spraying room or spraying booth. The ventilation inlets shall be substantially equivalent to the exhaust capacity required in terms of this section. The ventilation system shall be so installed that all flammable liquid vapours shall pass as near as reasonably possible from the area where spraying takes place directly into the ventilation outlet.</p> <p>B) There will be installed a mechanical system of exhaust and inlet ventilation such as will remove vapour from and be capable of changing the air in the spraying room at least thirty (30) times in every hour.</p> <p>C) The blades of any fan used in the spraying room shall be of non-ferrous metal.</p>

POSITIONING OF VENTILATION OUTLETS	All outlet openings must be designed and positioned so as to release all fumes into the open air at a place at least 1m above a roof and 4m above the ground level and at least 5m from any opening of a building.
ELECTRICAL INSTALLATION	<p>A) Only incandescent electric lights enclosed in outer flame and vapour proof may be installed.</p> <p>B) All electric wires must be protected throughout by seamless metal tubes.</p> <p>C) All electrical motors to be of flame and waterproof construction.</p> <p>D) All electrical work must be certified by a qualified electrician.</p>
FIRE EQUIPMENT	Minimum requirement 2 x 9Kg DCP fire extinguishers and any additional at the discretion of the Chief Fire Officer.
PROHIBITIVE NOTICES	In accordance with provisions of SANS 1186.
	<p>A) No unauthorised entry</p> <p>B) No Naked flame</p> <p>C) No Smoking</p> <p>D) No cell phones</p>

ANNEXURE II

**MSUNDUZI MUNICIPALITY
FIRE & RESCUE SERVICES
BY-LAWS RELATING TO FIRE SAFETY**

CONSTRUCTION REQUIREMENTS OF DANGEROUS GOODS STORES

**Construction of store**

Every store shall be constructed in accordance with the following requirements:

1.	Walls	The walls shall be constructed of brick and concrete
2.	Floor	the floor or concrete or other impervious material
3.	Roof	the roof shall be constructed of reinforced concrete, provided however, that the roof may be constructed of other non-combustible material where such store is not likely to endanger any room, building or adjoining premises in case of fire.
4.	Doors	<p>a) The store shall be fitted only with a hardwood door or doors, suitably covered with metal of not less than 1mm thickness and carried on a metal door frame, or a well fitted metal door of not less than 4mm thickness, carried on an angle frame and having an all-round overlap of not less than 50mm. such doors shall open outwards and be fitted with a substantial lock.</p> <p>b) A store with a floor area in excess of 10m² shall be provided with at least two doors, complying with paragraph B? hereof and situated at such a distance from each other as to allow the free and unimpeded escape of persons within the store from either door in case of fire or other danger.</p>
5.	Window Frames	shall be constructed of metal and glazed with wire-woven glass and all windows shall be so constructed and secured as to be incapable of being opened and as to prevent the escape of vapours
6.	Catch-pit	a store shall be constructed in such manner that the flammable liquid therein cannot escape there from with sills at every doorway so as to form a well of sufficient capacity to contain the maximum liquid capacity of the store, plus ten percent (10%) thereof.
7.	Ventilation	<p>a) The store shall be ventilated by an approved ventilation system of such design, construction and capacity as will prevent the accumulation of flammable liquid vapour within the store and will discharge such vapour into the open air at a point or points where such vapour is not likely to come into contact with any fire, flame, open light or other agency likely to ignite such vapour; provided however, that where for any reason such ventilation can only be secured by means of a mechanical system of ventilation, such systems shall conform to the provision of section 107.???</p> <p>b) All ventilating openings which are fitted into walls shall be set in iron</p>

		<p>frames and fitted tightly to the interior faces of the walls. The low ventilating openings shall be installed as near to the level of the well, referred to in 4. Above, as possible, but shall be above such level.</p> <p>c) The openings shall be protected by non-corrodible wire gauze of not less than eleven (11) meshes to the linear centimetre.</p>
8.	Lighting	All lights installed shall be of the incandescent electric type, which shall be enclosed in an outer flame and vapour proof fitting, and all wiring shall be armoured cable or enclosed in seamless metal tubes, the junctions of which are screwed together. All switches, junction boxes, fuses and other electrical equipment shall be outside the store
9.	Maintenance	Every store shall be maintained at all times so as to comply with this section.

ANNEXURE III

**MSUNDUZI MUNICIPALITY
FIRE & RESCUE SERVICES
BY-LAWS RELATING TO FIRE SAFETY**

**CONSTRUCTION & DESIGN REQUIREMENTS FOR VEHICLES OTHER THAN ROAD TANKERS.**

ITEM	REQUIREMENT
Vehicles	<ul style="list-style-type: none"> i) To be designed and constructed to safely transport the quantity and type of dangerous goods for which the vehicle is intended. ii) To have at least two independent axle systems, excluding any trailer forming part of an articulated vehicle.
Safety edge / Safety Rail	<ul style="list-style-type: none"> i) To be at least one metre high when measured from the surface of the body of the vehicle. ii) capable of securing dangerous goods containers
Strapping	<ul style="list-style-type: none"> i) Must be durable and strong ii) capable of fastening dangerous goods containers securely to the body of the vehicle; iii) that are anchored firmly to the bodywork of the vehicle; and iv) fitted with the reversible cog winch mechanism that can be locked
Electrical	<ul style="list-style-type: none"> i) All electrical wiring to comply SANS 10 018 ii) Fitted with a double pole isolating switch capable of cutting off the engine in an emergency and all electrical current closest to the battery. iii) Battery must be enclosed with a cover.
Wheel blocks	At least two (2), and to be static free.
Fuel tank	Must be spark-proof and static-free tank that is designed, constructed and equipped to protect any dangerous goods consignment from shock or ignition while in transit.
Fire Equipment	2 x 9Kg DCP fire extinguishers
Signage To comply with SANS 1186, mounted on either side including the rear of the vehicle	<ul style="list-style-type: none"> i) Hazchem ii) No Naked Flame iii) No Smoking iv) No Cell phones v) Orange diamond
Exhaust	Must be one meter away from delivery point

ANNEXURE IV

**MSUNDUZI MUNICIPALITY
FIRE & RESCUE SERVICES
BY-LAWS RELATING TO FIRE SAFETY**



FIRE INVESTIGATION REPORT.

1. DETAILS OF INCIDENT

Date of incident:
 Incident No:
 Day:
 Time:
 Street no. and Name:
 Officer i/c: Time i/a
 Name of Investigation Officer: Time i/a:

2. DETAILS OF PREMISES

Occupancy & Description:
 Insurance: Contents: Building:

3. WEATHER CONDITIONS

Type: Wind: Direction:

4. OBSERVATIONS

Flame Colour: Smoke colour:
 Detail unusual smells:
 Detail areas of unusual intense burning

5. ENTRY TO PREMISES

Found open on arrival: Forced: Unlocked: Doors:
 Windows: Other:
 Give detail:
 Detail Brigade forced entry:

6. DETAIL ACTION DURING OPERATIONS

Disturbance of layout, content or debris

7. PREMISES SECURED:

For firefighting: For Safety: For investigation: Guard placed:

DETAIL:

8. VICTIMS:

Deaths: Number:

Injuries: Number:

DETAIL:

9. PHOTOGRAPHS & SAMPLES

Photographs taken: Samples taken: Analysed by:

Results:

10. NON-COMPLIANCE WITH LAWS OR CONDITIONS

Detail:

11. PERSONS QUESTIONED:

	NAME	FIRE RELATIONSHIP	ADDRESS
a)
b)
c)
d)
e)

Remarks:
.....
.....

12. GENERAL NOTES

.....
.....

13. CAUSE:

Fire Pattern:

Smoke Pattern:

Point of origin located:

Detail suspected cause and motivate:

.....
.....
.....

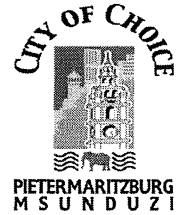
14. BRIGADE INVESTIGATING OFFICER:

Signature:

Date:

ANNEXURE V

**MSUNDUZI MUNICIPALITY
FIRE & RESCUE SERVICES
BY-LAWS RELATING TO FIRE SAFETY**



FIRE INVESTIGATION REPORT REQUEST FORM

Name:

Address:

Contact details: Cell:Office:

Date of Incident:

Time:

Street No. & Name of Incident:

Description: BuildingTransport:

Reason(s) for request:

.....
.....
.....

Signature of Applicant

Date

Please note that the Msunduzi Municipality Tariff of Charges will apply for the Investigation Report.

No. 56

24 June 2014



THE MSUNDUZI MUNICIPALITY

MARKET BY-LAWS

MSUNDUZI MUNICIPALITY
MARKET BY-LAWS

DRAFT ONE: SEPTEMBER 2013

[MUNICIPAL NOTICE NO. OF]

[DATE OF COMMENCEMENT: ,]

**These By-laws were published in Provincial Gazette No. dated
,2013.**

MSUNDUZI LOCAL MUNICIPALITY
MARKET BY-LAWS

The Msunduzi Municipality acting in terms of section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), read with section 13 of the said Act, hereby publishes the By-laws set forth hereafter, as made by the Municipality, which By-laws shall come into effect on the date of publication thereof.

THE MSUNDUZI MUNICIPALITY
THE MARKET BY-LAWS
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INTERPRETATION AND FUNDAMENTAL PRINCIPLES

1. Definitions

In this by-law, unless the context otherwise indicates, the following words will have the meanings as indicated below:

"Act" means the Agricultural Produce Agents Act, 1992 (Act 12 of 1992), as amended or as replaced.

"agricultural product" means an article specified in Part A of Schedule 1 or any article added thereto in terms of section 1(2) of the Act;

"APAC" means the Agricultural Produce Agents Council as defined in the Act or its Successor in Title."

"appeal" means an appeal in terms of section 62 of the Municipal Systems Act;

"bank" means a public company registered as a bank in terms of the Banks Act, 1990 (Act 94 of 1990);

"Bank Guaranteed facility" means an account approved by the Market manager that enables the holder of the account to purchase an agricultural product against a Bank Guarantee held by the Market.

"buyer" means any person who is the holder of a buyer's card issued by the market administration and who purchases an agricultural product at the market;

"consigner" means the principal or owner who, at the time of its delivery to the market agent, carried the risk of profit or loss of an agricultural product;

"Constitution" means the Constitution of the Republic of South Africa, 1996;

"Council" means the Council of the Msunduzi Municipality

"designated area" means the control point as determined by the Market Manager from time to time where the consigner will declare an agricultural product for delivery at the Pietermaritzburg Market

"direct sale" means a sale of an agricultural product taking place on the market premises between the consigner of the agricultural product and a wholesaler or retailer;

"Fee" means a fee, charge or tariff levied by the Msunduzi Municipality in terms of the Municipal Systems Act in respect of a city function or service;

"fidelity fund certificate" means a fidelity fund certificate issued in terms of section 16 of the Act;

"floor sale" means a sale concluded on the market floor between a market agent and any third party;

"market" means the Pietermaritzburg Market of the Msunduzi Municipality

"market administration" means the duly appointed management team responsible for the management of the market on behalf of the of the Msunduzi Municipality

"market agent" means an agent as defined in section 1 of the Act who is allowed by the Msunduzi Municipality to conduct business at the Pietermaritzburg Market on the

market floor;

"market agent's licence" means a market agent's licence issued in terms of section 11(3) of the by-law;

"market floor" means the floor area of a market hall situated on the market premises and reserved exclusively for trading by market agents;

"market hall" means an area on the market premises allocated for the purpose of displaying and selling an agricultural product;

"Market Manager" means the Municipal employee designated directly in charge of the Market.

"market premises" means the immovable property situated in Market Road, Mkondeni, Pietermaritzburg and includes any other property or premises designated by the Msunduzi Municipality for the propose of conducting the business of a fresh-produce market or any other business or businesses incidental thereto;

- "market product"** means –
- (a) with regard to market agents, an agricultural product; and
 - (b) with regard to wholesalers and retailers, an agricultural product and any article or product approved in writing by the market manager which article or product is to be offered for sale on the market premises;

"Municipal Manager" means the person appointed as such by the Msunduzi Municipality as the Accounting Officer or his duly authorised nominee.

"Msunduzi Municipality" means the local authority established in terms of the Municipal Structures Act, Act 117 of 1998)

"Municipal Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), as amended;

"Municipal Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as amended;

"operational unit" means a mechanical vehicle or device powered by battery, gas or fuel, and includes –

- (a) a forklift;
- (b) a cleaning or washer unit or device;
- (c) a maintenance unit or device;

"person" means a natural person and includes any legal entity recognised by law;

"retailer" means a person other than a market agent in respect of whom a service level agreement or any other agreement exists with the Msunduzi Municipality for such person to do business as a business on the market premises;

"sales docket" means a docket issued in terms of section 19(4);

"sales permit" means a permit issued in terms of section 13(3);

"salesperson" means a person who is the holder of a sales permit issued by the market manager and a fidelity fund certificate issued by the Agricultural Produce Agents Council in terms of the Act, and who does business on the market floor;

"vehicle" means any mechanical drivable unit or device, including but not limited to a pedal cycle, developed for the transportation of people and/or goods, and includes

any other unit or device in use for operational purposes at the market but excludes an operational unit; and

"wholesaler" means a person other than a market agent in respect of whom a service level agreement or any other agreement exists with the Msunduzi Municipality which agreement allows the person to conduct a wholesale business on the market premises, provided that he does not conduct over-the-counter sales with the general public.

2. Gender

Any reference in this by-law to one gender includes the opposite gender and any other legal person recognised by law.

CHAPTER 1

3. Market days and hours

- (1) The market must be open on the days and during the hours determined by the Municipal Manager from time to time.
- (2) Subject to subsection (1), trading on the market floor may take place only during the hours determined by the Market Manager.
- (3) A market agent may sell an agricultural product otherwise than on the market floor only with the prior approval of the Market Manager, provided that the agricultural product thus sold is first captured as stock on the market system, after which a proper sales docket is generated for the sale by the market agent concerned, and provided further that the Msunduzi Municipality is paid the fee determined in terms of section 20 below for the sale.

4. Risk of profit and loss

The risk of profit and loss of an agricultural product brought onto the market premises must at all times be solely that of the consigner of the agricultural product. Nothing stated in this section may be so interpreted as to absolve market agents from fulfilling their obligations under this by-law, provided that the Municipal Manager is authorised to acknowledge at his discretion any claim not exceeding R100 000,00 and to make payment for the claim; provided further that any claim in excess of this amount will be referred to the Council for consideration.

5. Control and risk of an agricultural product

- (1) Any agricultural product offered for sale must, before it is brought onto the market floor, be registered with –
 - (a) the Msunduzi Municipality in the manner and format required by the Municipal Manager; and
 - (b) the market agent to whom the agricultural product is consigned in the manner prescribed in subparagraph (4) below.
- (2) An agricultural product that is brought onto the market premises and is not for sale on the market floor must be declared and registered as such in accordance with subsection (1), failing which the market administration may refuse the agricultural product and prohibit it from being brought onto the market premises.
- (3) Simultaneously with the registration referred to in subsection (1), further particulars on an agricultural product delivered by a consigner must be provided at the

designated area as required from time to time by the market administration.

- (4) When an agricultural product is consigned to a market agent, the market agent must –
- (a) upon delivery of the agricultural product to him, sign to acknowledge receipt of the agricultural product and specify the date and time of the delivery;
 - (b) allocate a consignment number, prepared in accordance with the information required in subsection (3), and hand proof of the receipt to the market administration;
 - (c) immediately make all the necessary arrangements to offload and place the agricultural product in the space or enclosure provided to him for the agricultural product; and
 - (d) accept accountability to the consigner for the quantity of the agricultural product specified in the necessary documentation.
- (5) If any person fails or refuses to comply with the provisions of subsection (1) or subsection (3), the market manager may refuse the agricultural product and prohibit it from being brought onto the market premises.
- (6) The provisions of subsections (3) and (4) do not apply to the agricultural product referred to in subsection (2) of section 5.

CHAPTER 2

6. Packing, stacking and display of agricultural products

A market agent must to the satisfaction of the Market Manager

- (a) conspicuously display, place and stack all agricultural products received by him, other than those stored in the cold storage facilities referred to in section 7, on the market floor in such a manner that an orderly appearance and healthy and safe environment are created;
- (b) at the daily closing of sales, display and restack all unsold agricultural products in the manner referred to in paragraph (a) above.
- (c) Ensure that all pallets and other items within the floor space are stored in an orderly and safe manner,
- (d) Ensure that his floor space and fencing is kept clean and hygienic at all times.

7. Cold storage and ripening

- (1) The Msunduzi Municipality may at the discretion of the Municipal Manager –
 - (a) establish, equip and operate cold storage facilities and ripening chambers on the market premises; and
 - (b) levy fees, as determined by the Council from time to time, for the use of the cold storage facilities and ripening chambers.

- (2) Any person who makes use of any cold storage facility or ripening chamber referred to in subsection (1) or any other facility of the Msunduzi Municipality at the Pietermaritzburg Market premises, does so at his risk, and the Msunduzi Municipality is not liable for any loss or damage, whether direct or indirect, suffered by the person.

8. Storage

- (1) No person may, without the prior written approval of the Market Manager, store or leave any agricultural product, article, item or thing of whatever nature in or near the market premises.
- (2) No person may, without prior written approval of the Market Manager, store any agricultural product, article, item or thing of whatever nature in the storage or other facilities provided by the Msunduzi Municipality on the market premises.
- (3) Any person who fails to comply with the provisions of subsection (1) and (2) is, notwithstanding any other provisions of this by-law, liable to the City of Msunduzi Municipality for payment of the storage fees determined by the Council from time to time.

9. Abandoned agricultural product

- (1) If the Market Manager on reasonable grounds, suspects that any agricultural product left on the market premises has been abandoned, he may direct that the agricultural product be –
 - (a) sold if it is sound and fit for human consumption or use; or

- (b) removed and destroyed if it is unsound and unfit for human consumption or use.
- (2) If an abandoned agricultural product –
- (a) is sold, the Msunduzi Municipality will pay the proceeds of the sale, less the fee determined by the Council from time to time, to the person who is entitled to the proceeds, if his identity is known;
 - (b) is removed and destroyed, the Municipality will recover the fee, determined by the Council from time to time, from the person who abandoned the agricultural product, if his identity is known;
 - (c) is sold and the identity of the person entitled to the proceeds is not known, the proceeds will be paid into the trust account of the market agent who was in control of the product immediately before it was abandoned or, if it cannot be established with certainty which market agent exercised control over the product before it was abandoned, the proceeds will be paid into the separate account of the market.

10. Agricultural product unfit for human consumption

- (1) If the Market Manager on reasonable grounds believes that –
- (a) any agricultural product offered for sale on the market floor is diseased or unsound or unfit for human consumption, or that a container is likely to contaminate the agricultural product, he will immediately direct that that the container and the produce be destroyed.

CHAPTER 3**11. Market agents and their employees**

- (1) No person may do business as a market agent at the market unless he has satisfied any requirements of the APAC and is the holder of –
- (a) a fidelity fund certificate; and
 - (b) a market agent's licence.
- (2) An application for a market agent's licence must be made on the appropriate form available at the market administration offices situated on the market premises, which form must –
- (a) be accompanied by the application fee determined by the Council from time to time and the other applicable particulars and documents requested on the form; and
 - (b) be sent by post or be delivered to the market administration at the address indicated on the form.
- (3) A market agent's licence may be issued by the Municipal Manager to an applicant if –
- (a) in the opinion of the Municipal Manager, there is sufficient space available on the market floor to accommodate the applicant's business;

(b) the applicant has satisfied the Municipal Manager that –

- (i) he is fit, competent and the proper person to conduct the business of a market agent and has complied with the provisions of the Act and all other legislation on market agents; and

neither the applicant nor any of his directors, members or partners, as the case may be, have any direct or indirect interest in any other business of any person to whom a market agent's licence was issued;

(4) If the Municipal Manager is of the opinion that an applicant does not comply with any one or more of the provisions of subsection (3), he will refuse the issuing of a market agent's licence to the applicant and will notify the applicant in writing of the refusal. Should the applicant request reasons for the refusal in writing, the Municipal Manager will furnish these within 30 days.

(5) The Municipal Manager shall withdraw the market agent's licence if –

- (a) his fidelity fund certificate has lapsed, been withdrawn or suspended in terms of section 16 of the Act;

(6) The Municipal Manager may withdraw the market agents licence if

(i) in the case of the market agent being a company, close corporation or partnership, a change occurred in the shareholding of the company or the membership of the close corporation or the partners of the partnership without the market agent having obtained the Municipal Manager's prior written approval for the change;

- (ii) any one or more of the provisions of section 15(2), section 24(a) to (e), 24(f)(ii) and 24(g) and subsection (3)(b)(ii) are not complied with;

- (iii) the market agent enters into a business relationship or obtains a business interest that, either directly or indirectly, could harm, prejudice, impair or compromise the interests of the market; or
 - (iv) The market agent is in rental arrears to the municipality in excess of 90 days.
- (7) the Municipal Manager decides to withdraw the market agent's licence of a market agent, in which case he will notify the market agent in writing of his decision. A market agent whose market agent's licence has been withdrawn must, subject to the provisions of section 36, immediately cease to do business as a market agent. He may lodge an internal appeal as prescribed in section 62 of the Municipal Systems Act, 2000, but will remain suspended pending the outcome of the Appeal.
- (b) A Market Agent shall be entitled to lease at least one office on the Pietermaritzburg Market premises at a market related rental provided that such office space is available.

12. Automatic lapse of a market agent's licence

A market agent's licence is neither negotiable nor transferable and lapses automatically and is of no force and effect if –

- (a) in the event of a market agent being a natural person, he has died or his estate has become insolvent;
- (b) the market agent is a company or a close corporation that is placed under provisional or final liquidation.

CHAPTER 4**13. Salespersons**

- (1) No person will conduct business on the market floor unless he is the holder of a sales permit issued by the Market Manager.
- (2) An application for a sales permit must be made by the market agent on behalf of the salesperson on the prescribed form available at the market administration offices situated on the market premises, which form must –
 - (a) be accompanied by the application fee determined by the Council from time to time and the other applicable particulars and documents indicated on the form; and
 - (b) be sent by post or delivered to the Market Manager at the address indicated on the form.
- (3) A sales permit may only be issued to an applicant if he has satisfied the Marketer that he –
 - (a) is in the employ of a licensed market agent; and
 - (b) Is a fit, competent, proper and suitably qualified person to do business as a salesperson on the market floor.
 - (c) Has satisfied any requirements of the Agricultural Produce Agents Council and is registered with them.
- (4) If the Market Manager is of the opinion that an applicant does not comply with any

one or more of the provisions of subsection (3), he will refuse to issue a sales permit to the applicant and will notify the applicant in writing of his refusal and the reasons for it.

14. Withdrawal of a sales permit

- (1) A sales permit is neither negotiable nor transferable. The Market Manager will withdraw the sales permit of a salesperson if –
- (a) the salesperson is no longer in the employ of a market agent who has been issued with a market agent's licence in terms of section 11(3);
 - (b) any one or more of the provisions of section 13(3)(b) are not complied with;
 - (c) the sales person contravenes any provision of section 15(2), section 24(a) to (e) or section 24(f)(ii) or 24(g) to (h).

If the Market Manager decides to withdraw the sales permit of a salesperson, he will notify the market agent in writing of his decision. A salesperson whose sales permit has been withdrawn must, subject to the provisions of section 36, immediately cease to do business as a salesperson unless he has lodged an internal appeal as prescribed in section 62 of the Municipal Systems Act, 2000, in which event he will, subject to the conditions determined by the Municipal Manager, remain suspended until the outcome of his appeal is made known to him.

15. Market agents and floor sales

- (1) A market agent must conduct his business in accordance with the provisions,

principles and rules made under the Act, the provisions of this by-law and any other policies, procedures and practices of the Msunduzi Municipality which may from time to time be amended and are contained in letters or circulars of the market administration.

- (2) A market agent will conduct his business –
- (a) on the market floor, subject to the provisions of section 3(4), provided that at all times the agricultural product sold by the market agent is captured on the official system of the market administration; and
 - (b) on a commission basis only and he may not be involved in any direct sale otherwise than in his capacity as a market agent.
- (3) In conducting his business, a market agent may allow only salespersons to sell on the market floor.

16. Protective and corporate clothing

- (1) A market agent must –
- (a) subject to the provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), supply his employees with the necessary protective clothing; and
 - (b) ensure that the protective clothing complies with the relevant policy of the Msunduzi Municipality.

The market agent will not allow any of his employees to work at the Pietermaritzburg

Market unless the employee is wearing the protective clothing referred to in subsection (1).

17. Market agents' signage

A market agent must at his expense –

- (a) affix a signboard on the door of the offices occupied by him, which signboard must be approved by the Market Manager and must bear the name of the market agent's business;
- (b) maintain the signboard in good repair; and
- (c) display in the market hall the name of his business in a manner approved in writing by the Market Manager

18. Floor sales

- (1) The parties to a floor sale must be the buyer and the consigner of the market agent concerned; the Msunduzi Municipality will not be a party to a floor sale or in any manner be held liable for the due fulfilment of the terms and conditions of the floor sale.
- (2) If an agricultural product on the market floor is sold –
 - (a) by weight, it must be the net weight of the agricultural product, and it is the responsibility of the market agent concerned to ensure that, before the agricultural product is offered for sale, the correct net weight of the

agricultural product is displayed –

- (i) on the agricultural product; and
- (ii) on the container if the agricultural product is in a container; and

(b) by sample, the bulk of the agricultural product must correspond in quality to the sample of the agricultural product exhibited, and the market agent concerned remains responsible for ensuring that any sample of the agricultural product exhibited corresponds in quality to that of the bulk of the agricultural product.

(3) The Market Manager is entitled but not obliged –

- (a) to take such measures as he may deem necessary to ensure that the provisions of this section or any other provisions of this by-law are complied with; and
- (b) to prohibit an agricultural product from being offered for sale if any of the provisions of this by-law are not complied with.

(4) An agricultural product on the market floor may only be sold to a buyer who holds a valid buyer's card issued by the market administration.

(5) When conducting a floor sale the buyer must immediately present his buyer's card to the market agent concerned, who must record the details of the sale in the manner determined by the Market Manager from time to time.

CHAPTER 5

19. Payment

- (1) The buyer of any agricultural product must, immediately after the sale, pay the purchase price in cash to the Msunduzi Municipality in the manner required by the Msunduzi Municipality, such purchase to then be in accordance with the financial regulations or other accounting policies or practices of the Msunduzi Municipality, payment of the purchase price to be effected by means of and on submission of the buyers card referred to in section 18 (4) and (5).
- (2) (a) The Market Manager may grant a deferred payment facility to a buyer on condition that the buyer furnishes, at the buyer's cost, a bank or cash guarantee for an amount determined by the Market Manager and pays the purchase price –
 - (i) before 11:45 on the second trading day following the date of purchase;
 - (ii) before 11:45 on the following Tuesday if the purchase was made on a Saturday; or
 - (iii) before 11:45 on the next business day if the purchase was made on a day before a public holiday.
- (4) After payment of the purchase price of an agricultural product has been effected or credit for the payment of the purchase price has been granted, the Msunduzi Municipality must issue a sales docket to the buyer, which sales docket must contain the details and information determined by the Municipal Manager from time to time.
- (5) Should a bank guaranteed buyer fail to pay for the purchase of an agricultural product,

the Msunduzi Municipality will, simultaneously with the payment referred to in section 20(2) below, pay into the trust account of the market agent responsible for the sale an amount equal to the amount of the sale and the Msunduzi Municipality will be entitled forthwith to recover the amount paid from the security provided to the Municipal Manager in terms of subsection (3) of section 19.

- (6) Buyers who deposit money into the Markets bank account via Electronic fund transfer will only receive credit on their buying card upon presenting proof of the electronic fund transfer and confirmation that the money has been received in the Markets bank account.

20. Commission on sales

- (1) The consigner is liable for payment to the Msunduzi Municipality of the fee determined by the Council from time to time for every floor sale concluded by him.
- (2) The Msunduzi Municipality will deduct the fee referred to in subsection (1) from the proceeds of the purchase price for every floor sale and will, not later than two business days following the day on which the floor sale took place, pay the balance of the proceeds of that floor sale to the market agent who was responsible for the floor sale or within such period as may be determined by the Act.

21. Collection and removal of an agricultural product

- (1) Subject to the provisions of subsection (2), a buyer must, within the conclusion of the sale of an agricultural product, collect and remove or cause to be collected and removed all the agricultural products purchased by him, provided that the Market

manager may at his discretion grant the buyer an extension of time for the collection and removal of the agricultural product.

- (2) No buyer or his representative may remove any agricultural product from the market floor unless –
- (a) he is in possession of the valid sales docket referred to in section 19(4) for the agricultural product; or
 - (b) permission has been granted by the Market Manager for the removal of the agricultural product.

CHAPTER 6

22. Default of buyer

- (1) If a buyer fails to present a buyer's card or to effect payment of the purchase price for the agricultural product purchased, the Market Manager may direct that the agricultural product be resold in a manner he may deem fit and expedient.
- (2) A buyer contemplated in subsection (1) is liable to the Msunduzi Municipality for payment of any loss of fees suffered by the Msunduzi Municipality as a result of the resale of the agricultural product, and the Market Manager is entitled to suspend the buyer's card of the buyer until the payment has been recovered from the buyer.

23. Dispute between buyer and market agent

If there is a dispute of whatever nature about a product, its sale or disposal between

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a buyer and a market agent, either of the parties to the dispute may refer the dispute to the Market Manager, who will endeavour to resolve it. If any one of the parties is not satisfied with the recommendation of the Market Manager, that party may enforce his rights against the other party in a court of law.

24. Obligations of a market agent

A market agent must fulfil the following obligations:

- (a) The market agent may not receive any cash or other form of payment from a buyer.
- (b) The market agent may not allow a buyer to remove any agricultural product purchased on the market floor unless the buyer is in possession of a sales docket for the agricultural product in accordance with section 19(4). and such produce may only be removed through the designated exit gates to the loading areas.
- (d) The market agent may not sell any agricultural product in a container that does not comply with the specifications stipulated by the Market Manager. or any other applicable legislation
- (e) The market agent must provide for an agricultural product that is consistent with that purchased by the buyer in so far as the quantity, weight, quality, grade, variety and container of the agricultural product are concerned.
- (f) The market agent is liable towards a buyer if –
 - (i) the agricultural product provided by the market agent differs from that

purchased by the buyer in so far as the quantity, weight, quality, grade, variety and container of the agricultural product are concerned;

or

(ii) in respect of an agricultural product bought by sample, the agricultural product provided by the market agent differs materially from the sample.

(g) The market agent may not purchase, or allow his employees to purchase, any agricultural product on the market floor for the purpose of reselling or trading that agricultural product for his account.

(h) The market agent or any of his employees are allowed, for purposes of personal use or consumption, to purchase any agricultural product on the market floor at a price not lower than the price at which the agricultural product was sold on the market floor on the same day.

(i) The market agent must ensure that his salespersons comply with the provisions of this section and those of section 15(2).

(j) The Market Agent must trade only from his demarcated floor pace.

The market floor shall be divided between the market agents on the basis of the previous 12 months tonnage floor space shall be adjusted annually on the 31st July in proportion to tonnage to 30 June each year provided that such space shall not decline below a level to permit efficient and satisfactory trading as determined by the Market manager.

New agents shall be given such a minimum floor space as determined by the Market Manager

CHAPTER 7

25. Barrows

- (1) The Msunduzi Municipality may issue a barrow to a buyer only if he –
- (a) has paid a fee to the market administration for the use of the barrow, of which a fee determined by the as determined by the Msunduzi Municipality..
 - (b) A buyer must at all times be in possession of his receipt for the deposit referred to in subsection (1)(c) and must make available the receipt at the request of the Market Manager.
 - (c) A buyer may only use a barrow issued by the Msunduzi Municipality.
 - (d) A buyer is liable for the safe use of a barrow issued to him.
 - (e) A buyer must ensure that the barrow issued to him is used in such a manner as to avoid any wilful or negligent damage.
 - (f) A buyer may not sublet a barrow to a third party.

26. Forklifts

All Drivers must be in possession of a valid hyster drivers' permit which must be carried and available for inspection at all times.

27. Vehicles, motorcycles and pedal cycles

No vehicles, motorcycles or pedal cycles are permitted on the market floor except for operational units, unless

- (1) for reasons of health or disability an individual is unable to move around without

mobility equipment..

28 Market rules and regulations

No person may –

- (a) occupy or trade from any office, area, stand or other place on the market premises unless he has –
 - (i) obtained prior written permission of the Municipal Manager in terms of the approved policy of the Msunduzi Municipality; and
 - (ii) paid in advance any rent or fee lawfully due for the office, area, stand or other place on the market premises;
- (b) purchase or sell any agricultural product, save as provided for in this by-law;
- (c) light a fire on the market premises without the approval of the Market Manager;
- (d) stand or sit on or against any agricultural product on the market premises;
- (e) throw an object at any person or property on the market premises;
- (f) tamper with any agricultural product or container, or tamper with or remove any label on any agricultural product or container;
- (g) cause a blockage in or damage to the sewerage or storm water drainage system of

the market premises;

- (h) wash, peel, pack, sort, grade or clean agricultural products other than in the designated area of the market premises without the prior approval of the Market Manager;
- (i) interfere with or molest any other person on the market premises;
- (j) interfere with the activities or business of, or be a nuisance to any other person on the market premises;
- (k) enter or remain on the market premises after hours without the approval of the Market Manager;
- (l) fail or refuse to comply with an instruction by the Market Manager to remove an article from the market premises or relocate an article to another area on the market premises;
- (m) spit, loiter or use threatening, obscene, abusive or offensive language or cause a disturbance on the market premises; or smoke any cigarettes, pipe or cigar in the market hall.
- (n) be under the influence of intoxicating liquor or a drug having a narcotic effect or consume liquor on the market premises,
- (o) damage ,deface or foul any property or building on the market premises;
- (p) dispose of any peels, vegetable leaves, garbage or other refuse on the

market premises other than in the appropriate bins provided;

- (q) interfere with or obstruct, or offer any payment or inducement to any employee of the Msunduzi Municipality in the execution of his duties;
- (r) hawk, peddle or beg on the market premises;
- (s) remove any refuse, waste or condemned agricultural product from the market premises without the prior written approval of the Market Manager;
- (t) cook food or make any beverage other than in the designated areas of the market premises; and
- (u) bring any animal onto the market premises without the prior written approval of the Market Manager. – except for guide dogs for the blind.
- (v) Enter the market Hall without shoes.

29. Entry to the Market.

Entrance to the market is reserved.

The Market Manager may refuse to allow any person to enter the market and may instruct any person to leave the market or to remove any item from the market if in his opinion circumstances then existing justify such refusal or instruction.

30. Retailers and wholesalers

The Msunduzi Municipality is entitled to reserve any part of the market premises for the purpose of retail and wholesale business in market products and may, for that

purpose, enter into agreements with a retailer or wholesaler in terms of

which a table, stall or area is leased to the retailer or wholesaler, as the case may be, provided that the retailer or wholesaler and the employees of the retailer or wholesaler, as the case may be –

- (a) conduct business only in the part of the market premises allocated to them in terms of the lease;
- (b) deal only in the market products specified in the lease; and
- (c) are not entitled to trade on the market floor.

31. Direct consignments to wholesalers

- (a) Subject to the provisions of section 5(2), no wholesaler may sell an agricultural product on the market premises other than that purchased on the sales floor.
- (b) A wholesaler may, with the prior written consent of the Market Manager, sell an agricultural product delivered directly to him from the consigner, provided that the fee specified in section 20(1), may be levied, calculated on the average market price for that agricultural product on that specific day or as determined by the Market Manager from time to time.

CHAPTER 8

32. Powers of the Market Manager

The Market Manager is entitled to –

- (a) inspect any agricultural product, article, item, object or thing of whatever nature on the market premises;
- (b) prohibit any agricultural product from leaving the market premises if he reasonably believes that any person has failed to comply with the provisions of section 18(4) or (5) or section 19;
- (c) if he reasonably suspects that any agricultural product offered for sale is stolen, prohibit the agricultural product from being sold until he is satisfied about the ownership of the agricultural product;
- (d) for statistical or other lawful purposes, request any documentation or information relating to any aspect whatever of the sale of an agricultural product on the market premises, in which event the person to whom the request was made must furnish him with documentation or information within a reasonable time;
- (e) instruct any person who has placed any agricultural product, article, item, object or thing on the market premises that causes an inconvenience or obstruction, to remove the agricultural product, article, item, object or thing;
- (f) prohibit the cleaning, stripping or peeling of an agricultural product on the market premises or in any part of the market premises; and
- (g) for the purpose of ensuring the effective, efficient and proper functioning of the market and the safety and well-being of all people on the market premises, issue such instructions as he may deem necessary, which instructions may be contained in a notice or notices affixed to a notice board or notice boards in prominent places on the market premises, and must be obeyed and complied with by every person

entering the market premises.

CHAPTER 9

33 Sales to employees of the Msunduzi Municipality

No employee of the Msunduzi Municipality who is stationed at the market or is in some way involved in the market is entitled to purchase any agricultural product, except for purposes of personal use or consumption, provided that the purchase price of an agricultural product purchased for personal use or consumption is not lower than the price at which the agricultural product was sold on the market floor on the same day.

34. Fees

The fees payable to the Msunduzi Municipality in terms of this by-law will be the fees determined by the Msunduzi Municipality from time to time.

35. Appeals

- (1) Any person aggrieved by a decision of the Market Manager or Municipal Manager made in terms of this by-law may appeal against that decision in accordance with the provisions of section 62 of the Local Government: Municipal Systems Act, 2000, which provisions apply *mutatis mutandis* in respect of the appeal.

36. Indemnification from liability

Any person who enters the market premises does so at his risk, and neither the Msunduzi Municipality nor any of its employees are liable for any loss or damage to a

person or his property arising from any act or omission of the Msunduzi Municipality or its employees in the execution of their duties unless they acted negligently.

37. Offences and penalties

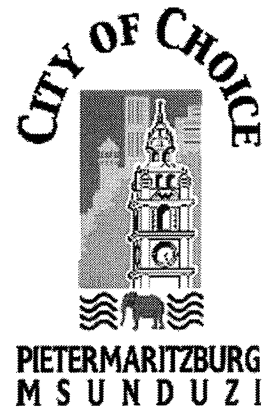
- (1) Any person who –
- (a) fails to comply with or performs any act contrary to the terms, conditions, restrictions or directions of a licence, permit, approval, consent or authority that has been issued or granted to him under this by-law;
 - (b) contravenes or fails to comply with any provision of or direction issued or requirement imposed under this by-law; or
 - (c) contravenes or fails to comply with any provision of this by-law

is guilty of an offence.

- (2) Any person convicted of an offence under this by-law is liable to a maximum period of imprisonment of three years or R60 000 or both as may be determined by a court of law in accordance with the Adjustment of Fines Act, 1991 (Act 101 of 1991), or to both the imprisonment and the fine.

38. Repeal of the Pietermaritzburg Municipal Market By-laws

The Msunduzi Municipality Market By-laws published under municipal Notice No. 753 of 1971, is hereby repealed.



THE MSUNDUZI MUNICIPALITY

PUBLIC OPEN SPACES BY-LAWS

MSUNDUZI MUNICIPALITY
PUBLIC OPEN SPACES BY-LAWS

DRAFT ONE: SEPTEMBER 2013

[MUNICIPAL NOTICE NO. OF]

[DATE OF COMMENCEMENT: ,]

These By-laws were published in Provincial Gazette No. dated
,2013.

MSUNDUZI LOCAL MUNICIPALITY
PUBLIC OPEN SPACES BY-LAWS

The Msunduzi Municipality acting in terms of section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), read with section 13 of the said Act, hereby publishes the By-laws set forth hereafter, as made by the Municipality, which By-laws shall come into effect on the date of publication thereof.

**THE MSUNDUZI MUNICIPALITY
PUBLIC OPEN SPACES BY-LAWS**

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SCHEDULE 1**REPEALED BY-LAWS****CHAPTER 1****INTERPRETATION AND FUNDAMENTAL PRINCIPLES****Definitions and interpretation**

1. (1) In these By-laws, unless the context otherwise indicates-

"active game" means any physical sport, game or other activity participated in by one or more persons which is undertaken within a public open space other than in ' an area set aside for that purpose, and which may cause injury to other users of the public open space, a nuisance or damage to vegetation or municipal property within a public open space and includes rugby, golf, archery, football, tennis, badminton, hockey, netball, volleyball, skate-boarding, roller-skating, in-line skating, BMX pedal cycle activities and motor cycle scramble activities;

"authorised official" means any official of the Municipality who has been authorised by the Municipality to administer, implement, and enforce the provisions of these Bylaws;

"conservation public open space" or "conservation area" means public open space which is managed by or on behalf of the Municipality for conservation purposes, and includes any nature reserve, greenbelt, ravine, bird sanctuary and site of historic, ecological or archaeological value;

"Municipality" means the Msunduzi Municipality and its successors in law and includes the Council of the Municipality or its Executive Committee, a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub delegated, or a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81 (2) of the Local Government: Municipal Systems Act (Act No. 32 of 2000) or any other law, as the case may be.

"designated area" means an area designated by the Municipality as an area in which an active game or any other activity or conduct, which would otherwise be prohibited under Chapter 3 of these By-laws, may be undertaken;

"environment" means the surroundings within which humans exist and that are 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 paragraphs (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;

"environmentally sustainable" means the exercising of any decision-making powers or performance of any activities in a manner aimed at ensuring that-

- (a) the risk of harm to the environment and to human health and safety is minimised to the extent reasonably possible under the circumstances;
- (b) the potential benefits to the environment and to human health and safety are maximised to the extent reasonably possible under the circumstances; and
- (c) legislation intended to protect the environment and human health and safety is complied with;
- (d) development meets the needs of the present without compromising the ability of future generations to meet their own needs.

"local community" means local community/ community as defined in section 1 of the Local Government: Municipal Systems Act No. 32 of 2000.

"municipal manager" means a person appointed as such by the Municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998);

"municipal property" means any structure or thing owned or managed by or on behalf of the Municipality and which is incidental to the use and enjoyment of a public open space and includes any building, lapa, kiosk, bench, picnic table, playground equipment, fountain, statue, monument, fence, pole, notice and sign;

"notice" means a clear and legible official notice drawn up by the Municipality in English and Zulu and prominently displayed in a public open space;

"nuisance" means an unreasonable interference or likely interference with-

- (a) the health or well-being of any person;
- (b) the use and enjoyment by an owner or occupier of his or her property; or
- (c) the use and enjoyment by a member of the public of a public open space;

"organ of State" means –

- (a) any department of State or administration in the national, provincial or local sphere of government; and
- (b) any other functionary or institution -
 - (i) exercising a power or performing a function in terms of the Constitution of the Republic of South Africa Act; or
 - (ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court of law and a judicial officer;

"person" means a natural person or a juristic person, and includes an organ of State;

"prescribed fee" means a fee determined by the Municipality by resolution in terms of any applicable legislation;

"printed matter" includes any advertisement, billboard, poster, book, pamphlet or handbill;

"prohibited activity" means any activity or behaviour which is prohibited in terms of Chapter 3 from being undertaken in a public open space, either completely or without permission in terms of section 21, 22 or 23;

"public open space" means any land which -

- (a) is owned by an organ of State, or
- (b) over which an organ of State has certain real rights arising from the filing in the Deeds Office or other registration office of a general plan of a township, agricultural holding or other division of land, or any alteration, addition to or amendment of such land approved by the Surveyor-General, on which is marked the land to which the public has a common right of use; and
- (c) is controlled and managed by the Municipality; and

- (d) is either -
- (i) set aside in terms of any law, zoning scheme or spatial plan, for the purpose of public recreation, conservation, the installation of public infrastructure or agriculture; or
 - (ii) predominantly undeveloped and open and has not yet been set aside for a particular purpose in terms of any law, zoning scheme or spatial plan;

"public utility public open space" means public open space which is managed by or on behalf of the Municipality for the purposes of providing a public service, which includes road reserves and areas subject to electrical, pipeline and other public utility servitudes, but excludes Municipality housing, clinics and other social services;

"recreational public open space" means public open space which is managed by or on behalf of the Municipality for public recreational purposes, and includes any park, botanical garden, sports ground and playground, but excludes any golf course;

"road reserve" means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic and which is between the edges of the roadway and that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or shoulder;

"special event" means a parade, procession, race, concert, show, exhibition, festival, ceremony, film shoot, photographic shoot or similar event, which requires, for that purpose, exclusive use of a part of a public open space;

"urban agricultural public open space" means public open space which is managed by or on behalf of the Municipality for urban agricultural purposes;

"vehicle" means a device designed or adapted mainly to travel on wheels, but excludes a wheelchair and children's pushchair and perambulator;

"waste" means any substance or article which a person wishes to dispose of because it is unwanted, superfluous, broken, worn out, contaminated or otherwise spoilt and that has been discarded or has been accumulated or stored so that it can be discarded, reused, reclaimed or recycled;

"watercraft" includes any boat, raft, yacht, canoe, inflatable mattress, model ship or boat, radio-controlled boat or similar device;

"water body" means any body of water within a public open space and includes a pond, fountain, artificial watercourse, dam, lake, canal, reservoir, stream, river and wetland.

- (2) If any provision in these By-laws vests or imposes any power, function or duty of

the Municipality in or on an employee of the Municipality and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal systems Act, 2000, or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

Application of By-laws

2. (1) These By-laws apply to every public open space which falls under the jurisdiction of the Municipality, but do not apply to cemeteries.
- (2) These By-laws are binding on the State.

Purpose of By-laws

3. The purpose of these By-laws is to provide, in conjunction with other applicable legislation, an effective legal and administrative framework-
 - (1) to ensure that the way in which the Municipality controls, manages and develops public open spaces is environmentally sustainable, and is in the long-term interests of the whole community of Pietermaritzburg Msunduzi, including future generations; and
 - (2) which clearly defines the rights and obligations of the public in relation to public open spaces.
 - (3) To give effect to a person's Constitutional rights,
 - (a) to an environment that is not harmful to their health or well being;
 - (b) to have the environment protected for the benefit of present and future generations, through reasonable legislative and other measures that-
 - (i) prevent pollution and ecological degradation;
 - (ii) promote conservation, and
 - (iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

CHAPTER 2

MANAGEMENT AND ADMINISTRATION OF PUBLIC OPEN SPACES

Principles of By-laws

4. (1) Public open spaces shall be managed, and where appropriate developed, in the interests of the local community, and in determining the interests of the local community -

- (a) the long-term collective interests of the people of Pietermaritzburg Msunduzi, and of South Africa, must be prioritised over the interests of any specific interest group or sector of society;
 - (b) a long-term perspective, which takes account the interests of future generations, must be adopted; and
 - (c) the interests of other living organisms which depend on public open spaces must be taken into account.
- (2) Public open spaces shall be managed in an environmentally sustainable manner.
- (3) Subject to the provisions of subsection (5) and section 7, people shall be given access to public open spaces on a non-discriminatory and equitable basis.
- (4) If necessary, special measures shall be taken to facilitate access to public open spaces by historically disadvantaged persons and by disabled persons.
- (5) Access to a public open space may be restricted in a manner which does not unjustifiably discriminate against any person or class of persons-
 - (a) if the restriction is authorised by these By-laws or by any other law; or
 - (b) in order to achieve the purposes of these By-laws.
- (6) The recreational, educational, social and other opportunities which public open spaces offer shall be protected and enhanced to enable local communities, particularly historically disadvantaged communities, and the public to improve and enrich their quality of life.
- (7) Local communities shall be encouraged to use and care for public open spaces in their areas.
- (8) The natural environment and heritage resources within public open spaces shall be identified, preserved, protected and promoted, for the benefit of the local community, the public and future generations.

Application of principles

5. The public open space management principles set out in section 4, and the national environmental management principles set out in section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998), shall be considered and applied by any person -
- (a) exercising a power or function or performing a duty under these By-laws;
 - (b) formulating or implementing any policy which is likely to have a significant effect on, or which concerns the use of, public open spaces within the Municipality's jurisdiction; or
 - (c) exercising a public power or function or performing a public duty which is likely to have a significant effect on, or which concerns the use of, public open spaces.

General powers of Municipality

6. The Municipality may in relation to any public open space-
- (a) designate any area within a public open space as an area within which one or more activities otherwise prohibited in terms of these By-laws may be undertaken, and display a prominent notice to this effect at every entrance to the designated area;
 - (b) develop any public open space in accordance with the principles set out in section 4;
 - (c) erect, construct, establish or demolish municipal property; and
 - (c) exercise any other power reasonably necessary for the discharge of the Municipality's obligations in terms of these By-laws relating to the management of public open spaces.

Fees

7. Any member of the public shall, where deemed appropriate by the Municipality, pay -
- (a) a prescribed fee to use recreational or other facilities which the Municipality provides within any public open space;
 - (b) a prescribed fee for entrance to any public open space which is significantly more expensive to maintain than other public open spaces, such as botanical gardens;
 - (c) a prescribed fee for the right to undertake a special event;

- (d) a prescribed fee for the right to exclusively use municipal property for a specific period;
- (e) a deposit prior to undertaking a prohibited activity permitted by the Municipality;
- (f) an annual or monthly fee for the right to use urban agricultural public open space to the exclusion of any other person; and
- (g) a prescribed fee for processing applications for permits or letters of permission under these By-laws, if such a fee or deposit has been determined by the Municipality.

Restricting access

8. The Municipality may restrict access to any public open space or to any part of a public open space for a specified period of time -
- (a) to protect any aspect of the environment within a public open space;
 - (b) to reduce vandalism and the destruction of property;
 - (c) to improve the administration of a public open space;
 - (d) to develop a public open space;
 - (e) to enable a special event which has been permitted in terms of section 22, to proceed; or
 - (f) to undertake any activity which the Municipality reasonably considers necessary or appropriate to achieve the purposes of these By-laws.

Powers of authorised officials

9. In relation to any public open space, an authorized official may-
- (a) to the extent authorised by the Municipality administer, implement and enforce the provisions of these By-laws;
 - (b) issue a notice in terms of section 20;
 - (c) instruct any person to leave a public open space if the authorized official reasonably believes that the person is contravening any provision of these Bylaws, and fails to immediately terminate such contravention upon the instruction of that official; and
 - (d) if such official is a peace officer, exercise any power which may be exercised by a peace officer under the Criminal Procedure Act,

1977 (Act No. 51 of 1977).

Obligations in relation to public open spaces

10. (1) The Municipality shall within a public open space display any notice required under these By-laws.
- (2) In relation to recreational public open spaces, the Municipality shall-
- (a) ensure that they are open to the public between sunrise and sunset, unless specified otherwise in terms of a notice; and
 - (b) prominently display a notice at every entrance indicating:
 - (i) the opening and closing times of that recreational public open space; and
 - (ii) any rules made by the Municipality in relation to that recreational public open space.

CHAPTER 3

PROHIBITED CONDUCT

Prohibited activities

11. (1) Any person who undertakes an activity or behaves in a manner that is prohibited in terms of these By-laws, commits an offence unless, in addition to any exceptions contained in sections 12 to 19, that activity or conduct-
- (a) takes place in a designated area within which that activity or conduct is allowed; or
 - (b) is authorised in terms of a permission granted or permit issued in terms of section 21, 22 or 23; or
 - (c) is deemed to be authorised by the Municipality under subsection
- (2) Subject to the provisions of subsection (3), a person is not in contravention of any provision of section 12 to 19 if that person needs to undertake the prohibited activity -

- (a) to perform his or her obligations as an employee, agent or contractor of the Municipality under his or her contract with, or mandate from, the Municipality to achieve the purposes of these By-laws;
 - (b) to carry out public duties as an employee, agent or contractor of an organ of State within a public open space which is subject to a public utility servitude in favour of that organ of State;
 - (c) to fulfil his or her duties as an authorised official; or
 - (d) to fulfil his or her duties as a peace officer.
- (3) Subsection (2) shall not be interpreted to allow a contravention of any activity which the Municipality has expressly refused to permit.

General prohibition

12. No person may within a public open space -

- (a) act in a manner which is dangerous to life or property;
- (b) contravene the provisions of any notice within any public open space;
- (c) unlawfully enter a public open space to which access has been restricted in terms of section 8;
- (d) cause a nuisance; or
- (e) behave in an indecent or offensive manner.

Prohibited use

13. No person may within a public open space -

- (a) bathe, wade, or swim in or wash him- or herself, an animal or any object, including clothing, in any water body;
- (b) make, light or otherwise start a fire except in a facility provided by the Municipality for that purpose;
- (c) camp or reside;
- (d) consume, brew, store or sell any alcoholic beverage;
- (e) use any sound equipment, including a radio, portable hi-fi or car stereo;

- (f) play an active game, except in an area designated for that purpose on a sport playing field or on a golf course; or
- (g) shoot a projectile of any nature;
- (h) discharge or use any fireworks.

Waste

14. No person may within a public open space-

- (a) deposit, dump or discard any waste, other than in a receptacle provided by the Municipality for that purpose; or
- (b) pollute or deposit any waste or thing in a manner which may detrimentally impact on a water body; or
- (c) act in any manner which contravenes the Municipality's Solid Waste Bylaws.

Vehicles

15. No person may within a public open space B

- (a) except at times specified and on roads or pathways provided by the Municipality, drive, draw or propel any vehicle other than a bicycle;
- (b) drive, draw or propel a vehicle in excess of five kilometers per hour; or
- (c) park a vehicle in a public open space, except in designated area or other area where parking is otherwise permitted by the Municipality.

Vegetation and animals

16. (1) Subject to the provisions of subsection (2), no person may within a public open space-
- (a) disturb, damage, destroy or remove any tree, shrub or other vegetation;
 - (b) affix or place any printed matter on a tree;
 - (c) plant any vegetation;
 - (d) alter the slope or drainage pattern so as to interfere with

the access of water, air or nutrients to any tree or other plant;

- (e) capture or attempt to capture, chase, shoot at, injure, throw objects at, tease, molest or in any other way disturb any animal, fish, or bird;
- (f) disturb, damage or destroy any bird nest or egg;
- (g) ride a horse, except-
 - (i) in a public open space or any part thereof designated by the Municipality for that purpose; and
 - (iii) a person who in the performance of his or her official duties, patrols a public open space on horseback;
 - (h) walk, carry, ride or bring an animal other than a horse or dog; or
 - (i) walk any dog unless-
 - (i) it is in a public open space or any part thereof which has not been designated by the Municipality as an area where no dogs are allowed, and it is on a leash and under control of a person; or
 - (ii) it is in a public open space or any part thereof designated by the Municipality as an area where dogs may run free: Provided that if any dog excretes in a public open space, the person in control of the dog must immediately remove such excrement and dispose of it in a waste bin or other receptacle provided by the Municipality for that purpose.
- (2) The provisions of subsection (1)(a) and (c) do not apply to any person who has obtained a permit in terms of section 23 to undertake agricultural activities in an urban agricultural public open space.

Municipal property and erection of structures

17. (1) Subject to the provisions of subsection (2), no person may within a public open' space -
- (a) deface, damage, destroy or remove any municipal property;

- (b) disturb the surface of any land, whether by digging, undertaking any earthworks or otherwise;
 - (c) erect, build or assemble any structure, including a hut, tent, screen, bulletin board, pole, stand or stage;
 - (d) affix or place on any municipal property, or distribute, any printed matter; or
 - (e) plug, tamper with, or in any way damage any plumbing, electrical, heating or other fixtures or installations.
- (2) The provisions of subsection (1)(b) do not apply to any person who has obtained a permit in terms of section 23 to undertake agricultural activities in an urban agricultural public open space.

Selling and special events

18. (1) No person may within a public open space-
- (a) use municipal property in a way that unfairly restricts or prevents other users of the public open space from enjoying that municipal property; or
 - (b) except within a public open space or part thereof, which has been let to a person by the Municipality for that purpose, sell, hawk, offer or display any goods or articles for sale or hire;
- (2) No person may undertake a special event, except in terms of a permit issued in terms of section 22.

Community service

19. Except in terms of an agreement entered into in terms of section 24, no person may within a public open space undertake any community or voluntary work of any description.

Restoration or removal notices

20. (1) Unless permission or a permit to do so has been obtained in terms of section 21, 22 or 23, an authorised official may issue a restoration or removal notice to any person who has in a public open space-
- (a) damaged, defaced, disturbed, destroyed, demolished or removed vegetation or a municipal structure;

- (b) erected, built or assembled a structure; or
 - (c) dumped, discarded or deposited any waste, other than in a receptacle provided by the Municipality for that purpose.
- (2) The restoration or removal notice may direct the person concerned within a reasonable time specified in the notice to take stated reasonable steps specified in the notice-
 - (a) to restore or rehabilitate the affected area to the reasonable satisfaction of the Municipality; or
 - (b) to remove a structure or thing and restore the affected site, as nearly as practicable, to its former condition.

CHAPTER 4

APPLICATIONS FOR AUTHORISATION

Application for permission

- 21.
- (1) Any person who wishes to undertake a prohibited activity must make application in writing to the Municipality for permission to do so, which application must be accompanied by the prescribed fee.
 - (2) The Municipality may, after receiving an application, request the applicant to provide additional information which the Municipality reasonably requires in order to consider the application.
 - (3) The Municipality may refuse to consider an application until it has been provided with the information that it reasonably requires to make an informed decision and if the prescribed fee has not been paid.
 - (4) Subject to the provisions of subsections (2) and (3), the Municipality shall consider the application within a reasonable time and shall either-
 - (a) refuse the application; or
 - (b) grant permission in writing to the applicant subject to such conditions as the Municipality may consider appropriate to best achieve the purposes of these Bylaws, which may include payment of a deposit, a prescribed fee or both.

- (5) The Municipality may not grant permission for any person to behave in a manner which is prohibited in terms of section 12(a) or (e).

Application for a special event permit

22. (1) An application for permission to hold a special event in a public open space shall be made at least 21 days prior to the proposed date of the special event.
- (2) The time period referred to in subsection (1) may, on good cause shown, be reduced by the Municipality.
- (3) An application in terms of subsection (1), shall contain the following information:
- (a) The name and full contact details of the applicant, including postal address, telephone and fax numbers and email address, if available;
 - (b) the nature and purpose of the special event;
 - (c) the intended route or area proposed to be used for purposes of the special event; and
 - (d) any permission required under Chapter 3 of these By-laws.
 - (e)
- (4) Subject to any permit conditions imposed by the Municipality, the holder of a special events permit shall have the right to use the area of public open space specified in the permit to the exclusion of any other person during the period specified in the permit.

Application for permission to farm in an urban agricultural public open space

23. (1) An application for permission to farm in an urban agricultural public open space shall contain the following information:
- (a) The name and full contact details of the applicant, including postal address, telephone and fax numbers and email address, if available;
 - (b) the nature of the agricultural activity that the applicant proposes to undertake; and

- (c) the size and location of the area on which the applicant wishes to undertake the proposed agricultural activity.
- (2) A permit under this section may require the permit holder to pay an annual or monthly fee for the use of the land.
 - (3) The holder of an urban agricultural permit may, subject to any condition specified in the permit, use the area of public open space specified in the permit for agricultural purposes to the exclusion of any other person.

CHAPTER 5

CO-OPERATIVE MANAGEMENT AGREEMENTS

Entering into agreements

- 24. (1) The Municipality may enter into a written agreement with any organ of State, local community or organization to provide for-
 - (a) the co-operative development of any public open space; or
 - (b) the co-operative management of any public open space; and
 - (c) the regulation of human activities within a public open space.
- (2) The Municipality may not enter into an agreement in terms of subsection (1) (b) unless it reasonably believes that entering into such an agreement will promote the purpose of these By-laws.
- (3) The Municipality shall monitor the effectiveness of any agreement entered into in terms of subsection (1), in achieving the purposes for which it was entered into and may cancel the agreement after giving reasonable notice to the other party if the Municipality has reason to believe that the agreement is not effective, or is inhibiting the attainment of the purpose of these By-laws.

CHAPTER 6

PLANT PRESERVATION ORDERS

General

- 25. (1) If the Municipality believes that any plant or group of plants in a

public open space requires legal protection the Municipality may issue a plant preservation order in respect of that plant or group of plants.

- (2) A plant preservation order-
 - (a) must indicate the plant or plants to which it relates; and
 - (b) may provide that any person who cuts, disturbs, damages, destroys, removes, transports, exports, purchases, sells, donates or in any other manner acquires or disposes of the plant or plants to which it relates, commits an offence.
- (3) The Municipality must prominently display a copy of a plant preservation order issued within 3 metres of the plant or plants to which the order relates.

Procedure

26. Unless, in the Municipality's opinion, the issuing of a plant preservation order is required as a matter of urgency, the Municipality must, before issuing a plant preservation order in terms of section 25-
- (a) give notice of the proposal to protect the plant or group of plants and invite comments and objections within a specified period, by publishing a notice in the Provincial Gazette and in two newspapers circulating in the area in which the plant or group of plants is situated;
 - (b) notify any affected organs of State; and
 - (c) consider any comments and objections received in response to the notice.

CHAPTER 7

MISCELLANEOUS

Offences and penalties

27. (1) Any person who-
- (a) contravenes or fails to comply with any provisions of these By-laws;
 - (b) fails to comply with any notice or other document issued or displayed in terms of these By-laws;
 - (c) fails to comply with any lawful instruction given in terms of

these By-laws; or (d) obstructs or hinders any authorised official in the execution of his or her duties under these By-laws is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Municipality and served on the person concerned requiring the discontinuance of such offence.

Repeal

28. The laws listed in Schedule 1 to these By-laws are hereby repealed.

Short Title

29. These By-laws are called the Public Open Spaces By-laws, 2008.

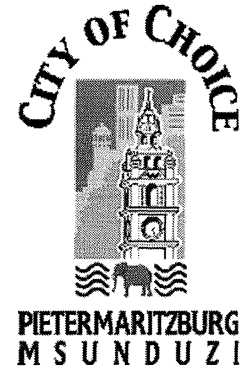
SCHEDULE 1**REPEALED BY-LAWS**

Number and Year	Name of By-Laws	Extent of Repeal

1 April 0

No. 58

24 June 2014



THE MSUNDUZI MUNICIPALITY

WATER SERVICES BY- LAWS

MSUNDUZI LOCAL MUNICIPALITY
WATER SERVICES BY-LAWS

DRAFT ONE: SEPTEMBER 2013

[MUNICIPAL NOTICE NO. OF]

[DATE OF COMMENCEMENT: ,]

These By-laws were published in Provincial Gazette No. dated , 2013.

The Msunduzi Municipality acting in terms of section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), read with section 13 of the said Act, hereby publishes the By-laws set forth hereafter, as made by the Municipality, which By-laws shall come into effect on the date of publication thereof.

**THE MSUNDUZI MUNICIPALITY
WATER SERVICES BY-LAWS**

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CHAPTER 1

GENERAL PROVISIONS

1. Definitions and Interpretation.—

1) In these By-laws and the Schedules thereto, unless the context otherwise indicates—

“accommodation unit” in relation to any premises, means a building or section of a building occupied or used or intended for residential occupation or use by any person;

“affected person” means a person who has been served with a designated notice;

“Act” means the Water Services Act No., 1997 (Act No. 108 of 1997);

“air gap” means the unobstructed vertical distance through the free atmosphere between the lowest opening from which any pipe, valve or tap, supplies water to a tank or fitting or other device, and the overflow level thereof;

“approved” means approved by the Council;

“authorised official” means any official of the Council who has been authorised by it to administer, implement and enforce the provisions of these By-laws;

“backflow” means the flow of water in any pipe or fitting in a direction opposite to the normal direction of flow;

“backflow preventer” means any device or means to prevent backflow;

“back siphonage” means the backflow resulting from pressures lower than atmosphere pressure in water installation;

“basic sanitation” means the minimum standard of safe and hygienic sanitation services and sewage disposal rendered to households, pre scribed in terms of the Act, under regulation 2 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;

“basic water supply” means the minimum standard of water supply services necessary for the reliable supply of water to households to support life and personal hygiene, prescribed in terms of the Act, under regulation 2 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;

“best practicable environmental option” means the option that provides the most benefit or causes the least damage to the environment as a whole, in both the long and the short term;

“borehole” means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water, and includes a spring;

“building regulations” means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);

“business unit” in relation to any premises means any building or section of a building occupied or used, or intended to be used for purposes other than residential occupation;

“combined installation” in relation to water supply means a water installation used for fire-fighting and domestic, commercial or industrial purpose;

“commercial effluent” means effluent emanating from an enterprise having a commercial purpose where the effluent is neither industrial effluent nor standard domestic effluent;

“commercial purpose” in relation to the supply of water, means water supplied to premises to be used in the carrying out a trade or business;

“communal sewer” means a sewer main and connecting sewers and in respect of which a group of consumers and/or owners has constituted itself as a person willing to assume responsibility for, and has signed an agreement accepting responsibility, for the maintenance and repair of the communal sewer;

“communal water connection” means a consumer connection through which water services are supplied to more than one consumer, and “communal water services work” has a corresponding meaning.

“connecting point” means the point at which a drainage installation joins the connecting sewer;

“connecting sewer” means a pipe owned by the Council and installed by it for the purpose of conveying sewage from a drainage installation on any premises, to a sewer beyond the boundary of those premises, or within a servitude area, or within an area covered by a way-leave document or other type of agreement;

“connection pipe” means a pipe, the ownership of which is vested in the Council and installed by it for the purpose of conveying water from a main to a water installation, and includes a “communication pipe” referred to in SABS Code 0252 Part I;

“consumer” means—

- a) any person who occupies premises to whom, and in respect of which premises, the Council—
 - i. has agreed to provide water services;
 - ii. is actually providing water services;
 - iii. has entered into an agreement with the Council for the provision of water services to or on any premises;
- b) the owner of any premises to which the Council is providing water services;
- c) where water services are provided through a single connection to a number of accommodation units or consumers or occupiers, means the person to whom the Council agreed to provide such water services; and
- d) any end-user who receives water services from the Council or other water services institution;

“conventional water meter” means a meter where the account is issued subsequent to the consumption of water;

“Council” means the Msunduzi Municipality established in terms of the Municipal Structures Act 1998, (Act No. 117 of 1998) as amended, exercising its legislative and executive authority through its municipal Council; or—

- a) its successor in title; or
- b) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000; (Act No. 32 of 2000);
- c) a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of section 81 (2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) or any other law, as the case may be;

“day” means a 24 hour period commencing and ending at 24:00;

“Designated officer” means a person designated as such in terms of section 94 of these By-laws. “

domestic purposes” in relation to the supply of water means the general use of water supplied for personal and residential uses, including health and hygiene, drinking, ablution, culinary, household and garden maintenance;

“drain installation” means a system situated on any premises and vested in the owner thereof that is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage or other form of waste water on those premises to the connecting point, and includes a drain, a fitting, an appliance, a septic tank, a conservancy tank, a pit latrine and a private pumping installation, forming part of or being ancillary to such system;

“Drainage work” includes any drain, sanitary fitting, water supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or, otherwise connected with the drainage of any premises;

“dwelling unit” means an interconnected suite of rooms designed for residential purposes and occupation by a single household, regardless of how many persons comprise the household,

“ECA” means the Environment Conservation Act, 1989 (Act No. 73 of 1989) and any regulations made in terms thereof, or any superseding legislation;

“effluent” means any liquid, whether or not containing matter in solution or suspension, which is discharged from any premises directly or indirectly into a drainage work;

“EIA” means an environmental impact assessment as contemplated in NEMA, and/or the ECA;

“EIA regulations” means the EIA Regulations as published in Government Notice R 1183 on 5 September 1997, as amended from time to time, or any regulations made in substitution therefor under the ECA or any superseding legislation;

“emergency” means any situation that poses a risk or potential risk to life, health, the environment, or property, or declared to be an emergency under any law;

“enforcement notice” means any notice issued by a designated officer under these By-laws, which instructs the person to whom it is issued to comply with the terms of the notice;

“environmental cost” means the full cost of all measures necessary to restore the environment to its condition prior to an incident which causes damage to it, and in the event

of this not being possible the value of the cost benefit that has been lost through the damage to or destruction of the environment;

“fire installation” means a potable water installation that conveys water intended for fire-fighting purposes only;

“fixed quantity water delivery connection” means a water installation, which delivers a fixed quantity of water to a consumer in any single day;

“flood level” means that level reached by flood waters resulting from a storm designated in terms of recognised engineering criteria as being of a frequency to be expected once in every 50 years;

“flood plain” means the area below the flood level subject to inundation;

“general installation” means a water installation which conveys water for a combination of domestic, commercial and industrial purposes;

“household” means the family unit of persons, or individuals, in occupation of a building or part of a building, designed for residential occupation by such family unit, or individuals

“industrial effluent” means any liquid, whether or not containing matter in solution or suspension, which is given off in the course of or as a result of any trade, manufacturing, mining, chemical or other industrial process or in any laboratory, or in the course of research, or agricultural activity, and includes any liquid or effluent emanating from the use of water, other than standard domestic effluent or stormwater, and “trade effluent” bears the same meaning;

“industrial purposes” in relation to the supply of water means water supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, Occupational Health & Safety Act, 1993 (Act No. 85 of 1993) or any, superseding legislation, including the use of water for purposes of mining, manufacturing, retailing and service industries, generating electricity, land-based transport, construction or any related purpose;

“installation work” means work in respect of the construction of, or carried out on, a water installation;

“law” means any law, including the common law;

“main” means a pipe, other than a connection pipe, vesting in the Council and used by it for the purpose of conveying water to any number of consumers;

“**measuring device**” means any method, procedure, process, device, apparatus, or installation that enables the quantity and/or quality of water services provided to be quantified or evaluated;

“**meter**” means a water meter as defined by Regulation 81 (a) Government Notice R 2362 dated 18 November 1977, published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973) or any superseding legislation or, in the case of a water meter of a size greater than 100 mm, a device which measures the quantity of water passing through it;

“**National Water Act**” means the National Water Act, 1998 (Act No. 36 of 1998);

“**NEMA**” means the National Environmental Management Act, 1998 (Act No. 107 of 1998);

“**nuisance**” means any condition, thing, act or omission which is offensive or injurious or which tends to prejudice the safety, good order, peace or health of one or more of the residents in any particular locality within the area of the Council, or the rights, or reasonable comfort, convenience, peace, or quiet, of the occupants of any area within the Council's jurisdiction;

“**occupier**” means a person who occupies any premises or part thereof;

“**owner**” includes—

- a) the person in whom from time to time is vested the legal title to premises, including, but not limited to, the registered owner according to the title deed;
- b) where the owner of the premises concerned is insolvent, deceased, has assigned his estate for the benefit of his creditors, has been placed under curatorship in terms of an order of court, is a closed corporation being wound up, or is a company being wound up or under judicial management, includes the person in whom the administration of such premises is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager as the case may be;
- c) in any case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises; and
- d) the lessee under any registered lease of land which is entered into for a period of not less than ten years or for the natural life of the lessee or any other person mentioned in such lease or which is renewable from time to time at the will of the lessee indefinitely or for period which together with the first period of such lease amount in

all to not less than ten years, whether or not such renewal is dependent on the periodical consent or permission of, or the periodical renewal of a licence by the State or any statutory licensing body;

e) in relation to—

- i. a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property; and
- ii. a section as defined in such Act, the person in whose name the relevant unit is registered under a sectional title deed, and includes the lawfully appointed representative of such a person;

“person” means any natural or juristic person, an unincorporated body, and includes a voluntary association or trust, an organ of state as defined in section 239 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), and the Minister of Water Affairs and Forestry, or his successor in function as Minister of Water Affairs;

“pollution” means the introduction of any substance into the water supply system, a water installation or a water resource, that may make the water harmful to health or the environment, or impair its quality for the use for which it is intended;

“premises” means any piece of land, with or without improvements, the external surface boundaries of which are delineated on—

- a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No. 9 of 1927) or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937); or
- b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986);

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

“prescribed fee” means a fee determined by the Council by resolution in terms of section 10G (7) (a) (ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;

“prescribed tariff” means a schedule of prescribed fees;

“professional engineer” means a person registered as a professional engineer in terms of the Engineering Profession Act, 2000 (Act No. 46 of 2000);

“public notice” means at least two notices, each notice being in one of the official languages in general use in the area, but in a different official language to the other notice and published in at least one newspaper in general use within the area in question, preferably a newspaper published predominantly in the same language as the notice;

“qualified plumber” means a person who has passed the plumbing trade test of the Department of Labour, and received a certificate therefor;

“sanitation services” means the collection, removal and disposal or purification of human excreta, sewage and any other effluent including domestic and industrial effluent resulting from the use of water;

“SABS” means South African Bureau of Standards;

“service pipe” means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier, and which is connected, or to be connected, to a connection pipe to serve the water installation on the premises;

“sampler” means a person who takes samples for analysis from the sewage disposal and stormwater disposal systems, and who has been certified as qualified to do so by the Council;

“sewage” means waste water, industrial and commercial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but does not include stormwater;

“sewage disposal system” means a structure, pipe, valve, pump, meter or other appurtenance used in the conveyance of sewage through the sewer reticulation system, and the treatment thereof at a sewage treatment plant under the control of the Council and which may be used by it in connection with the disposal of sewage;

“sewer” means any pipe or conduit which is the property of or is vested in the Council and which may be used or is intended for the conveyance of sewage from the connecting sewer but does not include a drain as defined; and “municipal sewer” has a corresponding inclusive meaning;

“standard domestic effluent” means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand, total nitrogen, total phosphates and

settleable solids as being appropriate to a sewage discharge from domestic premises within the jurisdiction of the Council, but does not include industrial effluent;

“stormwater” means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;

“Systems Act” means the Local Government: Municipal Systems Act 2000 (Act No. 32 of 2000);

“terminal water fitting” means a water fitting at an outlet of a water installation that controls the discharge of water;

“trade premises” means premises upon which any form of industrial effluent is produced;

“water fitting” means a component of a water installation, other than a pipe, through which water passes or in which it is stored;

“water installation” means the pipes and water fittings which are situated on any premises and vested in the owner thereof, and used, or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises, or is otherwise laid with the permission of the Council;

“water services” means water supply services and sanitation services, as defined in these By-laws and includes the collection and disposal of industrial effluent;

“water services work” means a reservoir, dam, well pump-house, borehole, pumping installation, purification works, sewage treatment plant, access road, electricity transmission line, pipeline, meter, fitting or apparatus built, installed or used by a water services institution—

- a) to provide water services;
- b) to provide water for industrial use; or
- c) to dispose of industrial effluent;

“water supply services” means the abstraction, conveyance, treatment and distribution by the Council, of water for domestic, industrial and commercial purposes;

“**water supply system**” means a structure, aqueduct, pipe, valve, pump, meter or other apparatus relating thereto which is vested in the Council, and is used or intended to be used in connection with the supply of water;

“**wet industry**” means an industry which discharges industrial effluent;

“**working day**” means a day other than a Saturday, Sunday and public holiday;

“**working month**” means a calendar month excluding any Saturday, Sunday, and public holiday.

- 2) If any provision in these By -laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81 (2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) or any other law been assigned to a service provider, the reference to such employee shall be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

2. Meaning of certain words the same as in Acts.—

Any word or expression used in these By-laws to which a meaning has been assigned in—

- 1) the Act will bear that meaning; and
- 2) The National Building Regulations and Building Standards Act 1977 (Act No. 103 of 1977), and Chapter III of the Building Regulations there under, will bear that meaning unless the context indicates otherwise.

3. Levels of service.—

- 1) The Council may, subject to applicable law and in its own discretion provide various levels of service to consumers. Such levels of service may include:
 - a) Water supply from communal water points;
 - b) Water supply from mobile vehicles;
 - c) Metered full pressure water supply connections;
 - d) Ventilated improved pit latrines;
 - e) Conventional water borne installations connected to the Council’s sewer.

4. Application for water services.—

- 1) No person may consume, abstract or be supplied with water from the water supply system, or utilise the sewage disposal system or any other sanitation services, unless he or she has applied to the Council on the prescribed form for such services, and such application has been agreed to.
- 2) An application for the use of water services approved by the Council constitutes an agreement between the Council and the applicant, and takes effect on the date referred to in the application.
- 3) The person referred to in subsection (2) will be liable for all the prescribed fees in respect of water services rendered to him or her until the agreement has been terminated in accordance with these By- laws, and is the consumer for all purposes during the currency of the agreement.
- 4) The Council, may, if it deems it necessary, require a third party to be bound jointly and severally as surety and co-principal debtor with the consumer, for the payment of any prescribed fees under these By- laws.
- 5) An application form shall contain at least the following minimum information—
 - a) a statement by the applicant that he or she is aware of and understands the contents of the form;
 - b) acceptance by the applicant of the provisions of these By-laws, and acceptance of liability for the cost of water services rendered until the agreement is terminated;
 - c) the name of the proposed consumer, and his or her identity or registration number, where applicable;
 - d) the address or stand number of the premises to or on which, water services are to be rendered, or a communal water connection operates;
 - e) the address to which accounts shall be sent;
 - f) if water is to be supplied, the purpose for which the water is to be used;
 - g) the agreed date on which the provision of water services will commence; and
 - h) a copy of any applicable lease agreement or written confirmation from the owner or the owners agent, stating the date of occupation.

- 6) Water services rendered to a consumer are subject to the provisions of these By-laws and the conditions contained in the relevant agreement.
- 7) The applicant shall be informed if the Council refuses an application for the provision of water services, or is unable to render such water services on the date requested for such provision of water services to commence, or is unable to render the water services, and the Council shall furnish the applicant with the reasons therefor and, if applicable, the date when the Council will be able to provide such water services.

5. Special agreements for water services.—The Council may enter into a special agreement for the provision of water services to an applicant—

- 1) inside its area of jurisdiction, if the service applied for necessitates the imposition of conditions not contained in the prescribed form or in these By-laws; and
- 2) outside its area of jurisdiction, if such application has been approved by the Council having jurisdiction in the area in which the premises to be supplied are situated.

FEES

6. Prescribed fees for water services.—

- 1) All prescribed fees payable in respect of water services rendered by the Council in terms of these By-laws, including but not limited to the payment of connection fees, fixed fees or any additional fees or interest in respect of failure to pay such prescribed fees on the specified date shall be in terms of section 10 of the Act and regulations made thereunder.
- 2) All fees determined by the Council for the use of the sewers, or for discharge into the sewage disposal system or otherwise in connection with such system, are payable in respect of these By-laws by the owner of the premises, or the consumer, whichever is applicable, in respect of which the fees are raised.
- 3) If any piece of land, whether or not there are any improvements thereon, is, or in the opinion of the Council could be, connected to a sewer, the owner of that land shall pay to the Council the fees determined by the Council.

7. Deposit.—

- 1) Every consumer shall on application for the provision of water services and before such water services will be provided by the Council, deposit with the Council a sum of money equal to the estimated fees for two average months water services as determined by the Council.
- 2) The Council may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.
- 3) The Council may from time to time review the sum of money deposited by a consumer in terms of subsection (1) and, in accordance with such review—
 - a) require that an additional amount be deposited by the consumer; or
 - b) refund to the consumer such amount as may be held by the Council in excess of the revised deposit.
- 4) Subject to the provisions of subsections (5) and (8), an amount deposited with the Council in terms of subsections (1) or (2) shall not be regarded as being in payment or part payment of an account due for water services rendered.
- 5) If, upon the termination of the agreement for the provision of water services, an amount remains due to the Council in respect of water services rendered to the consumer, the Council may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer, if the address of the consumer is known.
- 6) No interest will be payable by the Council on the amount of a deposit held by it in terms of this section.
- 7) An agreement for the provision of water services may contain a condition that a deposit will be forfeited to the Council if it has not been claimed within twelve months of the date of termination of the agreement.
- 8) In the case of disconnection of a water supply for an unpaid account, the deposit will be allocated to the unpaid account, and a new deposit shall be paid before the water supply is reconnected.

8. Payment for water services.—

- 1) Water services provided by the Council to a consumer shall be paid for by the consumer at the prescribed fees, for the particular category of water services provided.
- 2) The consumer is responsible for payment for all water services provided to him or her from the date of commencement of the services until the date of termination thereof.
- 3) The Council may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements which may not be more than 180 days apart, and may render an account to a consumer for the services so estimated, which estimate shall, for the purposes of these By-laws, be regarded as an accurate measurement until the contrary is proved.
- 4) If a consumer uses water supply services for a category of use other than that for which it is provided by the Council in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Council may make an adjustment of the amount charged in accordance with the rate which should have been charged and recovered from the consumer the fees payable in accordance with such adjustment, and may also review the amount of the deposit held, in accordance with section 7 (3).
- 5) If amendments to the prescribed fees for water services provided become operative on a date between measurements for the purpose of rendering an account in respect of such fees—
 - a) the same quantity of water services shall be regarded as having been provided in each period of twenty- four hours during the interval between the measurements; and
 - b) any prescribed fee shall be calculated on a pro rata basis in accordance with the prescribed fee which applied immediately before such amendments.
- 6) Failure by the Council to comply with the period of 180 days referred to in subsection (3) will not disentitle the Council from recovering any monies due to it by a consumer.

9. Accounts.—

- 1) Accounts shall be rendered and administered in accordance with the requirements of the Council.
- 2) If it is established that a meter is defective, the Council shall, in accordance with section 34, adjust the account rendered.
- 3) Monthly accounts will be rendered to consumers for the amount due and payable, at the address last recorded with the Council.
- 4) Failure by the Council to render an account does not relieve a consumer of the obligation to pay any amount due and payable.

10. Termination of agreements.—

- 1) A consumer may terminate an agreement for the provision of water services by giving to the Council not less than seven days' notice in writing of his or her intention to do so.
- 2) The Council may, by notice in writing of not less than 30 days, advise a consumer of the termination of his or her agreement for the provision of water services if—
 - a) he or she has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the Council for the continuation of the agreement;
 - b) he or she has failed to comply with the provisions of these By-laws and has failed to rectify such failure to comply following the issue of a compliance notice contemplated in section III or has failed to pay prescribed fees due and payable: Provided that the provisions of the Act, these By-laws and any other applicable law shall be followed before the agreement is terminated; or
 - c) an arrangement has been made by such consumer with another water services institution to provide water services to the consumer.
- 3) The Council may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.

- 4)
- a) If it is determined by a body legally empowered to do so, other than the Council that an existing water service on private property, or emanating from private property, is creating environmental damage, or water pollution, or water wastage, and the owner of the property, or the consumer, whichever is applicable, is directed to carry out such measures as are required under any Act or law to rectify the situation, the Council is not liable for any damages arising as a result of the measures required to be taken or in respect of damages suffered as a result of a permanent or temporary termination of the services.
 - b) Should the consumer fail to carry out such measures, the Council may, subject to the provisions of Chapter 5, undertake the measures required, and any expenditure incurred may be recovered from the owner of the premises or the consumer as the case may be.

11. Limitation and/or discontinuation of water services.—

- 1) The Council may limit or discontinue water services provided in terms of these By-laws—
- a) at the written request of a consumer;
 - b) if the agreement for the provision of services has been terminated in terms of section 10 and the Council has not received an application for subsequent services to the premises, within a period of ninety days of such termination;
 - c) if the building on premises to which services were provided has been demolished;
 - d) if the consumer has unlawfully interfered with the water installation or service in any way;
 - e) in an emergency;
 - f) if there has been material abuse of the water services by the consumer or an occupier of the premises; or
 - g) if the use of the water services is creating significant environmental damage or water pollution.
- 2) The Council will, where a water service has been in terms of subsection (1) discontinued, only be obliged to restore it when the prescribed fees for the

discontinuation and reconnection of the water service and any applicable deposit have been paid.

12. Restoration of water services.—

When a consumer enters into an agreement for the payment of the arrears amount in instalments after the receipt of a final demand notice or a discontinuation notice, the water services will be restored to the type of service the consumer elected in terms of the agreement for the provision of water services, as soon as reasonably possible.

13. Obligations.—

- 1) The Council shall take reasonable measures to realise the right of every person to a basic water supply and sanitation services as defined in the Act, subject to the limitations contained in the Act.
- 2) Notwithstanding this basic right, every person who is the head of a household or in charge of a business enterprise or industrial undertaking or the representative of any such person, and who or which desires to consume water shall make application to the Council to acquire such services.
- 3) If the Council is unable to meet the general requirements of all its consumers, it shall give preference to providing a basic water supply and basic sanitation services to all its consumers.
- 4) The Council shall not be obliged to provide water services—
 - a) to areas or consumers outside the defined limits of the Council's area of jurisdiction;
 - b) where, due to the nature of the topography, water services cannot be provided economically and/or cost effectively; or where the necessary bulk infrastructure does not exist or is inadequate to service additional consumers.

15. Environmental impact assessments.—

- 1) If an EIA is required to be carried out before the provision of the water services can be approved or commenced, the applicant for such services shall be responsible for the carrying out of such EIA, and for the expenses connected therewith.

- 2) After environmental approval has been granted and the provision of water services has been approved by the Council, it is the responsibility of the proposed consumer or any entity established under any law to represent the property interests of any consumer or group of consumers to ensure that all laws and conditions affected by the provisions of water services and relating to environmental management and control are complied with.

16. General responsibility for compliance with these By-laws, and other laws.—

- 1) The owner of premises is ultimately responsible for ensuring compliance with these By-laws in respect of all or any matters relating to any installation, and if he or she is not the consumer who actually uses the water services, the owner is jointly and severally liable with such consumer in respect of all matters relating to the use of any water services on his or her property, including any financial obligation.
- 2) The consumer is primarily responsible for compliance with these By-laws in respect of matters relating to the use of any water service.
- 3) No approval given under these By-laws relieves any owner or consumer from complying with any other law relating to the abstraction and use of water, or the disposal of effluent.

17. Unauthorised use of water services.—

- 1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the Council for the rendering of those services.
- 2) A designated officer may issue a compliance notice in terms of section 104 to ensure compliance with subsection (1) by, inter alia, ordering a person making unauthorised use of water services to—
 - a) apply for such services in terms of section 4 or 5; and
 - b) undertake and complete, to the reasonable satisfaction of the designated officer, such plant as may be necessary to ensure that the consumer installation

through which access was gained complies with the provisions of these By-laws, and to make application in the prescribed manner for such services.

18. Purpose of water services.—

Where the purpose or extent for which water services are used is changed, the consumer shall inform the Council, and shall enter into a new agreement with the Council, expressed to be effective from the date on which such change of use took or will take effect.

19. Interference with water supply system or any sanitation services.—

- 1) No person shall—
 - a) operate or maintain any part of the water supply system;
 - b) operate any sewage disposal system;
 - c) effect a connection or reconnection to the water supply system or sewage disposal system; or
 - d) render any other sanitation services, unless in any such case he or she has been authorised to do so by the Council in writing.

- 2) No person shall interfere with, or wilfully or negligently damage, or permit damage to or interference with any part of the water supply system or sewage disposal system belonging to the Council.

- 3) No person shall do anything that would obstruct damage, interfere with, encroach onto or impede access by the Council to any servitude registered in its favour and in relation to the supply of water. The Council may require the owner of the property by written notice to remedy such obstruction, damage, encroachment or impediment within a stipulated time period. In the event that such owner fails to comply with such written notice, the Council may, in its discretion, do everything reasonably necessary to remedy such obstruction, damage, encroachment or impediment, and at the cost of the owner. Where such obstruction, damage, encroachment or impediment is of such nature or extent so as to constitute an immediate risk to life or require immediate remedial action in the public interest, the Council may take the aforesaid remedial steps without prior notice to the owner and without having to apply to a competent court for permission to take such remedial steps.

20. Obstruction of access to water supply system or any sanitation service.

No person shall prevent or restrict physical access to the water supply system or sewage disposal system by any employee of the Council.

CHAPTER 2**WATER SUPPLY SERVICES****21. Provision of connection pipe.—**

- 1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the prescribed fees for the installation of such a pipe.
- 2) If application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Council may agree to the extension, modification or upgrade, if the owner pays for the cost thereof, as determined by the Council.

22. Location of connection pipe.—

- 1) A connection pipe provided and installed by the Council shall—
 - a) be located in a position determined by the Council after consultation with the owner referred to in section (1), and be of a suitable size as determined by the Council; and
 - b) terminate at the boundary between the land owned by or vested in the Council, or over which either of them has a servitude or other right, and the owner's premises.
- 2) If there is land between the boundary of land owned by or vested in the Council and the land of an owner who has made an application referred to in subsection (1), and the intervening land is not subject to a servitude or other right to carry a connection pipe, such pipe shall terminate at the boundary of the land owned by the Council, or vested in it.

- 3) The Council shall be liable for the maintenance of any meter and associated valve which may be situated on the consumer's premises.
- 4) The Council may, at the request of any person, agree, subject to such conditions as it may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises if the applicant agrees to be responsible for any extension of the water installation to the connecting point designated and agreed to by the Council and for obtaining at his or her cost, such servitudes over other property as may be necessary.

23. Provision of single water connection for supply to several consumers on same premises.—

- 1) Only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.
- 2) Where the owner, or the person having the charge or management of any premises on which several accommodation units, business units, or consumers are situated, requires the supply of water to such premises for the purpose of separate supply to the different units or consumers, the Council may, in its discretion, provide and/or install either—
 - a) a single measuring device in respect of the premises as a whole or a number of such units or consumers; or
 - b) a separate measuring device for each such unit or consumer or any number thereof.
- 3) Where the Council has installed a single measuring device as contemplated in subsection (2) (a), the owner or the person having the charge or management of the premises, as the case may be—
 - a) shall, if the Council so requires, install and maintain on each branch pipe extending from the connection pipe to the different units or consumers—
 - i. a separate measuring device; and
 - ii. an isolating valve; and

- b) is liable to the Council for the prescribed fees for all water supplied to the premises through such single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- 4) Notwithstanding the provisions of subsection (1), the Council may permit more than one connection pipe to be provided on the water supply system for the supply of water to any premises comprising sectional title units or if, in the opinion of the Council, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- 5) Where the provision of more than one connection pipe is authorised by the Council in terms of subsection (4), the prescribed fees for the provision of a connection pipe are payable in respect of each water connection so provided.
- 6) Where premises are supplied with water by a number of connection pipes, the Council may require the owner to reduce the number of connection points and alter his or her water installation accordingly at the owner's expense.

24. Interconnection between premises or water installations.—

- 1) An owner of premises shall ensure that no interconnection exists between—
- a) the water installation on his or her premises and the water installation on any other premises; or
 - b) where several dwelling or business units are situated on the same premises, the water installations of such units, unless he or she has obtained the prior written consent of the Council and complies with any conditions that may have been imposed.
 - c) Any water installation connected to a borehole and any water installation connected to the Council's water supply system.

25. Disconnection of water installation from connection pipe.—

- 1) The Council may disconnect a water installation from the connection pipe and remove the connection pipe if—

- a) the agreement for supply has been terminated in terms of section and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
- b) the building on the premises concerned has been or is in the process of being demolished pursuant to the grant of a permit for such demolition in terms of law.

26. Water supplied from a hydrant.—

- 1) The Council may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and for such period as may be generally prescribed or specifically imposed by it in respect of such supply.
- 2) Except in an emergency, a person who requires a temporary supply of water referred to in subsection (1) shall apply therefor.
- 3) The Council may, for the purpose of supplying water from a hydrant, provide a portable water meter to be returned to the Council on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant remains the property of the Council and will be provided subject to any conditions imposed by the Council.

27. Quantity, quality and pressure.—

Water supply services provided by the Council shall comply with the minimum standards set for the provision of water supply services in terms of section 9 of the Act.

28. General conditions of supply.—

- 1) Subject to the provisions of the Act, the supply of water by the Council does not constitute an undertaking by it to maintain at any time or any point in its water supply system—
 - a) an uninterrupted supply;
 - b) a specific pressure or rate of flow in such supply; or
 - c) a specific standard of quality of water:

Provided that if the water supply to a consumer is interrupted for more than 24 hours, the Council shall provide an alternative basic water supply as soon as reasonably practicable.

- 2) The Council may specify the maximum height above ground level or mean sea level to which water is supplied from the water supply system.
- 3) If an owner requires that any of the standards contemplated in section 9 of the Act, be maintained on his or her premises, he or she shall make provision in the water installation for such maintenance.
- 4) The Council, may, in an emergency, interrupt the supply of water to any premises without prior notice.
- 5) If the consumption of water by a consumer adversely affects the supply of water to any other consumer, the Council may apply such restrictions as are necessary, to the supply of water to the first mentioned consumer, in order to ensure a reasonable supply of water to the other consumer or consumers concerned, and shall inform the first mentioned consumer of such restrictions.
- 6) The Council will not be liable for any damage to property caused by water flowing from fittings left open when the water supply is re-instated, following an interruption in supply for any reason.
- 7) Every steam boiler and any premises which require, for the purpose of the work undertaken on the premises, a continuous supply of water, shall have a cistern fitted and in working order and holding a water supply deemed adequate by the occupier of the premises.
- 8) No consumer may resell water supplied to him by the Council except with the written permission of the Council, which may stipulate the maximum price at which the water may be resold, and may impose such other conditions as the Council may deem necessary.
- 9) The Council does not undertake to maintain sufficient pressure in the water supply system to ensure the operation of manually actuated toilet flushing valves which require a specified minimum pressure to operate.

29. Measuring of quantity of water supplied.—

- 1) The Council shall measure the quantity of water supplied at such regular intervals as the Council may determine, but which shall not exceed 180 days.
- 2) Any measuring device through which water is supplied to a consumer by the Council, and its associated apparatus, shall be provided and installed by the Council, and remains its property, and may be changed and maintained by the Council when deemed necessary by it.
- 3) The Council may install a measuring device, and its associated apparatus, at any point on the service pipe.
- 4) If the Council installs a measuring device on a service pipe in terms of subsection (3), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section is deemed to form part of the water installation.
- 5) If the Council installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (3), the owner shall—
 - a) provide a place satisfactory to the Council in which to install it;
 - b) ensure that unrestricted access is available to it at all times;
 - c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
 - d) ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe or water main serving the installation;
 - e) make provision for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the Council on the measuring device;
 - f) not use nor permit to be used on any water installation, any fitting, machine or appliance which causes damage or, in the opinion of the Council, is likely to cause damage to any meter.
- 6) No person other than an authorised official of the Council may—
 - a) disconnect a measuring device and its associated apparatus from the pipe in or to which they are installed or connected;
 - b) break a seal which the Council has placed on any meter; or

- c) in any other way interfere with a measuring device and its associated apparatus.
- 7) If the Council considers that, in the event of the measuring device being a meter, the size of the meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed fees for the installation of the replacement meter.
- 8) The Council may, at the owner's expense, install or require the installation, of a measuring device to each business or dwelling unit on any premises, if such units are in separate occupancy, for use in determining the quantity of water supplied to each such unit: Provided that where a fixed quantity water delivery system is used, a single measuring device may be used to supply more than one unit.
- 9) Failure by the Council to comply with the period of 180 days referred to in subsection (1), will not disentitle the Council from recovering any monies due to it by a consumer.

30. Quantity of water supplied to consumer.—

- 1) For purposes of assessing the quantity of water supplied to a consumer during any period and measured by a measuring device installed by the Council over a specific period, for the purposes of these By-laws it will be deemed that—
- a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
 - b) the measuring device was accurate during such period; and
 - c) the entries in the records of the Council were correctly made.
- 2) If water is supplied to, or taken by, a consumer without its passing through a measuring device, the estimate by the Council of the quantity of such water will be deemed to be correct.
- 3) Where water supplied by the Council to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the Council, the Council may for the purpose of rendering an account, make an estimate, in

accordance with subsection (4), of the quantity of water supplied to the consumer during the period that water is so taken by the consumer.

- 4) For the purposes of subsection (3), an estimate of the quantity of water supplied to a consumer shall be based on—
 - a) the average monthly consumption of water on the premises registered over three succeeding measuring periods taken over not more than 180 days in total, after the date on which the irregularity referred to in subsection (2) was discovered and rectified; and/or
 - b) the period preceding the date referred to in subsection (2) but not exceeding 36 months.
- 5) Nothing in these By-laws may be construed as imposing on the Council an obligation to cause any measuring device installed on any premises to be measured at the end of any fixed period, and the Council may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device, which may not be more than 180 days apart, and render an account to a consumer for the quantity of water so estimated.
- 6) The Council shall, on receipt from the consumer of written notice of not less than seven days and subject to payment of the prescribed fees, measure the quantity of water supplied to such consumer at a time or on a day other than that upon which it would normally be measured.
- 7) If a contravention of section 29 (6) occurs, the consumer shall pay to the Council the cost of such quantity of water estimated by the Council to have been supplied to the consumer.
- 8) Until such time as a measuring device has been installed in respect of water supplied to a consumer, the estimated consumption of that consumer shall be based on the average consumption of water supplied to the specific zone within which the consumer's premises are situated, during a specific period.
- 9) Where in the opinion of the Council it is not reasonably possible or cost effective to measure water supplied to each consumer within a particular zone, the Council may determine the fees to be paid by each consumer within that zone irrespective of actual consumption.

- 10) Fees determined in terms of subsection (9) will be based on the estimated average consumption of water supplied to that zone.
- 11) Where water supply services are provided through a communal water services work, the amount due and payable by consumers gaining access to water supply services through that communal water services work, will be based on the estimated average consumption of water supplied to that water services work, and the decision of the Council in arriving at that amount is final and binding on each consumer affected thereby, unless legally set aside.
- 12) For the purposes of subsections (8) and (9), a zone is that local area of land, of which the premises occupied by the consumer is a part, which is zoned in terms of a town planning scheme or an integrated development plan for homogeneous usage.
- 13) Failure by the Council to comply with the period of 180 days referred to in subsections (4) (a) and (5), will not disentitle the Council from recovering any monies due to it by a consumer.

31. Defective measurement.—

- 1) If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her or installed by the Council, is defective, he or she may, against payment of the prescribed fee, make application in writing for the measuring device to be tested.
- 2) The consumer referred to in subsection (1) shall lodge a deposit equal to the cost of the test with the Council, prior to the test being undertaken.
- 3) If it is alleged that a measuring device is inaccurate, the device shall be subjected to a standard industry test to establish its accuracy.
- 4) The consumer referred to in subsection (2), shall be informed of the prescribed range of accuracy then applicable, and the possible cost implications including the estimated cost of such test, as set out in subsection (5) (a) prior to such test being undertaken.
- 5) If the outcome of any test shows that a measuring device is—

- a) within a prescribed range of accuracy, the consumer will be liable for the costs of such test and any other amounts outstanding; or
 - b) outside a prescribed range of accuracy, which is not due to any act or omission of the consumer, the Council will be liable for the costs of such test and the consumer shall be informed of the amount of any credit to which he or she is entitled.
- 6) Any deposit lodged by a consumer for the testing of a measuring device—
- a) may be retained by the Council if the measuring device is found not to be defective; or
 - b) shall be refunded to the consumer if the measuring device is found to be defective, and the defect is not due to any act or omission of the consumer.
- 7) If the measuring device is—
- a) a meter to which the regulations relating to water meters published under the Trade Metrology Act, 1973, are applicable, it will be deemed to be defective if, when tested in accordance with SABS Code 1529 Part 1, it is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of that specification.
 - b) a meter of a size greater than 100 mm diameter but not exceeding 800 mm diameter to which the specification referred to in subsection (a) is not applicable, it will be deemed to be defective, when tested in accordance with SABS Code 1529 Part 4-1998 if it is found to have a percentage error in over-registration or under-registration greater than permitted for a meter in terms of that specification.
- 8) In addition to applying the provisions of subsection (6), if the measuring device is found to be defective, the Council shall—
- a) repair the measuring device or install another device which is in good working order, without charging the consumer, unless the costs thereof are recoverable from the consumer where section 29 (6) has been contravened;
 - b) determine the quantity of water services for which the consumer will be charged on the basis set out in section 34.
- 9) A consumer is entitled, on giving the Council reasonable notice of his, her or its intention, to be present at the testing of any meter in which the consumer is interested.

- 10) Any meter removed for testing by the Council shall be retained intact and be available for inspection for a period of three months after testing.

32. Special measurement.—

- 1) If the Council wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may, by written notice, advise the owner of the premises affected, of its intention to install a measuring device at such point in the water installation as it may specify.
- 2) The installation of a measuring device referred to in subsection (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the Council.

33. No reduction of amount payable for water wasted.—

A consumer is not entitled to a reduction of the amount payable in respect of water wasted or water losses in a water installation.

34. Adjustment of quantity of water supplied through defective measuring device.—

- 1) If a measuring device is found to be defective, the Council may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over—
 - a) a period between two successive measurements subsequent to the replacement of the measuring device or, if this is not possible;
 - b) the period in the previous year, corresponding to the period in which the measuring device was defective; or, if this is not possible;
 - c) the period between three successive measurements prior to the measuring device becoming defective.
- 2)

- a) If the quantity of water supplied to a consumer during the period when his or her measuring device was defective cannot be estimated in terms of subsection (1), the Council may estimate the quantity; and
- b) the consumer shall be informed of the method used by the Council to estimate the quantity of water supplied to him or her, as contemplated in subsections (1) and (2), and given an opportunity to make representations to the Council before a final estimate is arrived at.

35. Approval of installation work.—

- 1) If an owner wishes to have installation work done, he or she shall first obtain the written permission of the Council: Provided that permission is not required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS Code 0400 or in terms of any By- laws, or for the repair or replacement of an existing pipe or water fitting, other than a fixed water heater and its associated protective devices.
- 2) If any of the installation work is governed by the EIA Regulations, then the owner shall ensure compliance and obtain the relevant authorisation in respect thereof.
- 3) Application for the permission referred to in subsection (1) shall be accompanied by—
 - a) the prescribed fees, if applicable;
 - b) copies of the drawings as prescribed by the Council, reflecting the information and in the form required by Clause 4.1.1 of SABS Code 0252; Part I; or
 - c) a certificate from a professional engineer or qualified plumber certifying that the installation has been designed in accordance with SABS Code 0252: Part I or, has been designed on a rational basis.
- 4) The provisions of subsections (1), (2) and (3) do not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- 5) Any authority given in terms of subsection (1) lapses at the expiry of a period of twenty-four months after the first day of the month succeeding the month in which the authority is given.

- 6) A complete set of approved drawings of installation work shall be available at the site of the work at all times until such work has been completed, where permission is required in terms of subsection (1).
- 7) If installation work has been done in contravention of subsections (1), (2) or (3), a designated officer may, subject to the provisions of Chapter 5, issue a compliance notice requiring the owner of the premises concerned—
 - a) to comply with the relevant subsection, within a specified period;
 - b) if the work is still in progress, to cease the work; and
 - c) to remove all such work as does not comply with these By-laws.

36. Persons permitted to do installation and other work.—

- 1) No person who is not a qualified plumber may be permitted to—
 - a) do any installation work other than the replacement or repair of an existing pipe or water fitting;
 - b) replace a fixed water heater or its associated protective devices;
 - c) inspect, disinfect or test a water installation, fire installation or storage tank;
 - d) service, repair or replace a back flow preventer; or
 - e) install, maintain or replace a meter provided by an owner in a water installation.
- 2) No person may require or engage a person who is not a qualified plumber to do the work referred to in subsection (1).
- 3) Notwithstanding the provisions of subsection (1), the Council may permit a person who is not a qualified plumber to do installation work on his or her own behalf on premises owned and occupied solely by himself or herself and his or her household, provided that such work may be required to be inspected and approved by a qualified plumber at the direction of the Council.

37. Provision and maintenance of water installation.—

- 1) An owner shall provide and maintain his or her water installation at his or her own cost and, except where permitted in terms of these By-laws, shall ensure that the installation is situated within the boundary of his or her premises.

2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his premises, an owner shall obtain the written consent of the Council or the owner of the land on which such portion is situated, as the case may be.

38. Technical requirements for a water installation.—

- 1) Notwithstanding the requirement that a certificate be issued in terms of section 35 (3) (c), all water installations shall comply with SABS Code 0252 Part I and all fixed electrical storage water heaters shall comply with SABS Code 0254.
- 2) In addition to any requirement of SABS Code 0252 Part I, the consumer shall, at his or her own expense, or the Council may in its discretion and at the consumer's expense, and for the consumer's exclusive use, provide and install a stop-cock at a suitable point inside the boundary of the premises on the consumer's side of the meter leading to the water installation.

39. Use of pipes and water fittings to be authorised.—

- 1) No person may, without the prior written permission of the Council, install or use a pipe of water fitting in a water installation within the Council's area of jurisdiction unless it is of a type that is included in the schedule of approved pipes and fittings as compiled by the Council.
- 2) Application for the inclusion of a type of pipe or water fitting in the schedule referred to in subsection (1), shall be made on the form prescribed by the Council and be accompanied by the prescribed fees.
- 3) A type of pipe or water fitting may be included in the schedule referred to in subsection (1) if—
 - a) it bears the standardization mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or
 - b) it bears a certification mark issued by the SABS to certify that the type of pipe or water fitting complies with an SABS mark, specification or a

provisional specification issued by the SABS: Provided that no certification marks shall be regarded as valid if issued more than two years previously.

- 4) The Council may, in respect of any type of pipe or water fitting included in the schedule, impose such additional conditions as it may deem necessary in respect of the use or method of installation thereof.
- 5) A type of pipe or water fitting may be removed from the schedule if it—
 - a) no longer complies with the criteria upon which its inclusion was based; or
 - b) is no longer suitable for the purpose for which its use was accepted.
- 6) The current schedule referred to in subsection (1) shall be available for inspection at the office of the Council at any time during working hours.
- 7) The Council may sell copies of the current schedule at the prescribed fees.

40. Unlawful water installation work.—

where any installation work has been constructed in contravention of the provisions of these By-laws, the owner shall on receiving a compliance notice by the Council, carry out such alterations to the installation as prescribed in the notice.

41. Labelling of terminal water fittings and appliances.—

- 1) A terminal water fitting and appliance using or discharging water shall be marked, or have included within the packaging of the item, the following information—
 - a) the range of pressure in kPa over which the water fitting or appliance is designed to operate; and
 - b) the flow rates, in litres per minute, related to the design pressure range, including at least the following water pressures—
 - i. 20 kPa;
 - ii. 100 kPa; and
 - iii. 400 kPa.

42. Owner to prevent pollution of water.—

- 1) An owner shall provide and maintain effective measures to prevent the entry of any substance or matter, which may be a danger to health or may adversely affect the portability of water or affect its fitness for use, in—
- 2) the water supply system or plant; and
- 3) any part of the water installation on his or her premises.

42A. Protection of water supply system.—

- 1) The owner shall take such measures as may be required by the Council to prevent the backflow of water from the water installation to the water supply system in the case of—
 - a) a fire or combined installation on premises; and
 - b) a general installation serving the following activities—
 - i. medical treatment of people or animals;
 - ii. medical, pharmaceutical or chemical research and manufacturing;
 - iii. agriculture, including dairies and nurseries;
 - iv. photographic processing;
 - v. laundering and dry-cleaning;
 - vi. metal plating;
 - vii. treatment of skins and hides; and
 - c) a general installation serving—
 - i. mortuaries;
 - ii. abattoirs;
 - iii. sewage purification works;
 - iv. refuse processing plants;
 - v. oil processing and storage facilities;
 - vi. wineries, distillers, breweries, yeast and cold drink factories;
 - vii. sports facilities; or
 - viii. any other premises on which an activity is carried out which in the opinion of the Council is likely to cause a danger to health or affect the portability of water in the event of a substance resulting from such activity entering the water supply system; and
 - d) a general installation on any premises after a compliance notice by the Council to do so.

- 2) The measures required in terms of subsection (1) may include—
- a) the discharge of water from the service pipe into a storage tank through an air gap; or
 - b) the passing of water through—
 - i. a reduced pressure backflow preventer; or
 - ii. a double check backflow preventer; or
 - c) any other measures approved by the Council which achieve the same purpose.

42B. Design and installation of backflow preventer.—

A backflow preventer contemplated in section 42A shall be designed and installed in accordance with the requirements of SABS Code 0252 Part 1

42C. Inspection and servicing of backflow preventer.—

- 1) The owner of premises on which a reduced pressure or double check backflow preventer is installed shall, at his own expense, cause the back-flow preventer to be—
 - a) inspected and serviced not less than once in every 12 months to ensure that it is in working order; and
 - b) replaced or completely overhauled once in every 5 years.
- 2) The owner shall maintain a record of the inspections and services referred to in subsection (1) in which shall be recorded—
 - a) the name and address of the contractor who carried out the servicing;
 - b) the date on which the work was done; and
 - c) the details of the repairs or replacements that were effected.
- 3) The record of inspections shall be kept available for inspection by the Council.

42D. Protection of water installations.—

- 1) The owner of any premises shall prevent the back siphonage into his or her water installation of a substance which is likely to cause a danger to health or affect the portability of water, in the case of—a terminal water fitting which is so designed that a hose or other flexible pipe is or can be attached to it, which shall include a hose bib-cock, a laboratory tap, and a movable shower unit;

- a) a fire hose-reel in a combined installation;
- b) an underground irrigation system; or
- c) any other fitting which may provide contact between polluted water and the water installation.

43. Water restrictions.—

- 1) Whenever there is a scarcity of water available for distribution and supply to consumers, the Council may prohibit or restrict the use of water under its control or management, as contemplated in section 241A of the Local Authorities Ordinance, No. 25 of 1974.
- 2) Wherever it acts in terms of subsection (1), the Council shall cause a notice of the resolution taken in terms of section 241A (1) of the Local Authorities Ordinance, 1974, to be published in one or more local newspapers, in two of the official languages.
- 3) Notwithstanding the provisions of subsections (1) and (2), should an emergency arise in relation to the availability of water for distribution and supply to its consumers, and immediate steps are necessary to avert or remedy any actual or potential consequences of such emergency, the Council may take any steps contemplated in section 241A of the Local Authorities Ordinance, 1974, without taking the resolution contemplated in that section.

44. Waste of water unlawful.—

- 1) No consumer may permit—
 - a) the purposeless or wasteful discharge of water from terminal water fittings;
 - b) pipes or water fittings forming part of a water installation to leak;
 - c) the use of maladjusted or defective water fittings in a water installation;
 - d) an overflow of water from a water installation to persist; or
 - e) a wasteful use of water to persist.
- 2) An owner shall repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an event referred to in subsection (1)

- 3) If an owner fails to take measures as contemplated in subsection (2), a designated officer may issue an enforcement notice in connection there with.
- 4) Every consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.

45. Prohibition of use of certain equipment in a water installation.—

A designated officer may, by compliance notice, prohibit the use by a consumer of any equipment in a water installation if, in his or her opinion, its use of water is wasteful, and such equipment shall not be returned to use until its efficiency has been restored, and a written application to do so has been approved by the Council.

46. Sampling of water.—

- 1) The Council may take samples of water obtained from a source other than the water supply system, and cause the samples to be tested for compliance with the requirements referred to in section 49 (2).
- 2) The prescribed fees for the taking and testing of the samples referred to in subsection (1) shall be paid by the person to whom approval to use the water for potable water was granted in terms of that section.

47. Testing of pressure in water supply system.—

The Council shall, on application by an owner and on payment of the prescribed fees, determine and Furnish the owner with the value of the pressure in the water supply system relating to his or her premises, over such period as the owner may request.

48. Pipe in street or public place.—

No person may, for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by, vested in, or under the control of the Council, except with the prior written permission of the Council, and subject to such conditions as may be imposed by it on granting permission.

49. Use of water from source other than the water supply system.—

- 1) Except with the prior permission of the Council, no person may use or permit the use of water obtained from a source other than the water supply system, other than rain water tanks which are not connected to the water installation, and in accordance with such conditions as the Council may impose, for domestic, commercial or industrial purposes, and except with the approval of any other authority required by any law.
- 2) Any person requiring the permission referred to in subsection (1) shall, at his or her own cost, provide the Council with proof to its satisfaction that the water referred to in that section complies or will comply with the requirements of SABS Code 241:1999 (Fourth Edition): Drinking Water, and any other requirement contained in these By-laws or any other law applicable to the consumption of water, or that the use of such water does not, or will not, constitute a danger to health.
- 3) Any permission given in terms of subsection (1) may be withdrawn if, in the opinion of the Council—
 - a) a condition imposed in terms of that subsection is breached; or
 - b) the water no longer conforms to the requirements referred to in subsection (2).
- 4) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the sewage disposal system, the Council shall install a meter and any necessary monitoring equipment in the pipe leading from such borehole or other source of supply to the point or points where it is so used.
- 5) The provisions of section 30 shall apply insofar as they may be applicable in respect of any meter referred to in subsection (4).

50. Special provisions for fire services.—

- 1) Any water installation for the provision of water for fire fighting purposes, shall comply with the provisions of SABS Code 0252-1:1994 or any revision or substitution thereof.

- 2) Notwithstanding the provisions of subsection (1), the special provisions contained in sections 51 to 61 inclusive apply, insofar as they are applicable, to the supply of water for fire fighting purposes.

51. Payment for fire services.—

The consumer and the owner of the premises are jointly and severally liable to pay the fees determined by the Council, in respect of any fire extinguishing installation or appliance used or installed upon such premises.

52. Dual and combined installations.—

- 1) Any new building erected after the adoption of these By-laws shall comply with the following requirements in relation to the provision of fire extinguishing services—
 - a) If, in the opinion of any officer or employee of the Council charged with the approval of plans, boosting of the system is required, either in terms of ensuring adequate pressure or supply of water for the purposes which the system is intended to meet, a dual pipe system shall be used, one for fire extinguishing purposes and the other for general domestic purposes;
 - b) Combined installations, in which the same pipes and fittings are used for fire extinguishing and general domestic purposes, are only permitted where no booster pumping connection is provided on the water installation;
 - c) In the circumstances contemplated in paragraph (b), a fire hydrant shall be provided by the Council, at the consumer's expense, within 90 metres of the property to provide a source of water for the use of the crew of any fire tender sent to extinguish a fire; and
 - d) All pipes and fittings shall be capable of handling pressures in excess of 1015 kPa, which could be expected when boosting takes place and shall be designed to maintain their integrity when exposed to fire conditions.

53. Connection pipes for fire extinguishing services.—

- 1) A single connection to the water supply system, to serve a connection pipe for a fire installation, excluding a sprinkler system, may be provided by the Council.

- 2) The Council may provide and install at its cost a meter on the connection pipe referred to in subsection (1).
- 3) Where, there is an existing connection pipe for the sole purpose of fire extinguishing services, such connection pipe may only be used for that purpose.
- 4) No take-off of any kind from any connection pipe referred to in subsection (3) may be made, nor may any water therefrom be used except in connection with an automatic sprinkler and drencher, a hydrant connection or a hose-reel connection, or for any pressure tank connection therewith, and such tank shall be controlled by an approved fitting.
- 5) A separate connection pipe shall be laid and used for every fire sprinkler extinguishing system, unless otherwise approved.

54. Valves in connection pipe.—

- 1) Every connection pipe shall be fitted with a proper gate valve, which shall be—
 - a) supplied by the Council at the expense of the consumer;
 - b) installed between the consumer's property and the main;
 - c) of the same diameter as the connection pipe; and
 - d) installed in such position as may be specified by the Council.

55. Inspection and approval of fire extinguishing installation.—

(1) No water may be supplied to any fire extinguishing installation until—

- a) it has been inspected and tested by the Council;
- b) the Council has certified in writing that such water installation is complete and complies with the requirements of these By-laws; and
- c) the fees determined by the Council for such inspection and testing have been paid.

56. Connection to be at the pleasure of the Council.—

- 1) The Council is entitled, in its absolute discretion, to grant or refuse an application for the connection of a fire extinguishing installation to its main.

- 2) If in its opinion a fire extinguishing installation which it has allowed to be connected to its main is not being kept in proper working order or is otherwise not being properly maintained, or is being used in contravention of sections, 53 (3) or 53 (4), the Council is entitled either to require the installation to be disconnected from the main, or itself to carry out the work of disconnecting it at the expense of the owner or consumer, as the case may be.

57. Meter in fire extinguishing connection pipe.—

- (1) The Council is entitled to install a water meter in any connection pipe used solely for fire extinguishing purposes, and the owner of the premises will be liable for the whole of the cost of so doing. And for any water consumption registered by such meter.

58. Sprinkler extinguishing installation.—

- (1) A sprinkler installation may be installed in direct communication with the main, but the Council is not bound to guarantee any specified pressure at any time.

59. Header tank or double supply from main.—

- 1) Unless a sprinkler installation is provided with a duplicate or reserve supply from a separate main, the consumer shall install a header tank on or in the building or structure at such elevation as will compensate for any failure or reduction of pressure in the Council's main.
- 2) The main pipe leading from such header tank to the sprinkler installation may be in direct communication with the main from which the principal supply of water is drawn, provided that such main pipe shall be equipped with a reflux valve which, if the pressure in the main fails or is reduced for any reason, will shut off the opening to the main.

- 3) Where a sprinkler installation is provided with a duplicate or reserve supply from a separate main, each supply pipe shall be equipped with a reflux valve situated within the premises.

60. Sealing of private fire hydrants.

- 1) Except in the case of a fire installation supplied through a connection pipe fitted with a meter, a private hydrant and hose-reel shall be sealed by the Council and such seal may not be broken by any person other than the Council in the course of servicing and testing, except for the purpose of opening the hydrant in the case of fire.
 - a) Every owner or consumer shall give the Council at least 48 hours' notice of his or her intention to cause a fire extinguishing installation to be serviced and tested.
- 2) The cost of resealing a hydrant and hose-reel referred to in subsection (1) (a), shall be borne by the consumer except when such seal is broken by the Council's employee for testing purposes.
- 3) Any water consumed after the breaking of the seal referred to in subsection (2), other than in the course of testing by the Council or in the course of fighting a fire, shall be paid for by the consumer at the fees determined by the Council for domestic purposes,
- 4) The quantity of water consumed as contemplated in subsection (3), shall be determined by the Council.

CHAPTER 3

SANITATION SERVICES

61. Objectionable discharge to sewage disposal system.—

- 1) No person may discharge, or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance—

- a) which may be offensive to, or may cause a nuisance to the public;
- b) which is in the form of steam or vapour or has a temperature exceeding 44 degrees Celsius at the point where it enters the sewer;
- c) which has a pH value less than 6,5;
- d) which contains any substance of whatsoever nature likely to produce or give off explosive, flammable poisonous or offensive gases or vapours in any sewer;
- e) which contains any substance having an open flashpoint of less than 65 degrees Celsius or which gives off a poisonous vapour at a temperature below 65 degrees Celsius;
- f) which contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing an obstruction to the flow in a sewer, to a drain or interference with the proper operation of a sewage treatment plant;
- g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system;
- h) which contains any substance in such concentration as is likely in the final treated effluent from any sewage treatment plant to produce an undesirable taste after chlorination, or an undesirable odour or colour, or excessive foam;
 - i. which contains any substance listed in Schedule A hereto— in amounts higher than those specified therein;
 - ii. which may harm or damage any sewer, mechanical appliance, sewage treatment plant or equipment;
 - iii. which may prejudice the use of sewage effluent for re-use; or
 - iv. which may adversely affect any water into which treated sewage effluent is discharged, or any land or crop irrigated with the sewage effluent;
- i) which contains any substance of whatsoever nature which—
 - i. which is not amenable to treatment at the sewage treatment plant; or
 - ii. causes or may cause a breakdown or inhibition of the normal sewage treatment processes; or
 - iii. is of such nature as is or may be amenable to treatment only to such degree as to result in the final treated effluent from the sewage treatment plant not complying in all respects with any requirements imposed in terms of the National Water Act; and
- j) whether listed in Schedule A to this Chapter or not, either alone or in combination with other matter may—
 - i. generate or constitute a toxic substance dangerous to the health of a person employed at the sewage treatment plant, or entering a Council sewer or manhole in the course of his or her duty; or

- ii. adversely affect the equipment of the sewage treatment plant or the land used for the disposal of treated sewage effluent; or
 - iii. adversely affect any process whereby sewage is treated or wherein any re-use of sewage effluent is permitted.
- 2) No person may cause or permit any solid, liquid or gaseous substance, other than storm water to enter—
- a) any storm water drain, storm water sewer or excavated or constructed water course;
 - b) any river, stream, or natural water course or any public water, whether ordinarily dry or otherwise, except in accordance with the provisions of the National Water Act; or
 - c) any street or premises.
- 3) No person shall cause or permit any stormwater to enter the sewage disposal system.
- 4) An authorized official may require any owner of premises from which there is a discharge of any sewage, industrial effluent, or any substance referred to in subsection (1), to conduct at his or her cost periodic expert inspections of the premises, in order to identify precautionary measures which would ensure compliance with these By-laws, and report such findings to the Council.
- 5) If any contravention of any provision of subsection (1) takes place on any premises, or elsewhere, the owner of such premises, or any person aware of the contravention shall as soon as possible notify the Council of the details of the contravention and the reason for it.

62. Specified on-site sanitation.—

- 1) Any drainage installation constructed or installed shall comply with any applicable specifications in terms of the Building regulations and any standards prescribed in terms of the Act.
- 2) Where the draining installation is a pit latrine, it shall be of the ventilated improved pit latrine type and conform to the specification of the Council, as amended from time to time.

- 3) No conservancy tank, septic tank/french drain or any other on-site sanitation system may be installed on a premises without written permission from Council, who may grant such permission subject to any conditions which may apply.

63. Services associated with on-site sanitation services.—

- 1) The removal or collection of conservancy tank contents or the emptying of pits will be based on the volume removed by vacuum tanker or otherwise.
- 2) However, the Council may, after written application and at its discretion and on such conditions as it may prescribe, allow private persons to carry out such services within its area of jurisdiction.

64. Charges in respect of services associated with on-site sanitation services.

- 1) Charges in respect of the removal or collection of conservancy tank contents or the emptying of pits will be based on the volume removed by vacuum tanker or otherwise.
- 2) If the volume of the conservancy tank contents or the emptying of pits cannot be quantified, the Council may charge a fixed charge as prescribed.

65. Disused conservancy and septic tanks.—

- 1) If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner shall either cause it to be completely recovered, or to be completely filled with earth or other suitable material, and the land involved to be rehabilitated.
- 2) The Council may require the tank referred to in subsection (1) to be otherwise dealt with or it may permit it to be used for some other purpose, subject to such conditions as may be considered necessary, regard being had to all the circumstances of the case.

66. Provision of a connecting sewer.—

- 1) If an agreement for the use of the sanitation system exists and no connecting sewer exists in respect of any premises, the owner shall immediately make application on a form approved by Council and pay the prescribed charge for the installation of such a connecting sewer by Council.
- 2) If an application is made for use of the sanitation system to a premises which is so situated that it is necessary to extend the sewer in order to connect the sanitation system to the premises, Council may agree to the extension, subject to such conditions as it may impose.
- 3) Should an on-site sanitation system be located on a premises, and a sanitation system is constructed by the Council, such that the said premises can now be served by the said system, the owner of the premises shall, within six (6) months of receiving written notification from the Council—
 - a) make application for a connecting sewer in accordance with subsection (1); and
 - b) abandon the on-site sanitation system on the premises once the connecting sewer has been made.

67. Location of connecting sewer.—

- 1) A connecting sewer provided and installed by the Council in terms of section 66, shall—
 - a) be located in a position and of a size determined by the Council, and
 - b) terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owner or controlled by the Council, or over which it has a servitude or other right of way.
- 2) In determining the location of a connecting sewer, the Council shall ensure that the owner is aware of—
 - a) practical restrictions that may exist regarding the location of a connecting sewer;
 - b) the cost implications of the various possible locations of the connecting sewer;
 - c) whether or not the Council requires the owner to fix the location of the connecting sewer by providing a portion of his or her sewer installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the Council to connect to such installation.

- 3) Where an owner is required to pump sewage from his or her premises into the sanitation system as provided for in terms of the Building Regulations, the rate and time of discharge into the sewer shall be subject to the approval of the Council.

68. Provision of one connecting sewer for several consumers on same premises.—

- 1) Notwithstanding the provisions of section 66 only one connecting sewer to the sanitation system may be provided for the disposal of sewage from any premises, irrespective of the number of consumer units of consumers located on such premises.
- 2) Notwithstanding subsection (1), the Council may authorise that more than one connecting sewer be provided onto the sanitation system for the disposal of sewage from any premises comprising several consumer units if, in the opinion of the Council, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.
- 3) Where the provision of more than one connecting sewer is authorised by the Council, under subsection (2), the tariffs and charges for the provision of a connecting sewer is payable in respect of each connecting sewer so provided.

69. Interconnection between premises.—

Every owner of premises shall ensure that no interconnection exists between the drainage installation on his or her premises and any drainage installation on other premises, unless he or she has obtained the prior written permission of the Council and complies with any conditions that may have been imposed in granting such permission.

70. Disconnection of drainage installation from connecting sewer.—

The Council may disconnect a drainage installation from the connecting sewer and seal the opening to the sewer so made and recover from the owner the fees determined by the Council, if—

- 1) notified in writing by the owner when a drainage installation is to be disconnected from a connecting sewer; or

- 2) the building on the premises concerned has been demolished.

71. Approval of drainage work.

- 1) No person may construct, reconstruct, alter, add to or make any permanent disconnection in or of any drainage installation without first having obtained the permission of the Council in writing.
- 2) No drainage work mentioned in subsection (1) for which permission has been given in terms of these By-laws, may be commenced until after the expiration of two clear days after notice in writing has been served on the Council stating the day on and time at which it is intended to commence the work.
- 3) Before any part of a drainage installation is permanently covered or otherwise rendered practically inaccessible to visual inspection, it shall be inspected and approved by the Council.

72. Unlawful drainage work.—

- 1) Where any drainage work has been constructed without complying with the provisions of these By-laws concerning the submission and approval of plans, the owner shall, subject to the provisions of Chapter 5, on receiving a compliance notice from a designated officer, comply with the said provisions within the period prescribed in that notice.
- 2) Where any drainage installation has been constructed or any drainage work has been carried out which fails in itself in any respect to comply with any of these By-laws other than those referred to in subsection (1), the owner shall, on receiving a compliance notice from the Council, and notwithstanding that he or she may have received approval of the plans in respect of the said installation or work in terms of these By-laws, carry out such alterations to the installation, remove such parts thereof, and carry out such other work as and within the time which the notice may specify.
- 3) The Council shall, subject to the provisions of Chapter 5, where such a notice has not been complied with within the time prescribed therein, proceed itself to carry out any

such alteration, removal or other work as it may deem necessary for compliance with these By-laws and recover the cost thereof from the owner.

73. Ingress of storm water into drainage installation prohibited.—

- 1) No part of a drainage installation may at any time be constructed or designed to allow or be capable of allowing water from any source, not being soil water or waste water, both as defined in the national regulations published in Government Notice R 2378 of 12 October 1990, as amended, to enter the drainage installation.
- 2) No person may discharge or cause or permit to be discharged any substance other than sewage into a drainage installation.
- 3) No pipe, channel or other device used for conducting or capable of being used to conduct rainwater from any roof or other surface may be permitted to discharge into any gully forming part of a drainage installation.
- 4) Should the Council at any time become aware of any installation which does not comply with the provisions of subsections (1), (2) or (3) or that any provision thereof has or is being contravened it may, subject to the provisions of section 76 and Chapter 6, carry out such alterations to the installation as it may deem necessary to ensure compliance with the provisions of those sections and recover from the owner the costs or the prescribed fees as determined by the Council. In addition, the owner shall be liable to pay to the Council the cost imposed on it by Umgeni Water as a result of a contravention of this bylaw in accordance with any tariffs adopted by it in accordance with the provisions of section 75A of the Local Government: Municipal Systems Act, 32 of 2000, and provided that such tariffs contain an objective method or criteria for the estimation of such cost, such tariffs may also provide for the estimation of such cost.

74. Emission of gas.—

When a nuisance exists or could exist, owing to the emission of gas from any trap or sanitary fitting or any other part of a drainage installation, the Council may require the owner, at his or her own expense; to take such action as may be necessary to prevent such nuisance.

75. Industrial grease traps.—

- 1) Industrial effluent which contains or, in the opinion of the Council, is likely to contain, grease, oil, fat or inorganic solid matter in suspension, shall, before it is allowed to enter any sewer, be passed through one or more tanks or chambers of approved type, size and capacity designed to intercept and retain such grease, oil, fat or solid matter.
- 2) Oil, grease or any other substance which is contained in any industrial effluent or other liquid which gives off a flammable or noxious vapour at a temperature of or exceeding 20 degrees Celsius, shall be intercepted and retained in a tank or chamber so as to prevent the entry thereof into the sewer.
- 3) The tank or chamber shall be regularly cleaned of such grease, oil, fat or solid matter and the person discharging effluent to the tank or chamber shall maintain a register in which shall be recorded—
 - a) the dates on which the tank or chamber was cleaned;
 - b) the name, address, and telephone number of the company employed to clean the tank or chamber; and
 - c) a certificate from the person who undertook the cleaning, certifying the cleaning of the tank or chamber, and stating the manner in which the contents of the tank or chamber were disposed of.

76. Mechanical appliances for lifting sewage.—

- 1) Where any part of a building or premises is at such a level in relation to the sewer that a drainage installation serving that part cannot discharge into the sewer by gravitation, the Council may, subject to subsections (2) and (4) and to any other conditions it may deem necessary, permit the sewage from such part to be raised by a mechanical appliance to discharge at such point and such level as it may determine.
- 2) Before installing any mechanical appliance for the raising or transfer of sewage, the owner shall apply in writing to the Council for permission to do so, and shall thereafter furnish such additional information as the Council may require.
- 3) Drawings of the proposed installation shall be completed and signed by a professional engineer, and the owner of the premises.

- 4) The maximum discharge rate from any mechanical appliance, and the times between which the discharge may take place, shall be as prescribed by the Council which may, at any time, require the owner to install such fittings and regulating devices as may be necessary to ensure that the said prescribed maximum discharge rate will not be exceeded.

77. Drain in street or public place.—

No person may, for the purpose of conveying sewage derived from whatever source, lay or construct a drain on, in or under a street, public place or the land owned by, vested in, or under the control of the Council, except with the prior written permission of the Council and subject to such conditions as it may impose.

78. Construction by Council of drainage work.—

The Council may agree with the owner of any premises that any drainage work which such owner desires or is required to construct in terms of these By-laws or the building regulations, will be constructed by the Council against payment, in advance, of all costs associated with such construction, and such agreement does not absolve the owner from complying with the requirements of any other law in respect of such construction work.

79. Maintenance of drainage installation.—

- 1) The owner or occupier of any premises shall maintain any drainage installation and any sewer connection on such premises.
- 2) The Council itself is entitled, whether or not it has been requested by the owner to do so, at its own discretion to remove a blockage from a drainage installation and may charge the owner therefor in accordance with the prescribed fees determined by the Council.
- 3) Should the clearing by the Council of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Council shall not be liable for the reinstatement thereof.

- 4) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and the Council be reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation is liable for the cost of clearing the blockage in accordance with the prescribed fee determined by the Council.
- 5) Where a blockage has been removed from a drain or portion of a drain which serves two or more pieces of land, the charges for clearing of such blockage are recoverable in the first place in equal portions from each of the owners thereof, who are, however, ultimately jointly and severally liable for the whole charge.
- 6) The Council may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof, and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff of charges.

80. Installation of pre-treatment facility.—

The Council may require that any premises which require connection to a sewage disposal system for the first time shall be provided with a minimum pre-treatment facility of a type specified by it prior to those premises being connected to the sewage disposal system.

81. Protection from ingress of flood water.—

Where premises constructed within, or any portion of a property lie within the 1 in 50 years flood plain, the top level of any manhole, inspection chamber and gully located below the level of such flood plain shall be above the 1 in 50 years flood level, except in the case of a manhole and inspection chamber the cover of which is secured in place by approved means.

CHAPTER 4**DISPOSAL OF INDUSTRIAL EFFLUENT AND TRADE PREMISES****82. Application for disposal of industrial effluent.—**

- 1) A person shall apply for permission to discharge industrial effluent into the sanitation system.
- 2) An application for permission to discharge industrial effluent into the sanitation system shall be accompanied by—
 - a) a written consent from the owner of the premises, where the applicant is not the owner thereof;
 - b) such plans, in triplicate, and such other particulars as are necessary to describe the premises, drainage system and any works, apparatus or plant from which the industrial effluent is to be discharged and to identify the sewer to which the discharge is to be made and the point of discharge;
 - c) particulars of the anticipated nature, composition, temperature, volume and rate of discharge of, and the proposed method of any treatment of the industrial effluent and the period or periods during which the industrial effluent is to be discharged;
 - d) a general description of the process or activity giving rise to the discharge;
 - e) a description of the techniques to be used for preventing the discharge into any environmental medium of such industrial effluent;
 - f) proposals for monitoring the discharge of such industrial effluent;
 - g) any additional information which the applicant wishes the Council to take into account in considering the application; and
 - h) a nominated address at which the applicant agrees to accept service of all notices contemplated in these By-laws.
- 3) Simultaneously with the making of an application contemplated in section 82 (2), the applicant shall publish in a newspaper designated by the Council, notice of such application.
- 4) A notice under subsection 3 shall contain, as a heading, the words “Discharge of Industrial Effluent” and shall—
 - a) state the name of the applicant;
 - b) give a general description of the industrial effluent;
 - c) state the nature of the trade or industry;

- d) state the name and location of the premises from which the industrial effluent is to be discharged;
 - e) state the place at which, and period during which the application may be inspected; and
 - f) state the date by which, and the place at which objections may be lodged.
- 5) The application shall lie for inspection by interested parties in a designated office of the Council for a period of fourteen (14) days after publication of the notice.
- 6) Where notice of any application has been published under subsection (3), any person having an interest in the matter may, within 14 (fourteen) days after the date of such publication, lodge any objections or representations in writing addressed to the municipality, stating—
 - a) the person's name and address;
 - b) the person's interest in the matter;
 - c) the matter in respect of which the person is objecting to the application or in respect of which a representation is being submitted;
 - d) the grounds for objection or representations; and
 - e) whether or not a hearing is requested.
- 7) The Council shall consider every application and any objection thereto and shall consult any persons and authorities as he or she deems necessary for the purposes of considering such application and any objections thereto.
- 8) Every applicant and objector shall, during the consideration of an application and any objection thereto, be entitled to attend before the Council in person, or, if such person is a body corporate, to be represented by a person authorised thereto by such body corporate and shall be entitled to be heard.
- 9) The Council shall, if requested by the applicant or any other objector, and may, if he or she considers it necessary, convene a hearing in which event he/she shall give notice thereof to the applicant and every objector of the date, time and place of the hearing.
- 10) Any interested person may inspect any documents relevant to the application until the application is determined.

- 11) The Council may, if in its opinion the capacity of a sanitation system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, it will, for such period and subject to such conditions it may impose, grant written permission to discharge industrial effluent.
- 12) Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, shall at the time of lodging a building plan in terms of section (4) of the National Building Regulations and Building Standards Act, also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of subsection (2).
- 13) Any permission granted by the Council in terms of section 82 shall—
 - a) be personal to the applicant;
 - b) terminate two years from the date of grant or such lesser period as the Council may stipulate when granting the permission; and
 - c) not be ceded, assigned or otherwise transferred without the written permission of the Council.
- 14) A person to whom such permission is granted shall pay to the Council any prescribed tariffs and charges as determined from time to time.

83. Unauthorised discharge of industrial effluent.—

- (1) No person shall discharge or cause or permit to be discharged into the sanitation system any industrial effluent, except with and in terms of the written permission of the Council, and in accordance with all provisions of this permission.

84. Quality standards for disposal of industrial effluent.—

- 1) A person to whom permission has been granted in terms of section 82 shall ensure that no industrial effluent is discharged into the sanitation system of the Council, unless it complies with the standards and criteria set out in Schedule A hereto.

- 2) The Council may, by writing into the permission concerned, relax or vary the standards in Schedule A, provided that the Council is satisfied that any such relaxation represents the best practicable environmental option.
- 3) In determining whether relaxing or varying the standards in Schedule A represents the best practicable environmental option a Council will consider—
 - a) whether the applicants undertaking is operated and maintained at optimal levels;
 - b) whether technology used by the applicant represents the best available option to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
 - c) whether the applicant is implementing a programme of waste minimisation which complies with national and local waste minimization standards to the satisfaction of the Council;
 - d) the cost to the Council of granting the relaxation or variation; and
 - e) the environmental impact or potential impact of such a relaxation or variation
- 4) Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with Schedule A or any other standard laid down in a written permission.

85. Conditions for disposal of industrial effluent.—

- 1) The Council may, in the written permission or at any time, by written notice, require a consumer to—
 - a) subject the industrial effluent to such preliminary treatment as in the opinion of the Council, will ensure that the industrial effluent conforms to the standards prescribed in Schedule A, provided that it does not unduly endanger the health and safety of persons working in the sewer, and will render it innocuous to the materials of which

the sewer is constructed and to the plant and equipment of the sewage treatment plants, before being discharged into the sanitation system;

- b) Will be necessary to control the rate and time of discharge into the sanitation system in accordance with the conditions imposed by it, or to measure the quantity of industrial effluent discharged from premises.
- c) install for the conveyance of his or her industrial effluent into the sanitation system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent and may prohibit such person from disposing of his or her industrial effluent at any other point and from disposing of his or her waste water and standard domestic effluent by means other than into the sanitation system;
- d) construct on any pipe conveying his or her industrial effluent to any sewer, a manhole or stop-valve in such position and of such dimensions and materials as the Council may prescribe;
- e) provide all such information as may be required by the Council, to enable it to assess the tariffs or charges due;
- f) install equipment and the like, and to provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means to prevent a discharge into the sanitation system which is in contravention of these By-laws, or to otherwise ensure compliance with these By-laws;
- g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of that person at such intervals as required by the Council, and copies of the calibration to be forwarded to it; and
- h) cause such industrial effluent to be analysed as often and in such manner as may be prescribed by the Council, and provide it with the results of these tests when completed.

- 2) The cost of any treatment, plant, works or analysis which the permit holder may be required to carry out, construct or install in terms of subsection (1), shall be borne by the consumer concerned.
- 3) The written permission of the Council shall be obtained for any proposed changes to the composition of industrial effluent discharged into the sanitation system.
- 4) In taking samples and conducting tests for the purposes of subsection (1) (e) above, the Council shall—
 - a) notify the owner or occupier of the premises or the person in charge, or apparently in charge of the premises, of his/her presence and his/her intention to take any sample or make any test or measurement and invite such person to be present at the taking of such sample or making of such test or measurement;
 - b) take one sample of effluent and cause it to be placed in a container for analysis at the laboratory of the Council.

86. Withdrawal of written permission for disposal of industrial effluent.—

- 1) The Council may withdraw any permission, after giving at least 14 (fourteen) days' written notice of its intention to a person permitted to discharge industrial effluent into the sanitation system if the person—
 - a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedule A of these By-laws or the written permission;
 - b) fails or refuses to comply with any notice lawfully served on him or her in terms of these By-laws or contravenes any provisions of these By-laws or any condition imposed in terms of any permission granted to him or her; and
 - c) fails to pay the assessed charges in respect of any industrial effluent discharged.
- 2) The Council may, on withdrawal of any written permission—
 - a) in addition to any steps prescribed in these By-laws , and on 14 (fourteen) days written notice authorise the closing or sealing of the connecting sewer of the said premises to any sanitation system for such charge it may determine;

- b) refuse to accept any industrial effluent until it is satisfied that adequate steps are or have been taken to ensure that the industrial effluent to be discharged conforms with the standards prescribed in Schedule A; and
- c) require the person concerned to take all steps necessary to facilitate the disposal of industrial effluent by other lawful means.

87. Right of appeal.—

Any applicant for permission to discharge industrial effluent, or any person who is dissatisfied with any decision taken by the Council relating to a refusal to grant or renewal of such permission, or any conditions attached thereto, or any variation of such conditions, any withdrawal of such permission may, within 30 (thirty) days after being notified of the decision of the Council, lodge a written notice of appeal with the Council in terms of section 23 of these By-laws, provided that notwithstanding any such appeal, any drainage connection closed or sealed shall remain closed or sealed.

88. Obligations of a holder of a permission to discharge industrial effluent.—

- 1) Every owner and occupier of premises where industrial effluent, domestic effluent or any other liquid is produced shall prevent any discharge prohibited by Schedule A from entering or being discharged into any sewer, and every holder of a permission, owner and occupier who permits or negligently fails to prevent such entering or discharge, shall be guilty of an offence.
- 2) Where it is shown that effluent discharging from any premises at the point where such effluent joins the sewer, does not conform to the limits prescribed in Schedule A, it shall be presumed, until the contrary is proved, that—
 - a) the owner and occupier thereof and the operator of the industry being conducted thereon knew of such discharge;
 - b) the owner and occupier thereof and the operator of the industry being conducted thereon knew that such discharge did not comply with the said limits; and

- c) the measurements taken of the discharge at said point accurately reflect the measurements of the effluent being discharged from the premises.
- 3) The holder of a permission shall not make, or cause or permit to be made, any change to the premises or in the manner of running, using, maintaining or operating the premises or in any operation or process carried on at the premises, which change causes, or is intended or likely to cause, a material increase in the quantity or quality of industrial effluent or both, discharged from the premises, unless prior written approval of the Council has been obtained for such change.
- 4) For the Council purposes of subsection (3), changes to the premises include—
- a) any change in the construction, structure or arrangement of the premises or any building serving the premises;
 - b) any change in the construction, structure, arrangement, alignment, direction or condition of any channelling device, system or facility serving the premises; and
 - c) any change of, to, or in, any plant, machine, process or equipment used or installed at the premises which affects the production or treatment of any effluent.
- 5) An application for the approval of any changes as provided for in subsections (3) and (4) shall be made in writing to the Council and the provisions of section 82 shall apply mutatis mutandis to such application.
- 6) In the event of there being any change in circumstances arising from—
- a) any changes envisaged in subsection 3;
 - b) the introduction of new or revised standards prescribed by the Council or national legislation;
 - c) any amendment to these By-laws; or
 - d) constraints from the nature and capacity of the treatment processes at the sewage treatment works, the Council may, after the expiration of 60 (sixty) days' written notice to the holder of a permission of his/her intention to do so, amend, modify or revoke such permission or any conditions attached

thereto and/or impose additional conditions for the acceptance of any industrial effluent into any sewer or prohibit the discharge of any or all of such industrial effluent into such sewer.

- 7) The provisions of section 87 of these By-laws shall apply mutatis mutandis to any notification given to an owner or occupier in terms of subsection (6).
- 8) The holder of a permission and the owner or occupier of any premises shall ensure that all employees are instructed in procedures to avoid accidental discharges of industrial effluent into a sewer or generally into the environment, to remove, disperse or destroy any industrial effluent so accidentally discharged and to otherwise prevent, abate or mitigate any harmful effects caused by any such accidental discharge of industrial effluent.
- 9)
 - a) The owner and occupier of any premises shall forthwith furnish the Council in writing with any information concerning an accidental discharge of industrial effluent and shall comply forthwith with any requirements of the Council for the prevention, abatement or mitigation of the effects thereof.
 - b) The owner and occupier of any premises shall forthwith notify the Council of any rupture or damage to or blockage of any sewer on the premises and take immediate steps to repair such sewer.
- 10) The Council shall, if it considers such action necessary, immediately report the circumstances of any such accidental discharge to the operator of the sewage treatment works, and to the council, the action which he/she has taken.

89. Measurement of quantity of standard domestic effluent discharged.—

- 1) The quantity of standard domestic effluent emanating from a residential unit situated on a single erf is not measured for tariff purposes, and a fixed monthly charge is levied.
- 2) For all other residential premises such as flats, simplex/duplex developments and the like, as well as commercial and institutional premises, the quantity of standard domestic effluent discharged shall be determined by a percentage of water supplied

by the Council which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.

- 3) Where a premises is supplied with water from a source other than or in addition to the Council's water supply system, including abstraction from a river or borehole, the quantity of standard domestic effluent will be a percentage of the total water used on that premises as may be reasonably estimated by the Council.

90. Measurement of quantity of industrial effluent discharged.—

- 1) The quantity of industrial effluent discharged into the sewage disposal system shall be determined—
 - a) where a measuring device is installed by the quantity of industrial effluent discharged from a premises as measured through that measuring device; or
 - b) until such time as a measuring device is installed, by a percentage of the water supplied by the Council, to that premises.
- 2) Where a premises is supplied with water from a source other than or in addition to the Council's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on that premises as may be reasonably estimated by the Council.
- 3) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the Council, may on application reduce the assessed quantity of industrial effluent.
- 4) In cases where, in the opinion of the Council, the method of calculation of the charges payable in terms of the Council's tariff of charges does not, for any reason, give an adequate estimate of treatability of the industrial effluent, the Council shall be entitled to adopt any other scientific method of assessing the treatability of the industrial effluent and may also enter into a special agreement with the applicant or holder of the permission concerned whereby an alternative method of assessing the treatability of the industrial effluent and of calculating the industrial effluent charge is adopted.

- 5) Unless the Council shall in any particular case agree otherwise in writing with the holder of the permission concerned, charges payable in terms of the Council's tariff of charges shall be levied monthly.
- 6) If a meter, whereby the quantity of water consumed on the premises is measured, is proved by the holder of the permission concerned to be defective, the appropriate adjustment shall be made to the quantity of industrial effluent discharged when calculated as prescribed by subsection (1). In the absence of such proof, the meter shall be deemed to operate accurately.

91. Reduction in the quantity determined in terms of section 90.—

- 1) A person shall be entitled to a reduction in the quantity determined in terms of section 90 in the event that the quantity of water on which the percentage is calculated was measured during a period where water was wasted or a leakage was undetected if the consumer demonstrates to the satisfaction of the Council, that the said water was not discharged into the sanitation system.
- 2) The reduction in the quantity shall be based on the quantity of water loss through leakage or wastage during the leak period.
- 3) The leak period shall be either the measuring period immediately prior to the date of repair of the leak or the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity.
- 4) The quantity of water loss shall be calculated as the consumption for the leak period less an average consumption, based on the preceding three months, for the same length of time. In the event of no previous consumption history being available, the average water consumption will be determined by the Council, after due consideration of all relevant information.
- 5) There shall be no reduction in the quantity if the loss of water directly or indirectly resulted from the consumer's failure to comply with or contravention of these By-laws.

92. Register of holders of permission to discharge industrial effluent.—

- 1) The Council shall keep a register which shall be available for inspection by the public at all reasonable hours and shall contain the following particulars of every permission granted by the Council under these By-laws and which continues to be in force—
 - a) the date of grant of the permission and the name and address of the person to whom it was granted;
 - b) brief details thereof, including any conditions attached to it;
 - c) the date and brief details of any variations thereto indicating whether the variations were effected in pursuance of an application or otherwise;
 - d) whether the permission was granted or varied in accordance with a direction given by the appeal tribunal; and
 - e) Whether any legal action was taken against the owner or occupier and the outcome thereof.

- 2) The particulars specified in subsection (1) shall be entered in the register within 14 (fourteen) days from the grant, or, as the case may be, variation or amendment, of the permission to which they relate.

93. Liability of holders of permission to discharge industrial effluent.—

Any person who discharges any industrial effluent into the sewer in contravention of these By-laws which damages any component of the sewer or the industrial effluent treatment works or which entails additional treatment costs shall be liable, in addition to prosecution under these By-laws, for the costs of the necessary repairs to the sanitation system and the sewage treatment works and the additional treatment costs thereby incurred.

SCHEDULE A**ACCEPTANCE OF INDUSTRIAL EFFLUENT FOR DISCHARGE INTO THE SEWAGE DISPOSAL SYSTEM**

[Schedule A corrected by MN 36 of 31 March 2011.]

No industrial effluent shall be accepted for discharge into the sewage disposal system unless it complies with the following conditions. The industrial effluent shall not contain concentrations of substances in excess of those stated below:

<u>General Quality Limit</u>	<u>Units</u>
1. Temperature (C)	45°C
2. pH	6,5 < pH < 9,5
3. Grease & Mineral Oil, Tar and Tar Oils not dissolved in the aqueous phase	50mg/l
4. Cobalt (Co)	5 mg/l
5. Animal & Vegetable Oils, Fats or Waxes	250 mg/l
6. Total Sugar & Starch (as Glucose)	1 000 mg/l
7. Sulphates in Solution (SO=4)	250 mg/l
8. Sulphides, Hydrosulphides (as S=) & Polysulphides	25 mg/l
9. Chlorides (as C-)	1 000 mg/l
10. Flouride (as F-)	5 mg/l
11. Phenols (as phenol)	10 mg/l
12. Cyanides (as CN-)	20mg/l
13. Suspended Solids	400 mg/l
14. Total Dissolved Solids	5 000mg/l
15. Electrical Conductivity	400 mSiemens/m
<u>Heavy Metal Limits</u>	
16. Copper (as Cu)	5 mg/l
17. Nickel (Ni)	5 mg/l

18. Zinc (Zn)	5 mg/l
19. Iron (Fe)	50 mg/l
20. Boron (B)	5 mg/l
21. Selenium (Se)	1 mg/l
22. Manganese (Mn)	50 mg/l
23. Lead (Pb)	5 mg/l
24. Cadmium (Cd)	1 mg/l
25. Mercury (Hg)	1 mg/l
26. Chromium [CR(iii)]	25 mg/l
27. Chromium [CR(vi)]	0 mg/l
28. Arsenic (As)	1 mg/l
29. Titanium (Ti)	20 mg/l
30. Molybdenum (Mo)	1 mg/l
31. Phosphates (P)	20 rag/l
32. Free Saline Ammonia (N)	80 mg/l
33. Total Kjeldahl Nitrogen	100 mg/l

Special Limitations

35. No calcium carbide or any other substance whatsoever liable to give off explosive or offensive gases or vapours in the sanitation system.
36. No radioactive waste or isotopes.
37. No yeast or yeast wastes, molasses spent or unspent.
38. No substance which has an open flash point of less than 65 degrees centigrade or which gives off a poisonous vapour below 65 degrees centigrade.

Any substance which, whether alone or in combination with other matter, may in the opinion of the Council, cause a nuisance of any kind to the public or, in particular, injury to, or danger to the health of persons entering the sanitation

39. system or carrying out any work in connection therewith or working at the sewage treatment works, or which may be injurious to the sanitation system, sewage treatment works or any land used for disposal of sludge, or which shall in any way injuriously affect any of the processes whereby sewage is treated or the re-use of treated sewage effluent.

CHAPTER 5

ENFORCEMENT OF THE BY-LAWS AND LEGAL MATTERS

94. Authorisation of designated officer.—

The Council may authorise any person in its employment or in the employment of a service provider as contemplated in section 76 of the Systems Act, or in the employment of a Water Board as contemplated in the Water Services Act as a designated officer.

95. Powers of designated officer.—

- 1) A designated officer who executes work or conducts an inspection may—
 - a) execute work on or inspect premises;
 - b) question a person present on any premises in respect of any matter which may be relevant to the work or inspection;
 - c) question a person whom the designated officer believes may have information relevant to the work or inspection;
 - d) inspect any document that a person is required to maintain in terms of any law or that may be relevant to any work or inspection;
 - e) copy any document referred to in paragraph (d) or if necessary, remove the document in order to copy it;
 - f) take samples of any substance that is relevant to the work or inspection;
 - g) monitor and take readings or make measurements;

- h) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises; and do what is necessary for the execution of work or the conducting of an inspection that the Council is required to undertake in terms of these By-laws.
- 2) A designated officer who removes anything other than a substance contemplated in subsection (1) (f) from premises being worked upon or inspected, shall—
- a) issue a receipt for it to the owner or a person in control of the premises; and
 - b) return it as soon as is practicable after achieving the purpose for which it was removed.
- 3) Before commencing work or inspecting any premises, a designated officer shall identify him or herself and explain his or her authority or furnish proof of such authority to the person apparently in control of the premises or the person who gave permission to enter.

96. Observing fundamental rights.—

A designated officer who enters and executes work or inspects any premises in terms of this Chapter shall do so with strict regard for decency and orderliness and with regard for each person's human rights including the right to dignity, freedom, security and privacy.

97. Using force to enter.—

- 1) A designated officer may overcome any resistance to entry, execution of work or inspection by using as much force as is reasonably required, including breaking a lock, door or window of the premises to be entered.
- 2) Before resorting to force, the designated officer shall audibly demand admission and shall announce his or her purpose, unless he or she reasonably believes that doing so may induce someone to destroy, dispose of, or tamper with, an article or document that is the object of the work or inspection.
- 3) The Council shall not be liable compensate anyone who suffers damage because of forced entry during the execution of any work or any inspection when no one responsible for the premises was present.

98. Designated officer may be accompanied. —

During the execution of any work or an inspection, a designated officer may be accompanied by a member of the South African Police Services or by any other person reasonably required to assist in executing the work or conducting the inspection or overcoming any resistance to entry.

99. Duty to produce document.—

Any person who holds any document relevant to the execution of any work or inspection contemplated in this Chapter shall produce it at the request of a designated officer.

100. Duty to answer question and assist designated officer.—

- 1) Any person who is questioned by a designated officer in terms of this Chapter shall answer truthfully and to the best of his or her ability.
- 2) An owner or occupier of any premises shall provide any facility and assistance that is reasonably required by a designated officer to perform his or her functions effectively.

101. Compliance notice.—

- 1) A designated officer who becomes aware that any provision of these By- laws has not been complied with, may issue a compliance notice to the owner or person apparently in control of the relevant premises.
- 2) A designated officer who is satisfied that the owner or person apparently in control of any premises has satisfied the terms of a compliance notice may issue a compliance certificate to that effect.
- 3) A compliance notice remains in force until a designated officer has issued a compliance certificate in respect of that notice.
- 4) A compliance notice shall set out—
 - a) the provision that has not been complied with;
 - b) details of the nature and extent of non-compliance;

- c) any steps that are required to be taken and the period with which those steps shall be taken; and
- d) any penalty that may be imposed in terms of these By-laws in the event of non-compliance with these steps.

102 Complaints against persons other than the Council or service provider.—

(1) Anyone may lodge a complaint with a designated officer, either directly or through any other channel established by the Council, that another person—

- a) is likely to cause or has caused a disruption of the provision of water and sanitation services without just cause; or
- b) is likely to act or has acted contrary to any provisions of these By-laws; in which event the designated officer, unless he or she has reasonable grounds to believe that the complaint is frivolous, shall investigate the complaint and, take any necessary action which is competent in terms of these By-laws.

103. Official address.—

- 1) For the purpose of the service of any notice, order or other document relating to legal proceedings—
 - a) the address of the owner of the premises on which domestic water is consumed or generated is deemed to be the official address of such owner; and
 - b) the address of the consumer, as referred to in section 4 (5) (e) is deemed to be the official address of the consumer.
- 2) Where any notice or other document is required by these By-laws to be served on any person other than for the purpose of criminal proceedings, it shall be served on him or her personally, failing which it may be served on any member of his or her household or any employee as the case may be, of the apparent age of 16 years or older, at the place of residence or business of that person, or if sent by registered post, to the official address contemplated in subsection (1), it will constitute prima facie proof of the service of such notice.

104. Recovery of costs and fees.—

(1) Any costs which the Council is entitled to recover from a consumer, owner or other person in terms of these By-laws include, where applicable, any prescribed fees, expenses incurred in any exploratory investigation, survey, plan, specification, or schedule of quantities compilation, supervision, administration or authorization charges, including the cost of any ancillary work associated therewith, wear and tear on plant and equipment utilized in any of these activities, the provision of labour and the costs, including environmental costs, involved in the disturbing and making good of any part of any street, ground or water services work.

105. Legal compliance warranty.—

(1) Notwithstanding any provision to the contrary, any consumer by making application for water services, warrants that he or she will—

- a) in his or her activities, application and use of the water services, processes, and operations, comply with all relevant laws, regulation, and standards governing the environment, health and safety;
- b) take all reasonable measures to prevent pollution or environmental degradation from occurring, continuing or recurring;
- c) insofar as such harm to the environment is authorized by law, or cannot reasonably be avoided or stopped, minimize and rectify such pollution or degradation of the environment; and
- d) bear all costs and expenses incurred in meeting the above obligations and the implementation thereof.

106. False statement or information.—

No person may make a false statement or furnish false information to the Council, an authorised official, a designated officer or an employee of the Council or falsify a document issued in terms of these By-laws.

107. Exceptions to application of these By-laws.—

- 1) If authority was given before the date of commencement of these By-laws for installation work to be done, or if authorized work is in progress on such date, such work shall comply with any applicable laws which were in force in the relevant portion of the area of jurisdiction of the Council, immediately prior to such date.
- 2) For a period of 90 days after the commencement of these By-laws, the Council may give authority for installation work to be done in accordance with any law mentioned in subsection (1).
- 3) No owner may be required to comply with these By-laws by altering a water installation or part thereof which was installed in conformity with any law applicable immediately before the date of commencement of these By-laws: Provided that if in the opinion of the Council, the installation or a part thereof is so defective, or in such a condition or position as to cause waste or undue consumption of water pollution of the water supply, or a health, safety or environmental hazard, it may by notice in writing require the owner to comply with the provisions of these By-laws within a specified and reasonable period.

108. Exemptions.—

- 1) The Council may by resolution exempt any person 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 or operation of that provision would be unreasonable in the circumstances, provided that the Council may not grant an exemption from any section of this section that may result in—
 - a) the wastage or excessive consumption of water;
 - b) the evasion or avoidance of water restrictions;
 - c) significant negative effects on public health, safety or the environment;
 - d) non-payment for services;
 - e) the installation of pipes and fittings which are not approved in terms of these By-laws;
or
 - f) Non-compliance with the Act or any regulations made in terms thereof.
- 2) Subject to the provisions of the Promotion of Administrative Justice Act, 2000, the Council may at any time after giving written notice of at least thirty days, withdraw

any exemption given in terms of subsection (1), and may compel the owner or consumer, as the case may be, to comply with the relevant section or sections within a period to be stated in the notice of withdrawal: Provided that it may withdraw such an exemption without such notice if, in the opinion of the designated officer there is a present or imminent danger to public health or the environment, or of the wastage or excessive consumption of water, or of the evasion of water restrictions or the obligation to pay for the consumption of water supplied.

109. Offences.—

- 1) It is an offence for any person to—
 - a) refuse to grant a designated officer access to premises obstruct, interfere or hinder a designated officer who is exercising a power or carrying out a duty under these By-laws;
 - b) fail or refuse to provide a designated officer with a document or information that the person is required to provide under these By-laws;
 - c) give false or misleading information to a designated officer;
 - d) unlawfully prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of these By-laws;
 - e) pretend to be a designated officer;
 - f) falsely alter an authorization to a designated officer or written authorization, compliance notice or compliance certificate issued in terms of this Chapter;
 - g) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of these By-laws, except— to a person who requires that information in order to perform a function or exercise a power in terms of these By-laws;
 - (ii) if the disclosure is ordered by a court of law; or
 - (iii) if the disclosure is in compliance with the provisions of any law;
 - h) contravene or fail to comply with any provisions of these By-laws;
 - i) fail to comply with any notice issued in terms of these By-laws;
 - j) fail to comply with any lawful instruction given in terms of these By-laws; or

- k) obstruct or hinder any authorized official of the Council in the execution of his or her duties under these By-laws.
- 2) Any person convicted of an offence contemplated in subsection (1) is liable on conviction to a fine, or in default of payment, to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Council requiring the discontinuance of such offence, and for a second or subsequent offence he shall be liable on conviction to a fine or in default or payment to imprisonment for a period not exceeding six months.

110. Application of these bylaws.—

- 1) The provisions of the Chapter apply to all persons or bodies, including the State.
 - 2) A provision of this Chapter conferring a power or imposing a duty applies in respect of—
 - a) all premises;
 - b) any person or thing on or in any premises;
 - c) the owner or occupier of all premises; and
 - d) any matter relating to premises, a person, or thing.
- (2) For the purposes of these bylaws, , the head of a national or provincial department or the municipal manager of the Council is deemed to be the owner and occupier of all premises that the department or municipality occupies or uses to the exclusion of any other person.

111. Repeal of By-laws.—

The Water Supply By-laws published under Provincial Notice 247 of 1957 on 10 June 1957, the Industrial Effluent By-laws published under Municipal Notice 93 of 1998 on 19 November 1998, and the Water Services Bylaws published under Municipal Notice no 7 of 2005 dated 17 March 2005, are hereby repealed.

112 Short title.—These By-laws are called the Water Services By-laws, 2013.

NOTICE – CHANGE OF TELEPHONE NUMBERS: GOVERNMENT PRINTING WORKS

As the mandated government security printer, providing world class security products and services, Government Printing Works has adopted some of the highly innovative technologies to best serve its customers and stakeholders. In line with this task, Government Printing Works has implemented a new telephony system to ensure most effective communication and accessibility. As a result of this development, our telephone numbers will change with effect from 3 February 2014, starting with the Pretoria offices.

The new numbers are as follows:

- Switchboard : 012 748 6001/6002
- Advertising : 012 748 6205/6206/6207/6208/6209/6210/6211/6212
- Publications Enquiries : 012 748 6052/6053/6058 GeneralEnquiries@gpw.gov.za
 - Maps : 012 748 6061/6065 BookShop@gpw.gov.za
 - Debtors : 012 748 6060/6056/6064 PublicationsDebtors@gpw.gov.za
 - Subscription : 012 748 6054/6055/6057 Subscriptions@gpw.gov.za
- SCM : 012 748 6380/6373/6218
- Debtors : 012 748 6236/6242
- Creditors : 012 748 6246/6274

Please consult our website at www.gpwonline.co.za for more contact details.

The numbers for our provincial offices in Polokwane, East London and Mmabatho will not change at this stage.