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No. 1292

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**AIDS
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DEPARTMENT OF HEALTH

Prevention is the cure

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MUNICIPAL NOTICES

No. 1

8 January 2015

CITY OF uMHLATHUZE

PUBLIC NOTICE

AMENDMENT TO BYLAWS RELATING TO STORMWATER MANAGEMENT

The uMhlathuze Municipality has, in terms of Section 156 of the Constitution, 1996 (Act No 108 of 1996) read in conjunction with section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), passed a resolution for the amendment of the Bylaws Relating to Stormwater Management. The following are the applicable amendments to the Bylaws Relating to Stormwater Management as promulgated in the Provincial Gazette Number 548 under Notice Number 22 dated 10 February 2011, which shall come into operation on the date of publication hereof:

1. It is proposed that an Index should be added before Chapter One to read as follows:

INDEX	
	CHAPTER ONE: GENERAL PROVISIONS
1.	Definitions
2.	Application
3.	Prohibited Discharges
4.	Protection of Stormwater System
5.	Prevention of Flood Risk
6.	Studies and Assessments
7.	Stormwater Systems on Private Land
8.	Provision of Infrastructure
9.	Washing Vehicles and Equipment
	CHAPTER TWO: STORMWATER POLLUTION
10.	Prohibition of Pollution
11.	Water Pollution Incidents
12.	Maintenance of Pollution Control Device
13.	Exemption to Chapter 2, Section 10
	CHAPTER THREE: ENFORCEMENT OF BYLAWS AND LEGAL MATTERS
14.	Exceptions to Application of These Bylaws
15.	Exemptions
16.	Offences and Penalties
17.	Powers of the Council
18.	Authorisation of an Authorised Official
19.	Functions of an Authorised Official
20.	Additional Powers of an Authorised Official
21.	Procedure to Execute Work or Conduct an Inspection: Entry Without a Written Authorization
22.	Using Force to Enter
23.	Authorised Official may be Accompanied
24.	Duty to Produce Document
25.	Compliance Notice
26.	Complaints Against Persons other than the Municipality
27.	Official Address
28.	Recovery of Costs and Fees
29.	Legal Compliance Warranty
30.	False Statement or Information

2. It is proposed that under Section 5 further sub-sections are to be added which will read as follows:

“(4) Relay of stormwater from high-lying erven to lower-lying erven-

If, in the opinion of the Municipality, it is impracticable for stormwater to be drained from a high-lying erf direct to a public street, the owner of a lower-lying erf is obliged to accept and permit the passage of such stormwater over the lower-lying erf. The owner of such high-lying erf from which stormwater is discharged over the lower-lying erf is liable for a proportionate share of the cost of any pipe-line or drain that the owner of the lower-lying erf may find necessary to construct for the purpose of conducting the stormwater so discharged.

(5) A holistic approach should be applied to catchment development, taking into account several factors. The following are to be complied with by all developers, owners, professionals and contractors:

(a) Steep slopes and soil profiles, where they occur, require careful management before, during and after construction. Detailed plans to control and prevent erosion by water must be agreed to by the Municipality, prior to the commencement of any works, including site clearance on any portion of the site. Removal of vegetation cover must be carried out with care and attention to the effect that this removal will have on erosion potential.

(b) Wall and fences around properties that cross natural drainage channels must, as far as possible, avoid concentration of flow onto downstream properties and must be designed so as not to impede the drainage process or cause a flood hazard by unsafely storing storm runoff on property.”

(6) Restriction on the erection of buildings within the one-in-fifty-year flood-line:

(1) No building may without the express permission of the Municipality be erected so that the building is, at its nearest point to a natural watercourse, nearer to the centre of the natural watercourse than to a line indicating the maximum level likely to be reached every fifty years on average by flood water in the watercourse.

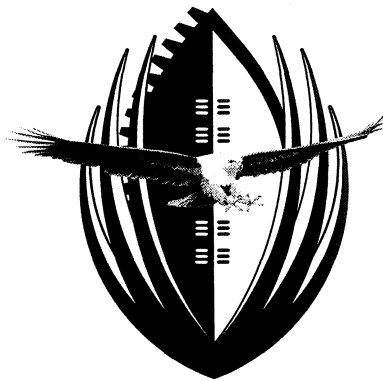
(2) For the purpose of subsection (1) the Municipality is the sole judge as to the position of the line and of the centre of the natural watercourse.

(3) For the purpose of this section, a natural watercourse means a topographic land depression that collects and conveys surface stormwater in a definite direction, and includes any clearly defined natural channel that conveys water in a definite course along a bed between visible banks, whether or not the channel's conformation has been changed by artificial means and whether or not the channel is dry during any period of the year, and such channel includes any river, spruit or stream.

3. It is proposed that a new sub-section be added under Section 7 as Section 1 as follows:

“(1)(1) The seller must, before transfer of a property, submit a certificate from an accredited plumber certifying that-

- (a) *the water installation conforms to the national Building Regulations and this Bylaw;*
 - (b) *there are no defects;*
 - (c) *the water meter registers; and*
 - (d) *there is no discharge of stormwater into the sewer system.*
- (2) *The certificate referred to in subsection (1) must be in the format of the form attached as Schedule 1."*



**CITY OF
UMHLATHUZE**
VISION INTO ACTION

SCHEDULE 1

CERTIFICATE OF COMPLIANCE OF WATER INSTALLATION ON TRANSFER OF OWNERSHIP IN ACCORDANCE WITH THE WATER BYLAW

PROPERTY ADDRESS

ERF NUMBER

NAME OF SELLER

CONTACT DETAILS OF SELLER

NAME OF BUYER

I,, a licenced plumber, certify that I inspected the plumbing installation at the above address, and confirm that:

Plumber's Checklist

- The water meter registers when a tap is open and stops completely when no water is drawn. If there is then movement on the meter, this points to a defect somewhere on the property.
- None of the terminal water fittings leak and they are correctly fixed in position

- The water pipes in the plumbing installation are properly saddled.
- No storm water is discharged into the sewerage system.
- There is no cross connection between the potable supply and any grey water or groundwater system which may be installed.
- The Hot Water Cylinder is plumbed correctly, PRV of the correct value, vacuum breakers correctly installed, emergency overflow installed with a suitable SABS approved material pipe, all three overflows to be separately plumbed to the outside and discharge to atmosphere.
- Copy of Certificate of Compliance to be attached.

SIGNATURE: **DATE:**

ACCREDITED PERSON CONTACT DETAILS:

.....
.....

REGISTRATION NUMBER:

Conveyancing attorney to submit completed form to: Email: blinden@umhlathuze.gov.za

CERTIFICATE OF COMPLIANCE OF WATER INSTALLATION ON TRANSFER OF OWNERSHIP IN ACCORDANCE WITH THE WATER BYLAW

Transfer of ownership

14. (1) The seller must, before transfer of a property, submit a certificate from an accredited plumber certifying that-
- (a) The water installation conforms to the national Building Regulations and this Bylaw;
 - (b) There are no defects;
 - (c) The water meter registers; and
 - (d) There is no discharge of stormwater into the sewer system.

4. The further sub-sections under Section 7 are to be renumbered as follows:

(1)(a) and (b) are to be renumbered (3)(a) and (b) and Section (2) is to be renumbered as Sub-Section (4).

The amendments will read as follows:

“(3) owner of property on which private storm water system are located, shall:-

(a) not carry out any activity which will or which, in the opinion of the Council, could reasonably be expected to impair the effective functioning of the storm water system, and

(b) at own cost, keep such storm water systems functioning effectively, including undertaking the refurbishment and reconstruction thereof if, in the opinion of the Council, it should be constructed or refurbished.

(4) The provisions of subsection (a) do not apply to the extent that the Council has accepted responsibility for any of the duties contained therein, either in a formal maintenance agreement or in terms of a condition of servitude.”

5. It is proposed that in Chapter 2, Section 10 a sub-section (6) is to be added.

The section will read as follows:

“10 (6) A person may not place or deposit any waste or material in any public place or place not intended for such purpose, as this may cause damages to the storm water system.

MN172/2014

No. 2

8 January 2015

CITY OF uMHLATHUZE

PUBLIC NOTICE

AMENDMENT TO THE ELECTRICITY SUPPLY BYLAWS

The uMhlathuze Municipality has, in terms of Section 156 of the Constitution, 1996 (Act No 108 of 1996) read in conjunction with section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), passed a resolution for the amendment of the Electricity Supply Bylaws. The following are the applicable amendments to the Electricity Supply Bylaws as promulgated in the Provincial Gazette Number 6310 under Notice Number 71 dated 19 December 2004, which shall come into operation on the date of publication hereof:

1. Under the definition of "Municipality" in the bylaw a definition for "negligence" is to be added, to read as follows:

"negligence" is one part of fault, the other part is intention. A person is said to have acted negligently if his actions cause damage to someone else. Even though such damage was not caused intentionally, that person can be held liable if he was negligent.

2. The current paragraph under Section 4 is to be numbered 4.1 and an additional paragraph is to be added to the existing section, which will read as follows:

"4.1 Only the Service Provider appointed by the Service Authority shall supply or contract for the supply of electricity within the jurisdiction of Municipality. "A third party may supply or contract for the supply of electricity within the jurisdiction of the Service Authority, subject to consent of the Service Authority and to the requirements of the Electricity Regulation Act."

3. A new section is to be added under the newly numbered Section 4.1 as Section 4.2, which will read as follows:

"4.2 The Service Provider may permit the retail wheeling of electricity through its network by another electricity supplier that is licensed for the trading of electricity in terms of the Electricity Regulation Act to the customers of this electricity supplier."

4. The current paragraph under Section 39 is to be re-numbered 39.1 which will read as follows:

"39.1 Any electrical installation connected or to be connected to the supply mains, and any additions or alterations thereto which may be made from time to time, shall at all times be provided, erected, maintained and kept in good order by the customer at his own expense and in accordance with this bylaw and the Regulations."

5. Add a new Section 39.2 under the current Section 39 (to become 39.1) to read as follows:

"39.2 It is advisable for the Customer to install surge arrestors / protection, to protect any surge, over voltages or under voltages that may arise unforeseen on the network."

MN171/2014

No. 3

8 January 2015

CITY OF uMHLATHUZE

PUBLIC NOTICE

AMENDMENT TO THE POSSESSION AND DISCHARGE OF FIREWORKS BYLAWS

The uMhlathuze Municipality has, in terms of Section 156 of the Constitution, 1996 (Act No 108 of 1996) read in conjunction with section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), passed a resolution for the amendment of the Bylaws Relating to the Possession and Discharge of Fireworks. The following are the applicable amendments to the Bylaws Relating to the Possession and Discharge of Fireworks as promulgated in the Provincial Gazette Number 148 under Notice Number 317 dated 13 August 2009, which shall come into operation on the date of publication hereof:

Above the definitions, an index is to be inserted, which is to read as follows:

	INDEX
1	Definitions
2	Keeping, Storage and Possession of Fireworks
3	Use and Discharge of Fireworks
4	Permission for Use and Discharge of Fireworks
5	Application For Permission to Use or Discharge Fireworks
6	Cancellation of Fireworks Display
7	Additional Conditions
8	Sale of Fireworks
9	Costs
10	Penalties

MN170/2014

No. 4

8 January 2015

CITY OF uMHLATHUZE

PUBLIC NOTICE

AMENDMENT TO THE BYLAWS RELATING TO BED AND BREAKFAST AND GUEST HOUSE FACILITIES

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

1. It is proposed that the first paragraph of the bylaw is to be amended to include a reference to the uMhlathuze Land Use Scheme

The paragraph will read as follows:

"The Council of the uMhlathuze Municipality has in terms of section 156 of the Constitution 1996 (Act No 108 of 1996), read in conjunction with sections 11 to 13 of the Municipal Systems Act, 2000 (Act No. 32 of 2000) "and the uMhlathuze Land Use Scheme", made the following Bylaws:"

2. It is proposed that the heading of the bylaw as well as anywhere else in the bylaw where reference is made to both the "**Bed and breakfast and guest House Facilities**" such reference be deleted and replaced with a forward slash. The heading of the bylaw will then read as follows:

"BYLAWS FOR BED AND BREAKFAST / GUEST HOUSE FACILITIES"

3. It is proposed that a definition for "**Place of Public Amusement**" be included under the definition of "nuisance" of the definition schedule of the bylaw.

The definition will read as follows:

"Place of Public Amusement" Means a building or land, or portion thereof, used for purposes of entertainment and includes a theatre, opera house, cinema, music hall, concert hall, dance hall, amusement arcade/park, skating rink, oceanarium, billiard saloon, and/or but shall not include a horse racing track, motor racing circuit, sports arena / field; provided that a restaurant/refreshment kiosk may be permitted, at the sole discretion of Council, as an ancillary facility integral to the business defined as a place of amusement, and further subject thereto that such restaurant/refreshment kiosk shall cease to exist in the event that the place of amusement ceases to operate. A "Place of Amusement" expressly excludes a nightclub."

4. It is proposed that the definition for bed and breakfast facility (a to e) be deleted and replaced with the definition as provided for in the uMhlathuze Land Use Scheme definition.

The definition will read as follows:

"Bed and Breakfast / Guest House"

“As provided for under “Home Business” and subject to Council’s special consent means a resident owner managed commercial accommodation establishment for less than fourteen (14) lodgers in not more than seven (7) lettable rooms, and which is primarily aimed at the tourist and/or business market, operated from a private single Dwelling House, where the facilities and services offered are for the exclusive use and benefit of transient overnight guests. It may include land used for sport and/or recreation facilities associated with, but secondary to the residential use of land and used exclusively by the residents and guests of the facility.”

5. It is proposed that where ever references are made in the bylaw to “Town Planning Scheme(s)” they be replaced to refer to the **“uMhlathuze Land Use Scheme”**
6. It is proposed that the words **“amusement”** be added to the sentence of Section 2(6) and the words **“public”** be deleted

Section 2(6) will read as follows:

*“2(6) The facility may not include a place of assembly or a place of **“amusement”**, as defined above.”*

7. It is proposed that Section 3(1) should be amended and read as follows:

*3(1) A person who wants to operate a bed and breakfast/guest house facility **“where there are four (4) and more lettable rooms”** must apply to the Council in writing in the prescribed format for Council’s special consent”*

8. It is proposed that Section 3(4) be amended and read as follow:

*“The applicant must also apply for and obtain a Business License **(if and when applicable)** from the Licensing Authority for the area in which the facility is located **irrespective of the number of lettable rooms.***

MN146/2014

992295

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 - 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

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