



KWAZULU-NATAL PROVINCE
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ISIFUNDAZWE sAKWAZULU-NATALI

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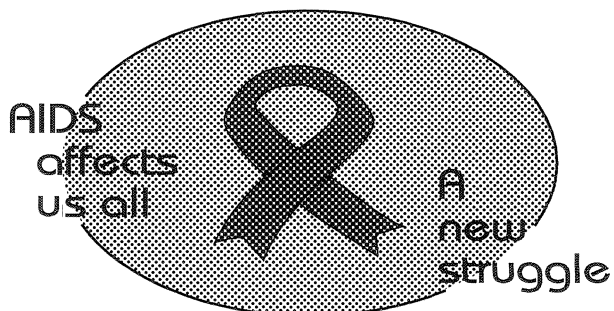
Vol. 9

PIETERMARITZBURG,

26 MARCH 2015
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To submit a New Tender notice, use T form, for a Cancellation notice use T form, for a Response from Suppliers notice use T form

Minimum 6 **Review** results may be submitted on this form or you may submit a separate results file with 10 files.

1. SUBMITTED BY:

Advertiser Name:

Advertiser Email:

Tender Submission:

Advertiser Telephone:

*For Publication in the Government Gazette or

Via Publication in the Statekhorner app

2. DEPARTMENT AND TENDER CATEGORY DETAILS:

Name: All Results submitted in this form will be for tender item Category 1a, one category per form.

Tender Category:

Province:

Department or Entity:

Disbursal or Section:

You submit a list of results that cannot be submitted on this form, select "Yes" and follow the instructions below.
You use the form fields for submitting results, select "No" and continue completing the rest of the form

☒ Yes ☐ No

Instructions:

To submit a separate file with tender results (only MS Word Document or PDF Document allowed):

- Complete this list of tender results with the following columns: 1) Tender Number, 2) Tender Description, 3) Name(s) of the Supplier(s) that the tender was awarded to, 4) Amount in R Rand, 5) B-BBEE Status Points and 6) Total Points.
- Page size - All Portraits with page margins: Top = 20mm, LAYOUT in Millim, Bottom = 40mm, Left font size: A4 or Helvetica B, Page size = All Landscapes with page margins: Top = 15mm, LAYOUT in Millim, Bottom = 15mm, Left font size: A4 or Helvetica B, The list should not be wider than 1 A4 page in width, but the document may contain more than 1 page.
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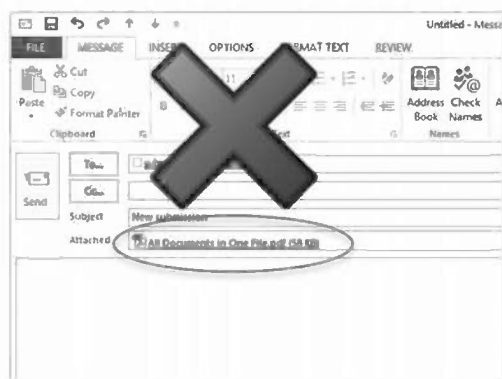
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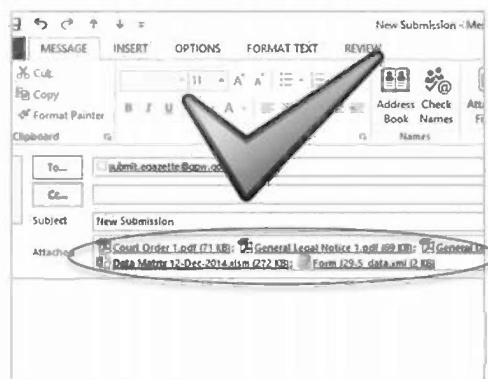
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GENERAL NOTICE

No. 19**26 March 2015****DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS****NOTICE IN TERMS OF SECTION 14(2)(b)(i) OF THE LOCAL GOVERNMENT:
MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION OF STANDARD DRAFT BY-LAWS**

1. The Member of the KwaZulu-Natal Executive Council responsible for local government, under the powers vested in her by section 14(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), proposes to publish the following notice:

"I, in my capacity as Member of the KwaZulu-Natal Executive Council responsible for local government, and under powers vested in me by section 14(2) of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000), after having consulted the Minister of Cooperative Governance and Traditional Affairs, Organised Local Government in the Province and Municipalities in the Province, hereby make the standard draft By-laws contained in the Schedule hereto."

2. Municipalities, the public and interested parties are invited to submit comments in writing on the standard draft by-laws, by no later than thirty days after the publication hereof, by –

- (a) post to the Head of Department, Co-operative Governance and Traditional Affairs, Pietermaritzburg, Private Bag X 9123, 3200, for the attention of Ms. Sinegugu Makhaye;
- (b) hand delivered to the 7th Floor, Southern Life Plaza, 271 Church Street, Pietermaritzburg, 3201, for the attention of Ms. Sinegugu Makhaye;
- (c) facsimile to 033 - 355 6559; or
- (d) email to sinegugu.makhaye@kzncogta.gov.za

SCHEDULE

1. Advertising
2. Parking
3. Electricity Supply
4. Fire Prevention
5. Property Rates

ADVERTISING

Be it enacted by the Council of the _____ Municipality, in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, read with section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), as follows:

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CHAPTER 1

DEFINITIONS

Definitions

1. In this Bylaw, unless the context otherwise indicates

“advertisement” means any visible representation of a word, name, object or of an abbreviation of a word or name, or of any sign or symbol which is not intended solely for illumination or as a warning against any danger; in or in view of a public place, Provincial or National Road within the jurisdiction of the Municipality for the purpose of drawing the attention of the public to or promoting any product, service, business or commercial enterprise, trade, person, election or candidature in an election, voter registration, entertainment, function, meeting or other event, aspects relating to security and news headlines;

“advertising sign” means a screen, fence, wall or any other object, structure or device, freestanding or attached to any wall or structure, which is intended for the display of an advertisement;

“advertising” means the act or process of displaying an advertisement and **“advertise”** has a corresponding meaning;

“approved” means approved in writing by the Council and **“written approval”** has a corresponding meaning.

“authorised official” means any official of the Council who has been authorised by the Council to administer, implement or enforce the provisions of these Bylaws;

“banner” means a piece of cloth or similar material on which an advertisement is displayed in such a manner that it is legible in windless conditions and is attached to one or more ropes, poles or a flagstaff that projects vertically, horizontally or at any angle from the building or structure to which it is attached or is attached to a building or other structure, but excludes a banner carried as part of a procession;

“blimp” means a gas-inflated balloon or other object, including any such object capable of carrying passengers, which is attached or anchored to the ground upon which an advertisement is displayed.

“building line” means a building line determined by under an applicable town planning scheme or any other law or document that has the force of law;

“building schedule” means a development programme for the construction or renovation of a building or structure specifying the different phases of the development or renovation and the type of construction prepared by a person undertaking the activities concerned.

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

“clear height” means the vertical distance between the lowest edge of an advertising sign and the level of the ground, footway or roadway immediately below such sign;

“combination sign” means a single freestanding structure specially designed to accommodate and display more than one advertising sign for a locations such as a roadside service area, shopping centre, office park, industrial park and other urban complexes;

“construction site” means a property or portion of a property on which any building or structure is being constructed, after building plans have been approved in terms of the National Building Regulations and Buildings Standards Act, or provisional authorisation has been granted in terms of section 7(6) of that Act, or a property or portion of a property on which any building or portion of a building is to be demolished after a demolition permit has been issued in terms of the said Act;

“Council” means the council of theMunicipality and its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

“directional sign” means an advertisement sign indicating or directing the attention of

the public to a place, undertaking or activity for the purpose of advertising it;

"display" means, in relation to an advertisement, to display the advertisement within public view;

"dwelling house" means one dwelling unit forming a single building;

"dwelling unit" means an interconnected suite of rooms designed for occupation by a single family, irrespective of whether the dwelling unit is a single building or forms part of building containing two or more dwelling units;

"electronic advertising sign" means an advertising sign, which has an electronically or digitally controlled, or both an electronically and digitally controlled, illuminated display surface, which allows for different advertisements to be shown, changed, animated or illuminated in different ways and in different intervals on one such sign;

"event" means an occasion organized for the general public;

"façade" means the principal front of a building;

"flag" means a piece of cloth or similar material upon which an advertisement is displayed and which is attached to a single rope, pole or flagstaff projecting vertically in such a way that its contents are normally not legible in windless conditions but excludes –

- (a) a national flag which does not carry any advertisement in addition to the design of the flag or flagstaff;
- (b) a flag carried as part of a procession
- (c) a flag which is not displayed on a flagstaff

"flat sign-board-board" means any sign-board affixed to a wall and which at no point projects more than 230 mm from the surface of the wall;

"gantry" means a freestanding advertisement sign that extends over, or suspends across a public street erected for the sole purpose of displaying an advertisement;

"ground sign-board" means any sign which is affixed to the ground and is not attached to a building;

“interested party” means any person who in terms of these By-laws submitted an application or submitted comments or an objection or made representations in respect of any such application;

“intersection” means the area embraced by the prolongation of the lateral boundary lines of two or more public streets, open to vehicular traffic, that join one another at any angle, whether or not one such public road crosses the other;

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act, No.32 of 2000) and any regulations made thereunder;

“National Building Regulations and Building Standards Act” means the National Building Regulations and Buildings Standards Act, 1997 (Act No. 93 of 1996) and any regulations made thereunder;

“National Environmental Management Act” means the National Environmental Management Act, 1998 (Act No. 107 of 1998) and any regulations made thereunder.

“National Road Traffic Act” means the National Road Traffic Act, 1996 (Act No.93 of 1996) and any regulations made thereunder;

“on premises advertising sign” means an advertising sign located on –

- (a) a property other than a public place;
- (b) a public street and adjacent to a property contemplated in paragraph (a), on which sign an advertisement displayed, advertising any business, industry, service, activity or attraction taking place or provided on that property and **“on premises advertising”** has a corresponding meaning.

“owner” means in relation to –

- (a) property, the person registered as the owner or holder thereof and includes the trustee in an insolvent estate, the liquidator of a company in an insolvent estate, the liquidator of a company or close corporation which is the owner and the executor of any owner who has died or the representative recognized by law of

any owner who is a minor or of unsound mind or is otherwise under disability, provided such trustee, liquidator, executor or legal representative is acting within the authority conferred on him or her by law,

- (b) An advertising sign or adjacent advertisement, the person who owns such sign or advertisement and any person who has the right to , or share in, the ownership of such sign or advertisement;

“poster” means any placard displaying an advertisement attracting public attention to any event or activity for which the poster may be approved;

“prescribed” means prescribed by the Council;

“projecting sign-board” means any sign-board affixed to a wall and which at any point projects more than 230 mm from the surface of the wall;

“property” means any unit of land, including a public place, registered as a separate entity of land in the Deeds Office and includes any unit and land contemplated in the Sectional Titles Act, 1986 (Act No. 95 of 1986) and any public place depicted on the general plan of a township;

“public place” means a public street, bridge, subway, a square, open space, garden and any other enclosed space to which the public has a right of access or which is commonly used by the public and which is vested in the Council in terms of any law;

“public street” means a road, street or thoroughfare or other right of way to which the public has a right of access or which is commonly used by the public and includes any portion of a public street between the edge of the roadway and the boundary of the land reserved for such public street, including a sidewalk, and it includes Provincial and National motorways;

“residential building” means a building, other than a dwelling house and dwelling unit, designed for use or used for human habitation and includes a guest house, boarding house, hotel, residential club and hostel;

“road island” means an area demarcated on a roadway by means of painted lines, stones, kerbs or other means, with the intention of preventing vehicles from standing or being operated in that area;

“roadway” means that portion of a public street which is improved, constructed or intended for vehicular traffic;

“road reserve” means the full width of a public street including the roadway, shoulder and sidewalk and the air space above a roadway, shoulder and sidewalk and any other area within the road reserve boundary;

“road traffic sign” means any road traffic sign and traffic signal as contemplated in the National Road Traffic Act;

“roof” means any roof of a building but does not include that portion of a roof which is the roof of a verandah or balcony;

“scrolling advertising sign” means an advertising sign which by mechanical means allows the rotation or changing of advertising faces to display different advertisements on one such sign;

“sign-board” means any structure or device used or intended or adapted for the display thereon of an advertisement;

“sky sign-board” means any sign-board affixed to a roof or the top of a parapet of a roof; and

“street light pole advertising sign” means an advertising sign fixed to or erected on a street light pole which pole vests in the Council or its Municipal Owned Entity;

“streetscape” means the visual product of all the features within and adjacent to a public street such as street furniture, signage and landscaping;

“third-party advertising sign” means an advertising sign located on a property upon which sign one or more advertisements are displayed which are not descriptive of any business, industry, service, activity or attraction situated, taking place or provided on that property and **“third party advertising”** has a corresponding meaning;

“transit advertising sign” means a vehicle or trailer designed or adapted for advertising purposes and mainly used for such purposes;

“urban design” means the actions of conceiving and managing the special and aesthetic characteristics of urban space between and around buildings including physical elements that make up the streetscape and the combined visual effect of building facades and other structures;

“voter registration” means voter registration conducted by the Independent Electoral Commission established in terms of section 4 of the Independent Electoral Commission Act, 1993 (Act No. 15 of 1003), for the purpose of any election; and

“wall” means any external wall of a building, but does not include a parapet balustrade or railing of a verandah or balcony.

CHAPTER 2

APPLICATION

2. Application of regulations

(1) Subject to the provisions of sub-section (2), this Bylaw shall apply to all advertisements displayed or to be displayed within the area of jurisdiction of the Council.

(2) Approval for outdoor advertising in terms of these By-laws is required irrespective of the zoning of any property in terms of any applicable town planning scheme and irrespective of the provisions of any other law

(3) The owner of an advertising sign and any person who has applied for approval of an advertising sign in terms of these By-laws must comply with any provision of these By-laws relating to that sign and must ensure that such provisions are complied with, subject to anything contrary contained in that provision

(4) The following categories of advertisements shall be exempted from the provisions of this Bylaw:

- (a) an advertisement, commonly referred to as builders' or contractors' boards, displayed within the boundaries of any erf during the course of building operations including plumbing, electrical wiring, painting and renovations;
- (b) an advertisement relating to the immediate sale of newspaper within the public road; provided the advertisement does not obstruct vehicular or pedestrian traffic or the lines

of sight of drivers or pedestrians;

(c) an advertisement required to be displayed by law;

(d) an advertisement displayed on any vehicle which is being used on a public road; provided that the main purpose for which that vehicle is being used is not to display such advertisement;

(e) an advertisement affixed to or painted on any part of any building other than a dwelling-house which indicates only the following:

- (i) the name or address of such building;
- (ii) the name of the occupier or owner thereof;
- (iii) a general description of the type of business lawfully carried on in such building;

(iv) the hours of attendance or business; and

(v) the telephone number of such business;

provided that such advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m² in area and does not project more than 100 mm from the surface to which it is affixed;

(f) an advertisement affixed to or painted on any part of any building used as a dwelling-house which merely indicates -

- (i) the name or address of the dwelling-house; and
- (ii) the name of the owner or occupier the dwelling house;

provided that such advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m² in area and does not project more than 100 mm from the surface to which it is attached;

(g) an advertisement designed solely for the issuing of any direction, request or warning to any person entering upon an erf or premises on the erf; provided that such advertisement is displayed within the boundaries of the erf and provided that the advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m² in area;

(h) an advertisement advertising the sale or lease of any erf, or the fact that such erf has been sold; provided that such advertisement is displayed within the boundaries of the erf and provided that the advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m² in area; and

(i) an advertisement displayed from the interior of any building enclosed by walls, windows and doors.

CHAPTER 3

APPLICATIONS AND APPROVALS

3. Approval of advertising signs

- (1) No person may erect any advertising sign or use or continue to use any advertising sign or any structure or device as an advertising sign without the prior written approval of the Council, provided that the provisions of this subsection do not apply to any advertising sign exempted in terms of section 4.
- (2) No advertising sign erected and displayed with the approval contemplated in subsection (1) or any By-law that has been repealed, may in any way be altered, removed, re-erected or upgraded, other than for maintenance work which may be required for the upkeep of an advertising sign, without prior written approval of the Council and subject to such conditions and requirements as the Council may consider appropriate which may include the submission of proof of compliance with the issued approval.
- (3) An application of approval in terms of subsection (1) must be made by submitting a completed application in a prescribed form which must be accompanied by –
 - (a) the prescribed fee
 - (b) the written consent of the owner of the proposed advertising sign and of the registered owner of the property or building upon which the advertising sign is to be erected or on behalf of the owner of the property or building or his or her agent duly authorised in writing by such an owner
 - (c) A locality plan, in colour, indicating the proposed position of the advertising sign within the jurisdiction of the Council;
 - (d) A block plan of the property upon which an advertising sign is to be erected, drawn to scale acceptable to the Council, showing every building, building line and servitude on the site and the position with dimensions of the advertising sign in relation to the two boundaries of the property closest to the proposed advertising sign and the location of any public street and any building on a property adjacent to the property upon which the sign is to be erected;

- (e) A drawing showing the proposed advertising sign and the distances in relation to any other 3rd party or free standing advertising signs situated within a radius of 200m from the proposed advertising sign;
 - (f) A copy of the title deed of the property upon which the proposed advertising sign is to be erected, if applicable
 - (g) A zoning certificate of the property concerned issued under an applicable town planning scheme or zoning map indicating the land uses in terms of such scheme of every property adjacent to the property upon which the advertising sign is to be erected;
 - (h) A diagram of the property indicating the position of the proposed advertising sign with measurements from the position to the closest two boundaries of the property concerned;
 - (i) Proof of compliance with any other law, to the extent that such law is applicable in respect of the application concerned;
 - (j) Proof of submission of an application for a building line relaxation in terms of any law if applicable;
 - (k) If a proposed advertising sign is to be attached to or displayed on the façade of a building, the approved building plans of that building showing elevation and measurements of the building, and the details, measurements and position of the proposed advertising sign and the details and the position of every existing advertising sign on the building drawn to scale acceptable to the Council;
 - (l) If a proposed advertising sign is to be displayed on a boundary fence or hoarding enclosing any portion, or the whole of a construction site as contemplated in regulation F1 to the National Building Regulations and Buildings Standards Act, the approved building plans of the proposed building showing the details, measurements and position of the proposed advertising sign drawn to a scale acceptable to the Council;
- (4) The Council may at its discretion exempt an application from complying with any of the above requirements on good cause shown.

- (5) Every plan and drawing required in terms of subsection (3) must be on a sheet not less than A4 size.
- (6) The Council may refuse to accept an application if –
- (a) subject to subsection (4), any requirement of subsection (3) has not been complied with; or
 - (b) the application relates to an advertising sign that is prohibited.

4. Consideration of applications

- (1) In considering an application submitted in terms of section 3(3), the Council must, in addition to any other relevant factor, legislation, policy and By-laws of the Council have due regard to the following:
- (a) The compatibility of the proposed advertising sign with the environment and with the amenity of the immediate neighborhood, urban design and streetscape;
 - (b) Whether the proposed advertising sign will –
 - (i) Have a negative visual impact on any property zoned or used for residential purposes under the applicable town-planning scheme; or
 - (ii) Constitute a danger to any person or property or to motorists or pedestrians or obstruct vehicular and pedestrian traffic;
 - (iii) In any way impair the visibility of a road traffic sign
 - (iv) Obscure any existing and legally erected advertising sign
 - (v) Obscure any feature which in the opinion of the Council is a natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance; or
 - (vi) In the Councils opinion be unsightly or objectionable or detrimentally impact on the architectural design of any building on the property concerned or any adjacent property;
 - (c) Any restrictive or other condition and any existing building line and servitude specified in a title deed, town planning scheme, conditions of establishment or any other law;
 - (d) Any comment submitted by and conditions determined or prescribed by a statutory

- authority in terms of any legislation applicable to outdoor advertising;
- (e) Any written representations, objections and comments received from any interested party;
 - (f) Any conflict with the provisions of these By-laws
- (2) (a) The Council may refuse any application or approve any application, subject to any amendment or condition it considers appropriate.
- (b) The approval may be for a period not exceeding 5 years
- (c) the period of approval in paragraph (b) must be specified in the approval.
- (3) The Council must within 21 days from the date of a decision in terms of subsection (2) in writing, notify every interested party who has furnished his or her postal address to the Council, of its decision and must provide written reasons for its decision on receipt of a written request as contemplated in Section 5 of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)
- (4) The Council must for its records retain every application, plans, drawings and other documentation submitted in terms of section 3(3) for a period it considers appropriate.
- (5) No approval granted in terms of this section has the effect that –
- (a) Any person is exempted from any provisions of any other law applicable to outdoor advertising; or
 - (b) The owner of an advertising sign is exempted from the duty to ensure that such sign is designed, erected, completed, displayed and maintained in accordance with the provisions of these By-laws and any other applicable law.
- (6) If an application submitted in terms of section 3(3) has been refused in terms of subsection (2), no further application may be lodged in respect of the same property for a period of two years from the date of such refusal, unless motivation acceptable to the Council is submitted indicating a change of circumstances prior to a further application being lodged in terms of that section.
- (7) if an advertising sign approved in terms of subsection (2) is not erected within six months from the date of notification of such approval or within a time specified in such approval

or any further period which the Council on good cause shown allows in writing, the approval lapses, whereafter a new application must be submitted in terms of section 3(3).

5. Withdrawal and amendment of approvals

- (1) The Council may, after having considered any representations made in terms of subsection (2), withdraw an approval granted in terms of section 4(2) or amend any condition or impose a further condition in respect of such approval, if in the opinion of the Council, the advertising sign concerned –
 - (a) is or has as a result of a change to the nature of the environment or the amenity of the neighborhood, streetscape or urban design existing at the time of such approval, become detrimental to the area in which it is located by reason of its size, intensity of illumination, quality of design, workmanship, material or its existence;
 - (b) constitutes, or has become a danger to any person or property;
 - (c) is obscuring any other advertising sign, natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance; or
 - (d) is or has become prohibited in terms of these By-laws or any other law;
- (2) Prior to taking any decision in terms of subsection (1) the Council must in writing notify the owner of the advertising sign concerned of its proposed decision and that he or she may within 21 days of the receipt of the notice make written representations concerning the proposed decision.
- (3) The owner of the advertising sign concerned and, if applicable, the owner of the property concerned must forthwith be given notice in writing of any decision in terms of subsection (1).
- (4) The Council must provide written reasons for its decision on receipt of a written request as contemplated in section 5 of the Promotion of Administrative Justice Act, 2000.

CHAPTER 4

GENERAL REQUIREMENTS AND PROHIBITIONS

6. General requirements for advertising signs.

- (1) The owner of an advertising sign must ensure that such sign is designed or located so as not to –
- (a) Be detrimental to the nature of the environment, streetscape, urban design or detract from the architecture of any building on which or where such sign is to be located, by reason of abnormal size, appearance, intensity of illumination, workmanship, design or its existence.
 - (b) Wholly or partially obscure any advertising sign previously erected which displays an advertisement;
 - (c) Constitutes a danger to any person or property;
 - (d) Project outside the boundaries of the property on which it is to be erected or displayed;
 - (e) Result in the removal of, or damage to, any trees in a public place without prior written authorisation of the Council;
 - (f) Be unsightly and not to comply with minimum distances as prescribed, in relation to any other advertising sign;
 - (g) Have a detrimental visual impact on any residential property within the area;
 - (h) Obstruct a fire escape or the means of access or egress from a fire escape; or
 - (i) Comply with the minimum clearance with regard to overhead power lines stipulated in any law.
- (2) Any advertising sign on a public street or facing a public street including advertising signs facing a Provincial Road, must comply with the following requirements –
- (j) Except for a street light pole an on-premises advertising signs, a minimum distance of 100m must be maintained between the advertising signs or advertisements on the same side of the public street including any Provincial motorway, provided that the Council may require a minimum distance exceeding 100m if it considers it necessary in the interest of road safety; and

- (k) No advertising sign may be located inside a prohibited area at any on and off ramp of a motorway, whether local, provincial or national and in relation to overhead road traffic signs.
- (3) Any advertising sign on a public street or facing a public street, including any Provincial Road, controlled by road traffic signs must in addition to any other requirement in terms of these By-laws, comply with the following requirements –
 - (a) No advertising sign may have red, amber or green as its main colours;
 - (b) No advertising sign may obscure or interfere with any road traffic sign;
 - (c) Any advertising sign must be clear of any road traffic signs concerned and must be positioned in compliance with the following –
 - (i) No free-standing on-premises advertising sign greater than 8 square-meters in extent shall be allowed within a 50 meter radius from the center of an intersection;
 - (ii) No street furniture used for advertising or a sign containing the name of a suburb and an advertisement at an intersection may be within 5 meters from any road traffic sign;
 - (iii) Except for advertising signs flat against a building and construction site advertising signs, any other third party advertising sign must be positioned at least 50 meters from the center of an intersection; and
- (4) Traffic flow may not be impeded during the erection and maintenance of an advertising sign located in a public street, unless prior permission has been obtained and necessary precaution arranged with the Council.
- (5) No advertisement displayed on a freestanding third-party advertising sign on any property may exceed –
 - (a) In an area of partial control, 40 square-meters and;
 - (b) In an area of minimum control, 120 square meters.

- (6) the height of an advertising sign may not exceed 12m with a clear height of 2,1 meters provided that the Council may in granting the application in terms of section 4(2), approve a height in excess of those mentioned above.

7. Power cables and conduits to signs

- (1) Every power cable and conduit containing an electrical conductor for the operation of an advertising sign must be so positioned and attached so that it is not unsightly.
- (2) No advertising sign may be connected to any electricity supply without the prior written permission of the electricity supply authority concerned and such permission must, on request by an authorised official, be presented to him or her by the owner of the advertising concerned.

8. Prohibited signs

- (1) In addition to any other prohibition, expressed or implied, in these By-laws no person may erect, maintain or display any advertising sign –
- (a) Painted on, attached to, or attached between the columns or posts of a veranda;
 - (b) Which projects above or below a fascia, bearer, beam or balustrade of a veranda or balcony fronting on a public street;
 - (c) Which is luminous or illuminated and which is attached to a fascia, bearer, beam or balustrade of any splayed corner of a veranda or balcony fronting on a public street;
 - (d) Which is a swinging sign, not rigidly attached to any building or structure;
 - (e) Which may obscure, or be mistaken for, or interfere with the functioning of a road traffic sign;
 - (f) Which may endanger the safety of motorists by restricting their vision or line of sight;
 - (g) Which is indecent or suggestive of indecency, prejudicial to public morals, or is insensitive to the public or any portion of the public or to any religious or cultural group;
 - (h) Which obstructs any window or opening in a building provided for the ventilation of

that building or which obstructs any stairway or doorway or other means of exit from a building which will prevent the movement of persons from one part of a roof of a building to another part thereof;

- (i) Which is an animated or flashing advertising sign, the frequency of the animations or flashes or other intermittent alternations of which may disturb the residents or occupants of a building or is a source of nuisance to the public, or detrimentally affect or pose a risk or threat to road traffic or pedestrian safety;
- (j) Which is attached to a road traffic sign or a tree;
- (k) Which is on a road island, excluding street light pole advertising signs
- (l) Which is attached to a security access control structure to any area, property or building;

CHAPTER 5

TYPES OF ADVERTISEMENTS

Temporary and portable advertisements

9.(1) Any advertisement -

- (a) intended to be displayed solely for or in connection with a particular event including but not limited to an election or referendum; or
- (b) displayed on any sign-board intended or adapted to be carried or conveyed, shall only be displayed with the prior written consent of the authorised official and subject to the requirements of sub-section (2) and any other conditions which the authorised official may impose.

(2) Any advertisement displayed in terms of subsection (1)) shall –

- (a) not exceed 0,8 m² in area; and
- (b) not be displayed for longer than 14 days before or after the event.

(3) Every application for permission in terms of sub-section (1) shall be accompanied by a fee and a deposit prescribed by the Council, the deposit being refundable when all advertisements concerned have been removed to the satisfaction of the authorised official.

(4) Any person who, having displayed or caused to be displayed any advertisement in respect of which approval has been given under sub-section (1), fails to remove it or cause it to be removed within the relevant time, shall be guilty of an offence and the authorised official shall be entitled to remove any such advertisement and deduct from any deposit made in terms of sub-section (6) the sum of R50.00 in respect of each and every advertisement so removed; provided that any excess shall be a civil debt due to the Council; provided further that when any advertisement is so removed in terms of these regulations the Council shall be entitled to destroy any such advertisement without giving notice to anyone, after a period of 14 days from the date of such removal.

(5) Any person who displays or causes, permits or suffers to be displayed any advertisement referred to in sub-section (1) shall be presumed to be the displayer until it is proved to the contrary.

(6) A transit advertising sign containing an advertisement may only be displayed if it is mobile or displayed at specific designated locations approved by Council;

(7) upon arrival of an application for a transit advertising sign, a disc will be issued by the Council which must be displayed at all times on the transit advertising sign itself;

(8) If a transit advertising sign is used in contravention of subsections (6) and or (7) above, or any other provision of these By-laws, an authorised official may, without prior notice, remove and impound such sign.

(9) Any transit advertising sign impounded in terms of subsection (8) must be kept by the Council for a period of 30 days from the date of impoundment and authorised official must in writing notify the owner of such sign of the impoundment if the address of the owner can be ascertained.

(10) An owner of a transit advertising sign impounded in terms of subsection (8) may claim such sign within the period specified in subsection (11) subject to payment of a prescribed fee.

(11) The Council may if an advertising sign is not claimed by its owner within the period of 30 days referred to in subsection (8) destroy or otherwise dispose of the advertising sign concerned.

(12) The Council may recover the prescribed fee from any owner who has not claimed his or her transit advertising sign in terms of subsection (9).

Display of permanent advertisements prohibited

10. No person shall display or cause to be displayed any permanent advertisement, in the area of jurisdiction of the Council unless any such advertisement was approved in writing by the Council and is displayed in accordance with this Bylaw.

Application for display of permanent advertisements

11 .(1) Any person intending to erect, alter or display any permanent advertisement for which the prior written permission of the Council is required, shall apply for such permission to the Council on the prescribed application form attached to this By-law as Schedule 2. Such form shall be signed by the applicant and by the owner (if he or she is not also the applicant) of the site upon which such advertisement is or is to be located.

(2) An application referred to in sub-section (1) shall be accompanied by -

(a) a full specification showing the dimensions of such sign, its location or proposed location on a building or other supporting structure, the materials of construction, the name and address of the manufacturer, and where applicable, the number of electric lights and electrical details in regard thereto;

(b) a drawing indicating –

(i) the position of such sign on the site at a scale of not less than 1: 50;

(ii) the full text of the advertisement;

(iii) the colour of the material;

(iv) the construction;

(v) the overall dimensions;

(vi) the method of attachment, suspension or support; and

(vii) any other details required by the Council;

(c) in the case of ground signs, information in regard to all calculations upon which such size is based;

(d) the prescribed application fee R30.00.

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

Consideration of application of display of permanent advertisements

12.(1) The Council may grant, on such conditions as it may determine, or refuse an application referred to in section 5, but the Council shall not grant an application if it is of the opinion that, having regard to –

- (a) the design;
- (b) colour;
- (c) other characteristics of the advertisement in question;
- (d) its proposed position in relation to the building or premises upon or in which it is to be displayed; and
- (e) the neighboring properties,

such advertisement will detract from or disfigure the appearance of the building or premises concerned or neighboring properties, or otherwise be unsightly.

Sign-boards affixed to buildings

13. (1) The following sign-boards and no others may, subject to the provisions of this By-law, be affixed to buildings:

- (a) flat sign-board-boards;
- (b) projecting sign-boards, and
- (c) sky sign-boards as contemplated in section 20.

(2) No flat sign-board-board shall -

- (a) extend above the top or beyond either side of the wall to which it is affixed;
- (b) project in any part more than 100 mm from the wall to which it is affixed;
- (c) exceed 15% of the height of the building to the eaves or 15% of the area of the wall to which it is affixed.

(3) No projecting sign-board shall -

- (a) be affixed otherwise than at right angles to the road line;
- (b) be affixed at a clear height of less than 2,5 m;
- (c) exceed 225 mm in thickness;
- (a) extend beyond the top of the wall to which it is affixed;
- (e) project in any part more than 1,5 m from the wall to which it is affixed;
- (f) extend over or nearer than 1,2 m to any overhead electricity wires or cables; or
- (g) be affixed otherwise than in a vertical plane.

Advertisement painted on buildings

14. (1) Only the following types of advertisements may be painted on buildings:

- (b) advertisements painted on the walls of buildings; and
- (c) advertisements painted on the roofs of buildings used in connection with industry or a manufacturing process.

(2) No advertisement painted on a wall of a building shall exceed 15% of the height of the building from the ground to the eaves or 15% of the area of the wall on which it is painted.

(3) An advertisement painted on the roof of a building shall contain only the name (or an abbreviation thereof) of the person, firm, company, society or association occupying such building.

Ground sign-boards

15. Every ground sign-board shall -

- (a) be supported by poles or standards or pylons the bases of which are firmly embedded and fixed in the ground and which are entirely self-supporting, rigid and inflexible;
- (b) not exceed 2 m x 0,3 m (300 mm);
- (c) not extend or project beyond the road line; and
- (d) not exceed 6,5m in height.

Flashing advertisements

16. The Council shall only approve flashing illuminated advertisements if it is of the opinion that, having regard to the proposed position and characteristic of the advertisement, the display of the advertisement will not be likely to distract or disturb persons using any public road.

Signs suspended under verandas or canopies

17. Any advertising sign suspended under a veranda or a canopy, must comply with the following requirements:

- (a) Unless otherwise permitted by an approval from the Council, such sign must be fixed with its face at right angles to a boundary of a public street on which the property concerned fronts;
- (b) No part of such sign may project beyond the outer edge of the veranda or canopy from which it is suspended;
- (c) Such sign must have a clear height of at least 2.75 meters;
- (d) The top of such sign may not be more than 1 meter below the canopy or veranda from which it is suspended

Signs on verandas or canopies over public streets

18. (1) Any advertising sign affixed to or onto a veranda or canopy which extends over a public street

- (a) Must be set parallel to the building line on the property concerned;
- (b) May not exceed 600mm in vertical dimension
- (c) Must be attached immediately above the eaves of a veranda or canopy roof in such a manner that it does not project beyond the rear of the roof gutter or must be fixed against but not extending above or below the veranda parapet or balustrade in such a manner that it projects more than 230 mm from the outside face of such a parapet or balustrade.

(2) An advertising sign on a building in which public entertainment is presented, attached to a veranda or canopy extending over a public street and which displays only the features or programmes of the entertainment to be presented in such building may not exceed –

- (a) An area of 1 square-meter in the aggregate of every 1.5 meter or part thereof of the frontage of such building on the public street or over which such sign is erected; and
- (b) 1.2 meters in height.

(3) Nothing in this section prohibits the painting of an advertisement on or the display of an advertisement not exceeding 600mm in thickness on a beam over a veranda column or on a parapet of a veranda contemplated in subsection (1).

Signs relating to the development of townships and properties.

19.(1) An advertising sign that is exempt from this By-laws and relating to the development of a township or property and the disposal of property in a township may be displayed, provided the following requirements are complied with –

- (a) Such advertising sign must be located on the site of the proposed township or property development; and
- (b) Any such advertising sign must be removed within 90 days of a development being completed or in respect of a property for sale or to let, within seven days after the letting or sale concerned.

Requirements for sky signs

20.(1) A sky sign may be erected on a building where the main use is residential or which is used as a residential building as long as the sign has no visual impact on the occupants of the building itself or any other building in the immediate area which is used for residential

purposes or as a residential building.

(2) Two or more sky signs placed one above the other, whether or not in the same vertical plane, are for the purposes of this section, deemed to be one such sign

(3) In an area of minimum or partial control every sky sign must be set against a screen complying with the requirements of section 21.

(4) No part of a sky sign may protrude, beyond, above or below the edge of the screen required in terms of subsection (3).

(5) No sky sign may exceed 300 square-meters in extent, except where Council approval has been sought in writing.

(6) If the number of storeys contained in that part of a building which is directly below a sky sign is –

- (a) one to five storeys; or
- (b) six or more storeys

The vertical dimension of such sign may not exceed 3,0m and 5,0m respectively: provided that the Council may approve a third party advertising sign which is a sky sign with a greater dimension.

Screens for sky signs

21.(1) Every screen for a sky sign contemplated in section 20 must comply with the following:

a) Every screen must be located and constructed to form a continuous enclosure effectively concealing the frame and structural components of any sky sign from view, and, if it is required or allowed in an approval from the Council –

- (i) Such screen and structural component must be screened from any adjacent or other property.
- (ii) The provisions of paragraph (a) requiring a continuous enclosure may be relaxed if the walls of any building on a property contemplated in subparagraph (i) are of a height and construction that such walls will effectively conceal such frame and structural components and do not contain openings overlooking them.

(d) Unless the Council provides otherwise, no part of a screen may protrude beyond the

perimeter of a building on which it is constructed;

- (e) The gap between the bottom of a screen and the part of the building immediately below it may not exceed 100 millimeters;
- (f) No vertical dimension of any screen may exceed one and a half times the vertical dimension of a sky sign specified in section 14(5); provided that if the screen also encloses a lift motor room, tank or other structure on the roof of the building concerned, the vertical dimension of the screen may be increased to the same height as such room, tank or structure; and
- (g) If the material of which the screen is made has an open mesh or grid formation –
 - (i) The openings in such mesh or grid must be uniform; and
 - (ii) The aggregate area of the openings may not exceed 25 percent of the area of the screen; and
 - (iii) No dimension of any such opening may exceed 100 millimeters: provided that the Council may allow the erection of a screen not complying with this paragraph, if the requirement of concealment in terms of paragraph (a) is met.

Advertisements on blimps

22. (1) A blimp containing an advertisement may, subject to the approval of the Council, may be used for a period not exceeding 24 months and may be airborne during day light hours only.

(2) The Council must, for the purposes of considering an application for approval for advertising on a blimp, have regard to –

- (a) The period during which the blimp will be used;
- (b) The size of the blimp;
- (c) The strength of the anchorage and the anchoring cable;
- (d) The provision of a device by means of which the blimp will automatically so deflate as to sink slowly to the ground in the event of the failure or severance of the blimp from its anchorage or anchoring cable;
- (e) The possibility of interference with pedestrian or vehicular traffic;
- (f) Any requirement or condition prescribed by the department of civil aviation, including the maximum height to which the blimp must be restricted; and

- (g) The location of the blimp.

General prohibitions relating to advertisements

23.(1) No person shall display any advertisement so as to obstruct any fire escape or the means of egress to a fire escape or to obstruct or interfere with any window or opening required for ventilation purposes.

- (2) No person shall display any advertisement –

- (a) in a position which obscures, obstructs or otherwise interferes with any road traffic sign or is likely to so obscure, obstruct or otherwise interfere;
- (b) which is illuminated and contains the colours, red, green or amber or any one or more of such colours, unless such sign has a clear height of 6 m or unless such sign is more than 15 m (measured horizontally) from the vertical line of the road line at the corner of a public road; or
- (c) which is of such intense illumination so as to disturb the residents or occupants of adjacent or nearby residential buildings.

(3) (a) Directional signs may not be erected on road reserves other than on directional signboard frames erected by the Council, and on payment of the prescribed fee. Such directional signs shall be either 2m long and 0,3 (300 mm) high or 1 m long and 0,3m (300 mm) high and be constructed to the satisfaction of the Council.

(b) A directional signboard frame shall not exceed 4m in height from ground level save with the express approval of the Council in writing.

Construction of sign-boards

24.(1) Every sign-board shall be neatly and properly constructed and finished in a workmanlike manner to the satisfaction of the building control officer.

(2)(Every sign-board attached to a building or wall shall be rigidly and securely attached thereto so that it is safe and that movement in any direction is prevented.

(a)The method of attachment shall be such that it is capable of effectively securing, supporting and maintaining not less than twice the mass of the sign-board in question with the addition of any force to which the sign may be subjected.

(b)The use of nails or staples for the purpose of the anchorage and support of a sign-board is prohibited.

(3) Every projecting sign-board shall, unless the building control officer otherwise approves, have not less than four supports –

- (a) which shall be of metal;
- (b) any two of which shall be capable of supporting the mass of the sign-board;
- (c) the designed strength of which acting together shall be calculated on a mass equal to twice the mass of the sign-board with a superimposed horizontal wind pressure of 1,5 kPa; and
- (d) which shall be neatly constructed as an integral part of the design of the sign-board or otherwise concealed from view.

(4) All sign-boards which are attached to brickwork, masonry or concrete shall-

- (a) be securely and effectively attached thereto by means of bolts securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side.
- (b) Such bolts shall be of such a size and strength as will ensure effective compliance with subsection (2) or (3).

(5) Every illuminated sign-board and every sign-board in which electricity is used shall

- (a) be constructed of a material which is not combustible;
- (b) be provided with an external switch in an accessible position approved by the building control officer whereby the electricity supply to such sign-board may be switched off; and
- (c) be wired and constructed to the satisfaction of the building control officer.

(6) All exposed metalwork of a sign-board shall be painted or otherwise treated to prevent rust, decay and insect attack and thereafter painted.

Maintenance of permanent advertisements

25.(1) The owner of an advertising sign is responsible for maintaining that sign and the surrounding area so that it does not become unsightly or deteriorate to such a degree that it is in conflict with any provision in this By-law.

(a) An owner contemplated in paragraph (1), must carry out at least once after every six months an inspection of an advertising sign with the view to satisfy himself or herself that it has been properly maintained as contemplated in paragraph (a) and forthwith carry out any necessary, maintenance resultant upon such inspection.

(b) An owner contemplated in paragraph (a), must keep a written record of any inspection made and any maintenance carried out in terms of paragraph (b), must

retain such record for a period of 5 years and must, on request by an authorised official, make such record available for perusal.

(2) If, in the opinion of an authorised official, any advertising sign is in a dangerous or unsafe condition or has been allowed to fall into a state of disrepair or is in conflict with any requirement of these By-laws, he or she may serve a notice on the owner of such sign requiring him or her, at his or her own cost to remove the advertising sign or take other steps relating to the maintenance specified in the notice, within a period so specified.

(3) If an authorised official is of the opinion that an advertising sign constitutes an imminent danger to any person or property, he or she may without serving a notice in terms of subsection (2), or if such a notice has been served but not complied with within the period specified therein, he or she may remove that advertising sign or take other steps which he or she may consider necessary.

(4)

a) If at any time, no advertisement is displayed on an advertising hoarding, the Council may serve a written notice on the owner of that hoarding requiring him or her at his or her own cost, to display an advertisement on that hoarding within a period so specified.

b) If a notice served in terms of paragraph (a) is not complied with, the Council may, by notice in writing, require the owner of the advertising hoarding at his or her own cost to display a community message specified by the Council until that owner displays an advertisement on the hoarding concerned.

c) The approval for an advertising hoarding in terms of these By-laws lapses if the owner on whom a notice has been served in terms of paragraph (b) fails to comply with the requirements of the notice within the period specified therein.

Alterations of and additions to permanent advertisements

26(1) Any person wishing to alter or add to any permanent advertisement, including any sign-board on which it is displayed, shall first apply to the Council in writing for its approval.

(2) An application referred to in sub-section (1) shall specify the nature and extent of the proposed alteration or addition.

(3) A person who has applied in terms of sub-section (2) for the Council's approval shall furnish such additional particulars in connection with his application as the Council may require.

Removal of permanent advertisements

27(1) Where there is displayed a permanent advertisement -

(a) for which no approval was granted under section 4; or

(b) which is displayed in contravention of this By-law,

the Council may, by notice in writing, direct the person having possession or control of the advertisement to remove it or to effect such alterations as may be prescribed in the notice, and to effect such removal or alteration within such period (which shall be not less than fourteen days as from the date on which the notice was given) as may be specified in the notice.

(2) If a person to whom a notice has been given in terms of subsection (1) fails to comply with a direction contained in that notice within the period therein specified, the Council may, at any time after the expiration of that period, through the agency of any person authorised thereto by the Council, enter upon the land upon which the advertisement to which the notice relates and remove the advertisement or effect the alterations prescribed in the notice.

(3) The Council may recover the expenses which it incurred by any action taken under subsection (2) from any person to whom the notice in question was given.

CHAPTER 6

GENERAL PROVISIONS

Offences

28. Any person who contravenes any provision of these by-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R20 000 or imprisonment for a period not exceeding 2 years.

(d) Public participation process

29.(1) After lodging an application in terms of these By-laws, the applicant must forthwith cause a notice in a prescribed form, to be published in English and one other official language newspaper circulating in the area in which the property to which the application relates is located: provided that no such notice may be published between 12 December to 3

January of the following year both dates included.

(2)

- a) The applicant must from the date of publication of a notice in terms of subsection (1), display a notice in a prescribed form in English and 1 other official language in a conspicuous space visible to the public on a street front of the property on which the proposed sign will be erected.
- b) The applicant must maintain a notice displayed in terms of paragraph (a), for a period of at least 21 days from the date of the publication of the notice in terms of subsection (1).

(3) A notice contemplated in subsections (1) and (2), must contain a statement –

- a) That details of the application concerned will be open for inspection at any address specified in the notice for a period of 21 days from the date of publication of the notice in terms of subsection 1; and
- b) That any person may within the period specified in paragraph (a), submit comments or representations, or lodge an objection, in writing in respect of the application concerned.

(4) Any person proposing to submit comments or representations or lodge an objection as contemplated in subsection (3), must address such comments, representations or objections to both the Council and the applicant concerned at their respective addresses specified in the notices so contemplated.

(5) The Council may, if the proposed advertised sign will be visible from any property used for residential purposes, require the applicant to notify the owner of that property in writing of the application and obtain his or her written comments on the proposed advertising sign.

(6)

- a) An applicant contemplated in subsection (1), must submit the original newspaper cuttings showing the notices and the date and names of the newspapers in which notices have been published in terms of subsection (1) and a photograph indicating the first and last date of the notice displayed in terms of subsection (2), accompanied by an affidavit confirming compliance with that subsection;
- b) The applicant must furnish proof to the satisfaction of the Council that he or she has complied with the provisions of this section.

(7) the Council may in its discretion exempt an applicant from complying with the above requirements on good cause shown.

Appeals

30. (1) Any person whose rights are affected by a decision taken by a political structure, political office bearer, councilor or staff member of a municipality in terms of a power or duty delegated or sub-delegated by a delegating authority to the political structure, political office bearer, councilor or staff member may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision. ,

(2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mention in subsection (4)

(3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights may have accrued as a result of the decision.

(4)When the appeal is against a decision taken by—

- (a) a staff member other than the municipal manager, the municipal manager is the appeal authority;
- (b) the municipal manager, the executive committee or executive mayor is the appeal authority, or, if the municipality does not have an executive committee or executive mayor, the council of the municipality is the appeal authority; or
- (c) a political structures or political office bearer, or a councilor-
 - (i) the municipal council is the appeal authority where the council comprises less than 15 councillors; or
 - (ii) a committee of councillors who were not involved in the decision and appointed by the municipal council for this purpose is the appeal authority where the council comprises more than 14 councillors.

(5)an appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

(6) the provisions of this section do not detract from any appropriate appeal procedure provided for in any other applicable law.

Delegation of Council's powers

31.(1) The Council may by resolution delegate to the building control officer any power conferred upon it by this Bylaw on such conditions as the Council may determine.

(2) Any delegation under sub-section (1) shall not prevent the exercise of the relevant power by the Council itself.

Repeal of existing By-laws

32. The Council's existing By-laws are hereby repealed.

Short title and commencement

33. These by-laws shall be called the Outdoor Advertising By-laws, 2015, and shall come into operation on

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CHAPTER 1

GENERAL

Definitions

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

“acceptable identification” means an appointment card to the parking meter attendant by the service provider indicating the name, surname, I.D. Number and date of appointment of the individual and shall bear the logo and details of the service provider;

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

“authorised officer” means any inspector of licenses, a traffic officer, peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or a police officer in terms of the Police Act, 1958 (Act No. 7 of 1958), and includes any other person appointed as inspector of licenses, examiner of vehicles, examiner for driving licenses or a traffic warden in terms of Section 3A of the National Road Traffic Act, 1996 (Act No.93 of 1996) as well as any other person whom the Provincial Minister of Local Government may from time to time by regulation declare to be an authorised officer;

“authorised official” means any employee of the Council who is responsible for the performance of any function or the exercise of any power in terms of this By-law or any employee of the Council assigned or delegated to perform any function or exercise any power in the implementation of this By-law;

“bridge” means a bridge, as contemplated in the National Road Traffic Act, 1996

“bus” means a motor vehicle designed or lawfully adapted by a registered manufacturer in compliance with the National Road Traffic Act, 1996, to carry more than 34 persons, including the driver, and includes a bus train;

“bus stop” means a demarcated place or stand where passengers may board or alight from a bus, and which is distinguished by the appropriate traffic sign to indicate the type of bus or, where applicable, the name of the concern entitled to use the bus stop;

“bus train” means a bus which –

- (a) Consists of two sections that connect to form a unit
- (b) Can swivel in a horizontal plane at the connections between such sections
- (c) Is designed or adapted solely or principally for the conveyance of the driver and at least 100 other persons and;
- (d) Has a continuous passageway over its length;

“caravan” means any vehicle permanently fitted out for use by persons for living and sleeping purposes, whether or not such vehicle is a trailer;

“combined parking meter” means an appliance in which more than one parking meter is contained

“Council” means the Council of the concerned municipality and include any political office bearer or structure of that council or any officer employed by the council, acting by virtue of any power vested in the council in connection with these by-laws and delegated in terms of section 59 of the Local Government Municipal Systems Act no. 32 of 2000

“dedicated busway” means a roadway for the exclusive use of buses and other authorized vehicles;

“driver” means any person who drives or attempts to drive any vehicle or who rides or attempts to ride any pedal cycle

“event” means –

- (a) Any sporting, recreational or entertainment event including live acts;
- (b) Any educational, cultural or religious event;
- (c) Any business event, including marketing, public relations and promotional or exhibition events
- (d) Any charitable event, including any conference, organizational or community event,

or any similar activity hosted at a stadium, venue, along a route or its precinct that is planned, has a clear programme, control and accountability, but excludes an event hosted by a private person in his or her private capacity at any venue;

“examiner of vehicles” means an examiner as defined in section 1 of the National Road Traffic Act, 1996

“footpath” means the portion or lateral extremities of the public road which, although not defined, is habitually used by pedestrians as a side walk;

“goods vehicle” means a motor vehicle, designed or adapted for the conveyance of goods on a public road;

“heavy motor vehicle” means a motor vehicle or a combination of motor vehicles the gross vehicle mass of which exceeds 3,500kg;

“holding area”, in relation to a taxi, means a place, other than a rank, where a taxi remains until a place is available for it at a rank or stopping place;

“marshal” means a person who arranges passenger and vehicle related procedures at taxi facilities;

“metered parking bay” means a parking bay in respect of which a parking meter has been installed or in respect of which a hand held device is used or electronic payment system has been installed;

“metered parking ground” means a parking ground or any part thereof where parking is controlled by means of a parking meter or parking meters;

“minibus-taxi” means a motor car, a midi bus or a mini bus with an operating license authorising it to operate an unscheduled public transport service on a specific route or routes, or where applicable, within a particular area;

“Minister” means the National or Provincial Minister of Transport;

“motor vehicle” means any self-propelled vehicle and –

- (a) A trailer
- (b) A vehicle having pedals an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine, or motor but does not include:

- (i) A vehicle propelled by electrical power derived from storage batteries and which is controlled remotely by a pedestrian;
- (ii) A vehicle with a mass not exceeding 230kg and specially designed and constructed, and not merely adapted, for the use of any person suffering from a physical disability and used solely by such person;

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

"operating license" means an operating license contemplated by the National Land Transport Act, 2009 (Act 5 of 2009)

"owner" in relation to a vehicle means –

- (a) The person who has the right to the use and enjoyment of a vehicle in terms of the common law or a contractual agreement with the title holder of such vehicle;
- (b) A person referred to in paragraph (a), for any period during which such person has failed to return that vehicle to the titleholder in accordance with the contractual agreement referred to in paragraph (a); and
- (c) A person who is registered as such in accordance with the regulations issued under section 4 of the National Road Traffic Act, 1996

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

"parking attendant" means a person employed/contracted by a service provider who, for or on behalf of the Municipality or service provider, collects parking fees under a contract with the Municipality or service provider and possesses a valid appointment card as approved by the Council.

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

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

"parking marshals" means a person in the employ of an organization to render a parking management service to drivers in a public place or in a public road;

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

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

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

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

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

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

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

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

"prescribed parking fee" shall mean the parking fee payable in terms of the Council's tariff of charges as determined charges determined by the Council from time to time

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

“public place” means any square, park, recreation ground, sports ground, sanitary lane or open space which has –

- a) In connection with any subdivision or layout of land into erven, been provided, reserved or set aside for use by the public, or the owners or occupiers of such erven, whether or not shown on a general plan, plan of subdivision or diagram;
- b) at any time been dedicated to the public;
- c) been used by the public without interruption for a period of at least 30 years; or
- d) at any time been declared or rendered as such by the Council or other competent authority;

“regulation” means a regulation under the National Traffic Act, 1996

“residence” means a building, or part of a building that is –

- a) fixed to land
- b) designed or approved by the Council, for human habitation by a single family unit; and
- c) used for residential purposes

“sidewalk” means that portion of a public road between the outer boundary of the roadway of a road and the boundary lines of adjacent properties and buildings which is intended for the use of pedestrians;

“special parking place” means a rank, stand or bus stop established by the Council on a public road for the parking or standing of a bus or taxi;

“stop” in relation to a taxi stopping in a stopping place on a public road, means to keep a taxi, whether occupied or not, stationary for a period of time no longer that is reasonably necessary for the actual loading or off-loading of persons or goods, but does not include any such stopping by reason of a cause beyond the control of the driver of such taxi;

“stopping place” in relation to –

- a) a taxi, means the place designed by the Council where a taxi may stop to pick up and drop off passengers
- b) a bus, means a bus stop;

“tare” in relation to a motor vehicle, means the mass of such a vehicle ready to travel on a road and includes the mass of –

- a) any spare wheel and of all other accessories and equipment supplied by the manufacturer as standard for the particular model of motor vehicle concerned;
- b) anything which is a permanent part of the structure of such vehicle
- c) anything attached to such vehicle so as to form a structural alteration of a permanent structure; and
- d) the accumulators, if such a vehicle is self-propelled by electrical power, but does not include the mass of –
 - (i) fuel; and
 - (ii) anything attached to such vehicle which is not of the nature referred to in subsection (a) or (b);

“tariff zone” shall be the zone for which as prescribed tariff as determined by council from time to time

“taxi” means a motor vehicle which plies for hire, is operated for reward, and includes-

- a) a mini bus, a midi bus, motor tricycle or motor quadrucycle, and includes a mini bus taxi; and
- b) a metered taxi;

“taxi association” means a taxi association recognized as such by the Council and the Provincial Government;

“taxi facility” means a holding area, special parking place, stopping place, rank, terminal and any other facility that is specially identified and designed by the Council for the exclusive use of taxi's;

“taxi rank” means a taxi facility identified by the Council where a taxi may stand to ply for hire or to pick up passengers for their conveyance for reward;

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

“trailer” means a vehicle which is not self-propelled and designed or adapted to be drawn by a motor vehicle, but does not include a side car fitted to a motor-cycle

“traffic officer” means a traffic officer appointed in terms of section 3 (1) © of National Road Traffic act, act No. 93 of 1996 and includes a member of the South African Police Service;

“verge” means that portion of a road, street or thoroughfare, including the sidewalk which is not the roadway nor the shoulder;

“vehicle” means a device designed or adapted mainly to travel on wheels, tyres or on crawler tracks and includes such a device which is not connected with a draw-bar to a breakdown vehicle and is used as part of towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged, other than such a device than moves solely on rails

(2) in this By-law, a word or expression that has been defined in the National Road Traffic Act, 1996 (Act 93 of 1996), has that meaning unless the context otherwise indicates.

Purpose

2.The purpose of this By-law is to control parking within the area of jurisdiction of the Council in order to provide a safe environment.

CHAPTER 2

GENERAL PROVISIONS RELATING TO PARKING

Control of parking

3. (1) Whenever the public or a number of persons are entitled or allowed to use a parking place, an area of land, including land which is not part of a public road, or a public place, an authorised officer may, in cases of emergency or when it is desirable in the public interest, direct and regulate traffic thereon.

(2) The Council may manage parking and collect any fees related to parking or appoint a service provider to manage parking and collect any fees related to parking.

(3) No person may without the prior written approval of the Council erect or place any notice in any position or place indicating that parking in any parking bay is either reserved for a person or class of persons.

(4) The Council may operate a parking management system in areas and times determined by the Council from time to time.

(6) A person who disregards an instruction of an authorised officer in terms of subsection (1) or who erects or places a sign or notice in contravention of subsection (3) or who contravenes subsection (4) commits an offence in terms of this by-law.

Parking in a loading zone

4. (1) No person who operates or who is in charge of a vehicle on a public road may allow, subject to subsections (2) and (3), the vehicle to remain stationary in a loading zone –

- a) between the hours of 07:00 and 18:00 on Mondays to Saturdays except where such day is a public holiday;
- b) between the hours of 07:00 to 14:00 on Sundays, except where such day is a public holiday;
- c) between other restricted hours as may be specified in respect of a particular loading zone by a road traffic sign or marking.

(2) No person who operates or who is in charge of a vehicle on a public road may allow a vehicle other than a goods vehicle, to remain stationary in any loading zone for more than five minutes continuously, except while actually loading or off loading persons or goods and while the licensed driver is in attendance of the vehicle.

(3) No person who operates or who is in charge of a vehicle on a public road may allow a goods vehicle to remain stationary in a loading zone for more than 30 minutes continuously, except where the vehicle is being actually loaded or off-loaded.

(4) The driver of a vehicle, other than a goods vehicle, stationary in a loading zone, must immediately remove the vehicle from the loading zone upon being directed to do so by an authorised officer, even if that vehicle has not been stationary for longer than the maximum period allowed in respect of a vehicle of that class.

(5) A person who contravenes a provision of this section commits an offence in terms of this by-law.

Parking at a bus stop or dedicated busway

5. (1) No person who operates or who is in charge of a vehicle on a public road may –

- a) in the case of a vehicle other than a bus or a mini bus taxi, allow the vehicle to remain stationary at a bus stop;
 - b) in the case of a vehicle other than a bus, allow the vehicle to be driven, park or remain stationary in a dedicated busway or at the entrance to a dedicated busway or in a manner inhibiting the movement of a bus into such a busway.
- (2) subsection 1 (a) does not apply to a driver or person in charge of a vehicle who allows such vehicle to remain stationary at a bus stop where that bus is located in a driving lane or public road, where the vehicle is kept stationary in order to comply with a traffic signal or for another reason that is linked to road safety; provided that such person does not allow persons to board or alight from the vehicle.
- (3) A person who contravenes subsection (1) commits an offence in terms of this by-law.

Parking in a public road

6. (1) No person who operates or who is in charge of a vehicle on a public road may park the vehicle in any public road within the municipal area for a period beyond that indicated on a road traffic sign relevant to that specific area.
- (2) No person may leave a vehicle in the same place in a parking bay for a continuous period of more than seven days.
- (3) No person may park a heavy motor vehicle designed, adapted or used for the conveyance of goods anywhere in the municipal area, except on private land or in those areas where road traffic signs regulating such parking have been erected.
- (4) A person who contravenes a provision of this section commits an offence

Parking upon a traffic island

7. (1) No person may park a vehicle upon a traffic island, unless directed or instructed to do so by an authorised officer or unless a parking bay has, been demarcated upon such a traffic island.
- (2) A person parks a vehicle upon a traffic island in contravention of subsection (1), or who fails to comply with a direction or instruction by an authorised officer commits an offence.

Parking by a dealer or seller of a motor vehicle

8. (1) No dealer or seller of a vehicle may park or allow to be parked on the verge of a public road within the municipal area a vehicle that is for sale or for rental, whether advertised as such or not

(2) A dealer or seller who contravenes subsection (1) commits an offence in terms of this by-law.

Parking of a vehicle under repair

9. (1) No person responsible for the control of a business of recovering or repairing vehicles may park, cause or permit to be parked, in any public road or public place within the municipal area any vehicle that is in a state of disrepair, which has been placed in his or her charge in the course of the business of recovering or repairing.

(2) A person who contravenes subsection (1) commits an offence in terms of this by-law.

Parking of heavy vehicles and caravans

10. (1) No person may, for an uninterrupted period exceeding two hours, except on places reserved for the, park on a public road within the municipal area –

- a) a motor vehicle with tare exceeding 3500kg
- b) a trailer not attached to a vehicle
- c) a semi-trailer; or
- d) a caravan not attached to a vehicle.

(2) Whenever a vehicle is parked in contravention of subsection (1), it is deemed that the owner thereof has parked such a vehicle, unless the contrary is proven.

(3) A person who contravenes subsection (1) commits an offence in terms of this by-law.

Outspanning in public roads

11. (1) No person may outspan or allow to be outspanned in any public road or public place any vehicle drawn by animals, or detach or leave in any public road or public place any trailer, caravan or vehicle which is not self-propelled, however this provision does not apply when such a vehicle is being loaded or off-loaded.

(2) A person who contravenes subsection (1) commits an offence in terms of this by-law.

CHAPTER 3

PARKING PERMITS

Resident parking permits

12. (1) Subject to any conditions the Council may impose a resident parking permit may be granted to persons –

(a) Who reside in a residence –

(i) situated in a section of a road in circumstances where parking immediately adjacent to the residence is regulated by time;

(ii) in circumstances where not more than one person who resides in the residence is the holder of a current permit; and

(iii) situated on a section of road in circumstances where the issue of the permit would not unduly impede the flow of traffic either on the road or in the area; and

(b) Whose residence does not have and cannot reasonably provide off-street parking.

(2) Subject to any conditions the Council may impose, a resident parking permit may be granted to a person who resides in a residence that is situated in an area that is in the vicinity of a sports stadium, field or facility, or any field or facility where an event is being hosted and in circumstances where such an area is cordoned off and where access is denied to vehicles to enter and park a vehicle in such a cordoned off or declared zone.

(3) A person who parks a vehicle in contravention of subsection (1) commits an offence in terms of this by-law.

Temporary parking permit

13. (1) Subject to any conditions the Council may impose a temporary parking permit may be granted, to allow the holder of the permit to park on or more vehicles in a designated parking space for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space

(2) A temporary parking permit may only be granted if the Council is satisfied that the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space to which the applicant relates; and it is not reasonably practical

for the applicant to carry out that activity unless the designed parking space to which the application relates are allocated to the exclusive use of the applicant for the duration of the activity.

(3) A person who parks a vehicle in contravention of subsection (1) commits an offence in terms of this by-law.

Work zone permit

14. (1) Subject to any conditions set by the Council, a work zone parking permit may be granted for driving, parking or building or construction purposes in a parking bay or parking ground or on the verge of a road or elsewhere on a public road if the Council is satisfied that-

- a) the part of the road other area referred to in subsection (1) to which the application relates is adjacent to or at the site of proposed building, construction or other work; and
- b) the carrying out of the building, construction or other work, is lawful; and
- c) having regard to the nature of the building, construction or other work and the characteristics of the site of the work, it is not reasonably practical for all work activity involving the vehicle, including loading and off-loading and associated vehicle movements, to be confined within the site, or within the site, or to areas within close proximity where parking is permitted.

(2) Holders of work zone permits may only use such permits for the parking of any vehicle in the execution of their duties.

(3) A person who parks a vehicle in contravention of subsection (1) or who uses a work permit whilst not exercising his or her duties commits an offence in terms of this by-law.

Municipal works parking permit

15. (1) Subject to any conditions the Council may impose, a municipal works parking permit may be granted to allow a person to park one or more vehicles in a designated parking space, and for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space if the person is –

- a) an employee, contractor or agent of the municipality; and
- b) parking the vehicle or vehicles in the space for the purpose of carrying out work for or on behalf of the municipality, and in the course of carrying out his or her duties for or on behalf of the municipality.

Conditionality and originality of parking permits

16. (1) The holder of a parking permit must affix the original permit on the windshield of the vehicle identified in the permit facing outwards, and as near as practicable to the registration label of the vehicle.

(2) The Council may only issue a replacement permit after the permit holder has declared the facts and circumstances of a loss, destruction, or damage of the original permit to the satisfaction of the Council.

Reserved parking for the disabled, diplomatic corps, South African Police Services and other identified individuals

17. (1) The Council may reserve parking areas for the disabled, diplomatic corps, South African Police Services and any other groups identified by the Council, and may designate any such areas by notice or road signage and may impose conditions appertaining to the issue of special parking facility permits.

(2) No person may stop, park or leave a vehicle at any time in any designated parking space other than a vehicle displayed a designated parking permit.

(3) Any person who contravenes subsection (2) commits an offence in terms of this by-law.

CHAPTER 4**TICKET-CONTROLLED PARKING AREAS****The installation of parking meters or use of any other device to record the time parked**

18. (1) The Council may install or cause to be installed or operate or cause to be operated in a public road or place in the municipal area –

- (a) a parking meter at a parking space demarcated as a parking bay
- (b) a combined parking meter at a parking space demarcated as parking bay; or
- (c) any other device by which parking time can be recorded and displayed

(2) The Council may install or operate a parking meter contemplated in subsection (1) upon the kerb, footpath or sidewalk which adjoins the parking bay in respect of which it is installed or at any other place it is installed or at any other place in close proximity that serves the parking bay.

(3) In the instance where a parking meter is not automatically activated by the insertion of the prescribed coin, a notice which indicates the kind of action to be taken in order to set the meter in operation once the prescribed coin has been inserted, must be clearly displayed on the parking meter or notice board.

(4) In the instance where a parking meter is out of order, an authorised officer may securely place over the meter a hood carrying in legible letters the words: "out of order" and in such instances a vehicle may be parked without the payment of the prescribed amount.

Parking fees

19. Any person making use of a parking area or parking bay in a ticket controlled parking area must pay the prescribed fee, as contemplated in section 21.

Conditions of parking in ticket-controlled parking areas

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

- (a) except in a parking bay and in compliance with any directions which may be given by an authorised official or where no such bay has been marked, except in a place indicated by the authorised official;
- (b) after an authorised official has indicated to the person that the parking area is full; or
- (c) after the expiry of the parking period.

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

- (a) that person has produced to the authorised official a ticket authorizing him or her to park in the parking area and which was issued to that person upon entering or leaving the parking area; and
- (b) that person has upon entering or leaving the parking area paid the prescribed fee to the authorised official.

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

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

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

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

CHAPTER 5

PARKING METER PARKING AREAS

Parking fees

21. (1) Any person making use of a parking area or parking bay must pay the prescribed fee.

(2) When a vehicle is parked in a parking bay, the driver or person in charge of the vehicle must –

- a) immediately deposit or cause to be deposited in the parking meter which adjoins the parking bay in respect of which it is installed the prescribed coin as indicated on the meter for the period of time during which he or she desires to park his or her vehicle in the bay, and must, where applicable, set the meter in operation either by inserting the prescribed coin in the appropriate slot of the parking meter or where applicable, in accordance with the instructions appearing on the parking meter; or
- b) effect payment by any other means prescribed by the Council irrespective of the device used to record the time parked and irrespective of whether payment is required at the beginning or end of the period so parked, and a driver or a person in charge of a vehicle who fails to do so commits an offence in terms of this by-law.

- c) On completion of the actions prescribed in paragraphs (a) and (b), the metered parking bay may be lawfully occupied by a vehicle during the period which is indicated on the parking meter.
- d) Subject to paragraph (e), a driver or person in charge of a vehicle may, without payment, park a vehicle during such time as may be indicated on the parking meter as being unexpired from its previous use, provided that the Council may cancel payment for any time remaining on a meter after a vehicle for which the parking was paid for vacated the parking bay and before the parking bay is occupied by a subsequent vehicle
- e) Subsection (d) does not apply to any parking bay where unexpired time is not visibly displayed.

(2) Subject to the provisions of subsection (3), the driver or person in charge of a vehicle may, irrespective of whether the authorised period of parking has expired or not, immediately set the parking meter in operation as set out in subsection (1)(a) and after the meter has been set in operation, the vehicle may lawfully occupy the parking bay for the further period indicated on the parking meter.

(3) No person may leave a vehicle in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter or other device, and a person who leaves a vehicle parked in a parking bay for a continuous period exceeding the maximum permissible parking time as indicated on the meter, the sign or device, commits an offence.

(4) No driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in a parking bay while the indicator of the parking meter or any other device shows that-

- a) The time has expired; or
- b) the parking meter has not been set in operation either by the insertion of the prescribed coin or, where applicable in accordance with the instructions appearing on the parking meter, a driver or person in charge of a vehicle who contravenes a provision of this subsection commits an offence.

(5) Where a parking meter cannot be set in operation despite compliance or attempted compliance with the procedure prescribed in subsection (2), no driver or person in charge of a vehicle may cause, allow, permit or suffer the vehicle to be or remain parked in the parking

bay for a continuous period exceeding the period which was indicated on the indicator of the parking meter where such vehicle was parked in the said parking bay, however if –

- a) The indicator shows that –
 - (i) the time has expired;
 - (ii) the parking meter has not been set in operation; or
- b) A hood has been placed over the parking meter

(6) No driver or person may cause, allow permit or suffer the vehicle to be or remain parked in the parking bay, and the driver or person in charge of the vehicle who contravenes a provision of this section commits an offence.

(7) Notwithstanding any other provision in this By-law, the driver or person in charge of the following vehicles may, subject to the provisions of this section, park in a metered parking bay without payment of the prescribed fee:

- (a) A vehicle used as an ambulance and being at the time used to attend to a life threatening situation;
- (b) A vehicle used by a fire brigade for attendance at fires and being at the time used by the brigade in attending to a fire; and
- (c) A vehicle used by a member of the South African Police Service, the Metropolitan Police Service, or the Law Enforcement division of the municipality and being at the time used in connection with a crime that is either in progress or in connection with the collection or protection of evidence in the aftermath of a crime.

(8) Subject to any time limits or restrictions regarding the stopping or parking of vehicles as are prescribed by any other law, regulation or By-law, a parking bay may be occupied without charge during the hours indicated by the Council on a sign erected for that purpose.

(9) A person who contravenes subsection (8) commits an offence in terms of this by-law.

Place of parking

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

(2) An authorised officer may display road traffic signs whenever necessary or expedient to do so in the interests of the movement or control of traffic, place or erect a traffic sign or signs indicating “No Stopping” or “No Parking” at a parking bay, and no person may stop or park a vehicle or cause or permit a vehicle to be stopped or parked in such a parking bay –

- (a) While the sign is so placed or erected; or
- (b) During any period when the stopping or parking of the vehicle in the public road or portion of the public road concerned is prohibited in terms of such traffic sign, and a person who contravenes a provision of this section commits an offence in terms of this by-law.

Conditions of parking

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

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

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

- (a) a person may, subject to the provisions of subsection (5), park a vehicle in a vacant parking bay without inserting a coin or other prescribed object, for any period indicated on the parking meter as unexpired; and
- (b) if a person has ascertained that the parking meter for any parking bay is not operating properly, he or she is, entitled to park a vehicle in that parking bay without inserting a coin or other prescribed object, provided that such a person does not park the vehicle in that parking bay for a period exceeding the maximum ordinarily allowed by that parking meter.

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

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

(5) No person may either with or without the insertion of an additional coin or other prescribed object into a parking meter, leave a vehicle in a parking bay after the expiry of the

period indicated on the parking meter or return the vehicle to that bay within fifteen minutes after such expiry, or obstruct the use of that bay by any other person.

Proof of time

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

CHAPTER 6

PAY-AND-DISPLAY PARKING AREAS

Parking fees

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

Parking

26.(1) A person who-

(a) Wishes to park a vehicle;

(a) Causes or permits a vehicle to be parked or

(b) Allows a vehicle to be parked,

in a pay and display parking ground must immediately, upon entering the parking ground, buy, in accordance with the instructions which are displayed on or in the vicinity of the parking coupon vending machine in the parking ground, a coupon which is issued by the machine, and a person who does not comply with this subsection commits an offence in terms of this by-law.

(2) The following must be indicated on the parking coupon vending machine;

(a) The period during which a vehicle may be parked in the pay-and-display parking ground; and

(b) The coin or other prescribed object or method of payment to be inserted or used in respect of the parking period into or in connection with the pay-and-display machine.

(3) The person must display the coupon by affixing it to the inside of the driver's side of the windscreen of the vehicle in such a manner and place that the information printed on the coupon by the pay-and-display machine is readily legible from the outside of the vehicle.

(4) No person may allow a vehicle to remain in a pay-and-display parking ground after the expiry of the departure time indicated on the parking coupon and, unless evidence to the contrary is produced, the date or day and time of departure as recorded by a parking coupon vending machine is taken, on the face of it, to be correct evidence of date or day and time.

(5) No person may park a vehicle, cause, permit or allow a vehicle to be parked in a pay-and-display parking ground if a parking coupon cannot be obtained from the parking coupon vending machine in the manner indicated thereon or when a notice displayed on the machine indicates that it is out of order.

(6) If a vehicle is removed from a pay-and-display parking ground and returned to the pay-and-display parking ground within the period of validity of the parking coupon, the coupon continues to be valid.

(7) Possession of a valid parking coupon in respect of vehicle not within a parking bay does not guarantee the availability of a vacant parking bay.

(8) A person who contravenes subsection (3), (4) or (5) commits an offence in terms of by-law.

Miscellaneous offences in respect of a pay-and- display parking ground

27. (1) A person commits an offence if he or she-

- (a) Inserts or attempts to insert into a parking coupon vending machine-
 - (i) a counterfeit coin;
 - (ii) Where another kind of object is to be used, a false object;
 - (iii) a coin which is not South African currency; or
 - (iv) any object which is not meant to be inserted into the parking coupon vending machine;
- (b) Jerks, knocks, shakes or in any way interferes or tampers with, or damages, or defaces a parking coupon vending machine or a pertinence thereto, or affix or attempt to affix or place a sign, placard, advertisement, notice, list, document, board or thing on, or paint, write upon or disfigure a parking coupon vending machine; or

- (c) Removes or attempts to remove a parking coupon vending machine or any part of the machine from its mounting.
- (2) No person may allow a vehicle to remain in a pay and display parking area after the expiry of the departure time indicated on the ticket.
- (3) No driver or person in charge of a vehicle may park the vehicle –
 - a) in a parking bay across a painted line marking the bay or in such a position that the vehicle is not entirely within the area demarcated as a parking bay;
 - b) in a parking bay that is already occupied by another vehicle;
 - c) in a parking bay in contravention of a road traffic sign which prohibits the parking or stopping of vehicles in the public road or portion of the public road concerned
- (4) A person who contravenes the provisions of subsection (5) commits an offence in terms of this by-law.

Proof of date and time of departure

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

Entering or remaining in a parking ground

29. (1) No person may enter, remain or be on a parking ground otherwise than for the purpose of parking on the parking ground a vehicle, lawfully removing from the parking ground, in respect of which he or she has paid the prescribed parking fee, however this section does not apply to –

- (a) A person in the company of a person who is parking or removing a vehicle
 - (b) Officials of the Council engaged in official activities or on instruction from the Council; and
 - (c) A person employed by an appointed parking management service provider engaged in the execution of his or her duties.
- (2) A person who contravenes subsection (1) commits an offence.

CHAPTER 7

VEHICLES

Abandoned vehicles

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

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

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

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

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

- (a) the costs incurred in endeavoring to trace the owner in terms of subsection (2);
- (b) the costs of removing the vehicle and affecting the sale of the vehicle;
- (c) the pro-rata costs of publication in terms of subsection (3), taking into account the number of vehicles to be sold at the auction; and
- (d) the costs of keeping the vehicle in the pound which must be calculated at the prescribed rate.
- (e) the parking fees applicable for having left the vehicle in the parking ground as contemplated in subsection (1);
- (f) Any unpaid parking fees or unpaid traffic fines in respect of such a vehicle.

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

(6) No person may leave a vehicle in the same place in a parking ground for a continuous period of more than seven days and a person who does so commits an offence.

Vehicles of excessive size

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

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

(a) a temporary parking permit has been issued to such a vehicle or trailer by the Municipality; or

(b) such vehicle or trailer is parked in a parking bay specifically provided for the parking of such vehicles or trailers.

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

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

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

Parking after parking period

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

Defective vehicles

33. (1) No person may park or cause or permit a vehicle which is mechanically defective or

for any reason incapable of movement, to be parked or to be or remain in any parking area.

(2) If a vehicle, after having been parked in a parking ground, develops a defect which renders it immobile, the person in charge must take all reasonable steps to have the vehicle repaired if minor emergency repairs can be effected, or removed within reasonable time.

(3) A person who contravenes subsection (1) or subsection (2) commits an offence in terms of this by-law.

Parking of a vehicle in parking area

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

Cleaning and repair of vehicle

35(1) No person may in any parking area clean, wash, work on or effect repairs to a vehicle except minor emergency repairs, unless the prior written permission of the Council has been obtained.

(2) Any person who contravenes subsection (1) commits an offence in terms of this by-law.

Tampering with vehicles and obstructions

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

(2) No person may in any parking area—

(a) park any vehicle so that any part of it extends across any white line forming a boundary of a parking bay or that it is not entirely within the confines of the bay; or

(b) perform any act or introduce anything which obstructs or is likely to obstruct the movement of persons or vehicles.

Parking after parking period

37. No person may park a vehicle or cause or permit it to be parked in any parking area before the beginning or after the expiry of the parking period prescribed for the parking area

unless that person is the holder of a ticket issued in terms of these by-laws authorising him or her to do so.

CHAPTER 8

TAXIS AND BUSES

Special parking places for taxis

38. (1) The Council may, subject to any other By-law of the Council relating to taxis, establish special parking places for use by taxis or the parking of a taxi belonging to a person to whom a rank access token to use the parking place or to park a taxi has been issued.

(2) A rank access token may be issued allocating a particular special parking place or subdivision of a special parking place to a particular person or motor vehicle for his, her or its exclusive use.

(3) if no space is available in a special parking place at any particular time for the parking of a taxi by a rank access token holder or for a taxi to which the rank access token relates, the taxi must be parked at a holding area specified by a duly appointed marshal operating at the special parking place, until the marshal or any other duly appointed person summons and permits the person to park the taxi at the special parking place.

(4) No person or motor vehicle other than the person or motor vehicle referred to in subsection (2) may except by virtue of a rank access token, use or be parked at the special parking place or its subdivision, and a person who contravenes this provision, or a person who parks a motor vehicle at a holding, unless provided otherwise, commits an offence.

Taxi parking

39. (1) A driver may, subject to subsection (2) and the previous section, and subject to any other By-law of the Council relating to taxis-

- (a) Park a taxi at a special parking place or taxi holding area only for the purpose of conducting business directly related to the taxi; or
- (b) Ply for hire, or pick up or drop off passengers only at a special parking place or a taxi stopping place provided.

(2) In emergencies or at recreational and other similar functions, the Council may set aside temporary taxi facilities identified by the Chief Traffic Officer as suitable for the parking and stopping of taxis.

(3) A person who contravenes subsection (1), or who parks or stops a taxi at a place other than a temporary taxi facility contemplated in subsection (2) commits an offence in terms of this by-law.

Use of taxi ranks

40. (1) subject to any other By-law of the Council relating to taxis, a driver-

- (a) May, subject to subsection 3, park a taxi at the taxi rank specified on the rank access token issued with respect to that taxi, if space is available and only for the purpose of conducting business directly related to the taxi; and
- (b) Must, if no space is available remove and park the taxi at a holding area in accordance with the provisions of this By-law.

(2) The driver must, when plying for hire at a taxi rank, do so in a queue and must –

- (a) Position his or her taxi in the first vacant place available in the queue immediately behind any other taxi already in front; and
- (b) Move his or her taxi forward as the queue moves forward.

(3) when plying for hire at a taxi rank, a driver –

- (a) Of any taxi which occupies the first, second or third position from the front of any queue at a rank must be in close and constant attendance of his or her taxi so long as it remains in such a position;
- (b) May not position his or her taxi ahead of any taxi that arrived and took up a position in the queue before he or she did;
- (c) May, if his or her taxi is the first taxi in the queue, and any person calls for a taxi, respond to the call, unless the person clearly indicates his or her preference for a taxi not in front of the queue.

(4) No person may park or stop a taxi which is not in good working order as required by the Act, in a taxi rank, or cause or permit the taxi to remain in a rank.

(5) No person may park a vehicle or allow a vehicle to remain stationary in a taxi rank except a taxi in possession of a valid operating license and for which a rank access token specifying the rank, has been issued for the year in question, as contemplated in this By-law.

(6) A person who contravenes a provision of this section commits an offence.

Prohibition on parking of a taxi at a no-stopping place

41. No taxi driver may park a taxi at a no-stopping place and a taxi driver who does so commits an offence.

Servicing and washing taxis at taxi facilities

42.(1) No person may repair or maintain any motor vehicle at a taxi facility.

(2) No person may wash any motor vehicle at a taxi facility, except at a wash bay at the facility that has been specially constructed for this purpose.

(3) A person who contravenes a provision of this section commits an offence.

Behavior prohibited at a taxi rank

43. A person who causes a disturbance or behaves in a riotous or indecent manner commits an offence in terms of this By-law, and may be removed from a queue, taxi rank, or the vicinity of a taxi facility by any authorized officer.

Establishment of bus facilities

44. (1) Bus Facilities must be distinguished by an appropriate traffic sign to indicate Bus Facilities as demarcated by Council.

Distinguishing bus stops

45.(1) each bus stop must be distinguished by the appropriate traffic sign to indicate the type of bus or mini bus taxi, or before, where applicable, the name of the concern entitled to use the bus stop.

(2) The Council may demarcate bus stops for tour busses.

Destination signs and stopping or parking at bus stops

46. (1) No driver or person in charge of a bus or a mini bus taxi may park such vehicle at any bus stop or allow such vehicle to be parked at any bus stop.

(2) No driver or person in charge of a mini bus taxi may stop or park such vehicle or allow such vehicle to be stopped or parked at any bus stop demarcated for tour buses.

(3) Notwithstanding the provisions of subsection (1) a driver or person in charge of a city bus may park a city bus at a bus stop demarcated for use by concern operating city busses, if he or she needs to do so in order to delay departure from such bus stop in order to keep the required bus schedule.

(4) A driver or person in charge of a bus or mini bus taxi must observe and comply with any traffic or other sign, notice or surface marking which is placed or displayed at a bus stop.

(5) Where a traffic sign identifying a bus stop or another sign displayed at the bus stop indicates the name of a concern, no driver or person in charge of a bus or mini bus taxi operated by or on behalf of a concern other than the concern indicated on the sign may stop such vehicle or allow a passenger to board or alight from the vehicle at such bus stop.

(6) A driver or person in charge of a bus must ensure that a destination sign is displayed in the bus.

(7) No driver or person in charge of a bus or mini bus taxi may allow the engine of such bus which is allowed to stop at any bus stop to run for more than 20 minutes after it came to a stop.

(8) A person who contravenes a provision of this section commits an offence.

CHAPTER 9

MISCELLANEOUS

Refusal of admission

47. An authorised official may refuse to admit into a parking ground a vehicle which is by reason of its length, width or height likely to cause damage to persons or property or to cause an obstruction or undue inconvenience or which in terms of section 6 and 16 may not be parked in a parking ground.

Obeying and interfering with an authorised officer

48.(1) An authorised officer may direct all traffic by means of visible or audible signals, and no person may disobey such signals.

(2) No person may obstruct, hinder, abuse or interfere with any authorised officer in the exercise of power referred to in subsection (1).

(3) A person who contravenes a provision of this section commits an offence.

Forging or defacing tickets

49.(1) No person may, in a parking ground with intent to defraud the Council, forge, imitate, deface, mutilate, alter or make any mark upon any ticket issued in terms of these By-laws.

(2) A person who contravenes subsection (1) commits an offence.

Medical practitioners exempt

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

Parking directives

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

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

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

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

(b) if the demarcated parking place is at an angle to the curb or sidewalk of a public road, in such a manner that it is headed substantially in the general direction of the movement of traffic on the side of the road on which such vehicle is parked.

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

Compliance notices and recovery of costs

52. (1) Notwithstanding any other provision of the By-law, the Council may-

- (a) Where the permission of the Council is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained, and
- (b) Where any provision of this By-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance,

serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the Council may require to rectify such contravention within the period stated in such notice.

(2) Any person who fails to comply with a notice in terms of subsection (1) commits an offence and the Council may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises of the offender as the case may be.

Offences and penalties

53. Any person who

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

Presumptions

54. (1) For the purpose of this By-law, the person in whose name a vehicle is licensed and which is parked in a parking ground, is deemed to be the person having control or charge of the vehicle, unless and until he or she adduces evidence to the contrary.

(2) A motor vehicle that is found on a taxi facility or bus stop or that has stopped at a taxi facility or bus stop is presumed to be plying for hire, unless the contrary is proved.

(3)(a) Where in any prosecution in terms of common law relating to the driving of a vehicle on a public road, or in terms of this By-law it is necessary to prove who was the driver of such vehicle, it is presumed, in the absence of evidence to the contrary that such vehicle was driven by the owner thereof.

(b) Whenever a vehicle is parked in contravention of any provision of this By-law, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was parked by the owner thereof.

(c) For the purposes of this By-law it is presumed, in the absence of evidence to the contrary, that where the owner of the vehicle concerned is a corporate body, such vehicle was driven or parked by a director or servant of the corporate body in the exercise of his or her powers in the carrying out of his or her duties as such director or servant, or in furthering, or endeavoring to further the interests of the corporate body.

(4) In any prosecution in terms of this By-law, the fact that any person purports to act or has purported to act as a traffic officer or a peace officer is prima facie proof of his or her appointment and authority so to act, however, this section does not apply to a prosecution on a charge for impersonation.

(5) Any person, who, by means of any motor vehicle, conveys passengers would be presumed to have conveyed such passengers for hire or for reward, and such vehicle shall be presumed to be a taxi unless the contrary is proved.

(6) A document which purports to be a receipt of prepaid registered post, a telefax transmission report or a signed acknowledgment of hand delivery, will on submission by a person being prosecuted under this By-law, be admissible in evidence and prima facie proof that it is such receipt, transmission report or acknowledgment.

Monthly tickets

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

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

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

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

Closure of parking areas

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

Parking according to instruction

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

Prohibitions relating to parking meters

58. No person may—

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

Prohibitions relating to pay and display machines

59. No person may—

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

Appeal

60. (1) A person whose rights are affected by a decision made under this By-law and in the event of the power or duty to make that decision is delegated or sub-delegated to the decision-maker, may appeal against the decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.

(2) The appeal authority must consider the appeal, and confirm vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

(3) When the appeal is against a decision taken by –

(a) A staff member other than the Municipal Manager, the Municipal Manager is the appeal authority; or

(b) The Municipal Manager, the Executive Mayoral Committee is the appeal authority.

(4) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

CHAPTER 7

GENERAL PROVISIONS

Repeal of By-laws

61. The Council's existing By-laws are hereby repealed.

Short title and commencement

62. These By-laws shall be called the Parking By-laws, 2015, and shall come into operation on

ELECTRICITY SUPPLY

Be it enacted by the council of the _____ municipality in terms of section 156(2) of The Constitution of the Republic of South Africa, 1996, the Local Government: Municipal Systems Act, 2000 and the Local Government: Municipal Structures Act, 1998, the Municipal Council has made the following by-law as set forth hereunder.

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CHAPTER 1

GENERAL

Definitions

1. In these by-laws, unless inconsistent with the context, any term defined in the Electricity Act No. 41 of 1987) or Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) and the regulations made in terms thereof shall have the meaning given to it in that Act and -

"accredited person" means a person registered in terms of these By-laws as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

"applicable standard specification" means-

- (a) SABS 1607 Electromechanical watt-hour meters;
- (b) SABS 1524 Parts 0,1 and 2-Electricity dispensing systems;
- (c) SABS IEC 60211 Maximum demand indicators, Class 1.0;
- (d) SABS IEC 60521 Alternating current electromechanical watt-hour meter (Classes 0.5, 1 and 2);
- (e) SABS 0142 Code of practice for the wiring of premises;
- (f) NRS 048 National Rationalised Specification for the Electricity Supply-Quality of Supply; and
- (g) NRS 057 Electricity Metering;

"approved" means approved in writing by the Director;

"certificate of compliance" means a certificate issued in terms of these by-laws in respect of an electrical installation or part of an electrical installation by an accredited person;

"consumer" in relation to premises –

(a) for supply agreements existing prior to the promulgation of this by-law means-

(i) any occupier thereof or any person with whom the Service Provider has entered into an agreement to supply or is actually supplying electricity thereat

(ii) if such premises are not occupied, any person who has a valid existing agreement with the Service Provider for the supply of electricity to such premises; or

(iii) if there is no such occupier, the owner of the premises;

(b) for supply agreements the promulgation of this By-law means the owner of the premises or his or her designated proxy

"conventional/credit meter" means a meter where an account is issued subsequent to the consumption of electricity;

"delivered" means also when left at the place of residence or business of the consumer by handing it to a person older than 16 years, present as occupier or visitor at such place of residence or business, or if placed in the letter box or such other place that is reasonable conspicuous at such place of residence or business and includes the fixing of a notice to the fence or gate of such place of residence or business;

"Director" means the Director of the Service Provider, any other person lawfully acting in that capacity and any employee of the Service Provider duly authorised thereto by such Director or person so acting;

Electricity Act means the Electricity Act 41 of 1987

"electrical installation" means an electrical installation as described in the Act;

"high voltage" means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of 44kV and less than 220 kV [SANS 1019];

"low voltage" means the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be an a.c. voltage of 1000V (or a d.c. voltage of 1500 V) [SANS 1019];

"medium voltage" means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of 1 kV and less than 44 kV [SANS 1019];

"meter-reading period" means the period extending from one reading of a meter to the next;

"motor load, total connected" means the sum total of the kW input ratings of all the individual motors connected to an installation;

"motor rating" means the maximum continuous kW output of a motor as stated on the maker's rating plate;

"motor starting current" in relation to alternating current motors means the root-mean-square value of the symmetrical current taken by a motor when energised at its rated voltage with its starter in the starting position and the rotor locked;

"NRS 047" means National Rationalised Specification 047: Electricity Supply-Quality of Service; or

"occupier", in relation to any premises,

- (a) any person in actual occupation of such premises;
- (b) any person legally entitled to occupy such premises;
- (c) In the case of such premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants, whether on his own account or as an agent for any person entitled thereto or interested therein; or
- (d) Any person in control of such premises or responsible for the management thereof, and includes the agent of any such person when he/she is absent from the Republic of South Africa or his/her whereabouts are unknown:

"owner", in relation to any premises, means -

- (a) the person in whose name the title to the premises is registered; or
- (b) if the person referred to in (a) is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian or other person who is legally responsible for administering that person's estate;

"point of metering" means the point at which the consumer's consumption of electricity is metered, whether at the point of supply or at any other point on the distribution system of the Service Provider or the electrical installation of the consumer, as specified by the Service Provider; provided that it shall meter all of, and only, the consumer's consumption of electricity;

"point of supply" means the point determined by the Engineer at which electricity is supplied to any premises by the Service Provider;

"premises" means any land or any building or structure above or below ground and includes any vehicle, aircraft or vessel;

"prepayment meter" means a meter that can be programmed to allow the flow of pre-purchased amounts of energy in an electrical circuit;

"registered person" means a person registered in terms of the Regulations as a tester for single phase, an installation electrician or a master installation electrician, as the case may be;

"Regulations" means Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993)

"safety standard" means the Code of Practice for the Wiring of Premises (SANS

0142 incorporated);

"service connection" means all cables and equipment required to connect the supply mains to the electrical installation of the consumer at the point of supply;

"service protective device" means any fuse or circuit breaker installed for the purpose of protecting the Council's equipment from overloads or faults occurring on the installation or on the internal service connection;

"Service Provider" means the Service Authority and the authority duly authorised by the Service Authority, in accordance with the provision of the Service Delivery Agreement concluded with the Service Authority;

"skilled person" means any person who in the opinion of the engineer is sufficiently skilled and qualified to execute, supervise and inspect work pertaining to high voltage regard being had to his/her experience and knowledge of electrical practice;

"standby supply" means an alternative electricity supply not normally used by the consumer;

"supply mains" means any part of the Service Provider's electricity network;

"tariff" means the Service Provider's tariff of charges for the supply of electricity;

"temporary supply" means an electricity supply required by a consumer required by a consumer normally for a period less than one year;

"the law" means any applicable law, proclamation, ordinance, act of parliament or enactment having force of law;

"token" means the essential element of a prepayment metering system used to transfer information from a point of sale for electricity credit to a prepayment meter and vice versa; and

"voltage" means the root-mean-square value of electrical potential between two conductors.

"wayleave" means the set of documentation providing information on the location of the supply mains of the Service Provider within the physical area covered by an application to undertake civil work within the municipal area and stipulates the conditions applicable to the work to be done in the vicinity of the affected supply mains.

Other terms

2. All other terms used in this By-law shall, unless the context otherwise requires, have the

meaning assigned thereto in the Electricity Regulation Act, 2006 (Act 4 of 2006), as amended, or the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended.

Headings and titles

3. The headings and titles in this By-law shall not affect the construction thereof.

CHAPTER 2

GENERAL CONDITIONS OF SUPPLY

Conditions of supply

4. (1) Application for a supply shall be made to and in a form prescribed by the engineer. (2) The engineer may, before granting a supply, inspect the electrical installation to which an application relates with a view to establishing that such installation is safe and proper and complies with this by-law or other applicable legislation.

Provisions of Electricity Services

5. (1) Only the Service Provider shall supply or contract for the supply of electricity within the jurisdiction of the Service Authority, subject to the consent of the Service Authority and to the requirements of the Electricity Regulation Act.

Service of notice

6. (1) Any notice or other document that is served on any person in terms of this By-law is regarded as having been served –

- a) when it has been delivered to that person personally
- b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16
- c) When it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgment of the posting thereof from the postal service is obtained
- d) If that person's address in the Republic is unknown, when it was served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b), or (c)

- e) If that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.

(2) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.

(3) Any legal process is effectively and sufficiently served on the Service Provider when it is delivered to the Director or an employee in attendance at the office of the Director.

Compliance with notices

7. Any person on whom a notice duly issued or given under this By-law is served shall, within the time specified in such notice, comply with its terms.

Supply by agreement

8. (1) No person shall use or be entitled to use an electricity supply from the Council unless or until such person shall have entered into an agreement in writing with the Council for such supply.

(2) The agreement referred to in subsection (1) shall, together with the provisions of this by-law, govern all aspects of electricity supply.

(3) Any person who uses an electricity supply without entering into an agreement referred to in subsection (1) shall be guilty of an offence and shall be liable for the cost of electricity used as stated in section 44(2) of this by-law.

(4) Any consumer supply agreement concluded with the Service Authority or Eskom within the jurisdiction of the Service Authority prior to the appointment of the Service Provider by the Service Authority will, subject to national legislation with effect from the effective date, together with all the assets and liabilities attached to the said supply agreement, vest in the Service Provider.

(5) Should the Service Authority appoint a different service provider at any date in the future, supply agreements with consumers of the Service Provider shall be deemed to be agreements with the new service provider.

Application for supply

9.(1) Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Council, and the estimated load, in kVA, of the installation, shall be stated therein. Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Service Provider.

(2) An application for an electricity supply for a period of less than one year shall be regarded as an application for a temporary supply and shall be considered at the discretion of the Engineer, who may specify any special conditions to be satisfied in such case.

(3) Applicants for the supply of electricity shall submit the following documents with their application -

(a) An identity document or passport, and, in the case of a business, a letter of resolution delegating the authority to the applicant

(b) The consumer shall provide a Deed of Sale or other proof of ownership of the premises for which a supply of electricity is required.

(4) Applicants for a supply of electricity shall be subject to a credit clearance check as far as debt to the Service Authority is concerned.

(5) An application for a new temporary supply of electricity shall be considered at the discretion of the Director, who may specify any special conditions to be satisfied in such a case.

(6) Applications for the supply of electricity will be processed and the supply made available within the periods stipulated in the NRS 047.

Wayleaves

10.(1) The Council may refuse to lay or erect a service connection or supply mains above or below ground on any thoroughfare not vested in the Council or on any private property, unless and until the prospective consumer shall have obtained and deposited with the Council written permission granted by the owner of the said private property or by the person in whom is vested the legal title to the land upon which any such thoroughfare as aforesaid exists, as the case may be, authorising the laying or erection of a service connection or supply mains thereon.

(2) If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection or to supply mains in order that the supply may be continued, and of any removal thereof which

may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply is required to be continued.

Electricity tariffs and fees

11. (1) The consumer shall be liable for all charges for all electricity supplied to his or her premises at the prescribed tariff rates.

(2) The Service Provider shall provide a statement of account indicating-

- (a) the meter reading;
- (b) the meter reading date;
- (c) the due date for payment; and
- (d) a warning that interest accrues on outstanding amounts and that the supply may be disconnected should the charges in respect of such supply remain unpaid after the due date.

(3) All accounts shall be deemed to be payable when issued by the Council.

(4) An error or omission in any account or failure to render an account shall not relieve the consumer of his obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.

(5) Copies of fees and charges may be obtained free of charge at the offices of the Service Provider.

Deposits

12.(1) The Service Provider in terms of a tariff policy approved by the Service Authority, reserves the right to require the consumer to deposit a sum of money as security in payment of any charges which are due or may become due to the Service Provider

(2) The amount of the deposit in respect of each installation shall be determined by the Director. Each such deposit may be increased if the Director deems the deposit held to be inadequate, or as a result of non-payment, or as a result of tampering, or as a result of unauthorised connections or unauthorized reconnections.

(3) Such deposit shall not be regarded as being payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this By-law.

(4) On cessation of the supply of electricity, the amount of such deposit, free of any interest, less any payments due to the Service Provider and/or the Service Authority shall be refunded to the consumer.

(5) The payment of interest on deposits, held in terms of supply agreements by any previous supplier of electricity, shall cease on the date of transfer of such supplies to the Service Provider.

Availability charges

13.(1) Availability charges as determined from time to time by the Council are payable to the Council by the owner of immovable property, with or without improvements, which is not connected to the electricity distribution system of the Council, if access to an electricity connection is available to such property.

(2) The provisions of subsection (1) are not applicable to-

- (a) immovable property which belongs to the Council;; and
- (b) immovable property in respect of which the Council has granted written exemption or partial exemption of payment of the availability charges; provided that the Council may at any time withdraw any such exemption.

Interest on overdue accounts

14.(1) The Service Provider may charge interest on accounts which are not paid by the due date appearing on the account, in terms of an approved Credit Control and Debt Collection Policy and any related indigent support.

Leakage of electricity

15. No rebate shall be allowed on any account for electricity supplied and metered as a result of electricity wasted owing to leakage or any other fault in the electrical installation.

Right to disconnect supply

16.(1) The Service Provider may subject to subsection (2), disconnect the supply of electricity to any premises , which could include the restricting and/or allocation of credit purchases for prepayment meters as set out in the Service Authority's Credit Control and Debt Collection Policy –

- (a) Where the person liable to pay for such supply fails to pay any charge due to the Service Provider in connection with any supply of electricity which he or she may at any time have received from the Service Provider in respect of such premises; or

(b) Where the Service Authority has requested the Service Provider to disconnect the Service Provider to disconnect the supply of electricity where there are outstanding municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties; or

(c) Where tampering with the service connection or supply mains has occurred.

(2) The Service Provider must give a person referred to in subsection (1)(a) and any person residing in the premises notice of –

- (a) the intention to disconnect electricity supply to the premises of such person;
- (b) reasonable opportunity for such person to make representations in respect of the intended disconnection; and
- (c) all the relevant information including reasons for the intended disconnection and the notice period on or after which the disconnection will be effected.

(3) The Service Provider may disconnect the supply of electricity to any premises without notice under the following circumstances;

- (a) Where there is a case of grave risk to any person or property; or
- (b) For reasons of community safety or the safety of emergency personnel.

(4) For circumstances other than listed in subsection (1) and (2), where any of the provisions of this By-law or the Regulations are being contravened, the Service Provider shall give the person concerned fourteen days' notice to remedy his or her default prior to disconnection.

(5) After the disconnection contemplated in subsection (1), the fee as prescribed by the Service Provider for such disconnection or the reconnection of the service shall be paid by the person concerned.

(6) In the case where an installation has been illegally reconnected on a consumer's premises after been previously legally disconnected by the Service Provider, or in the case where the Service Provider's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from those premises.

Non-liability of the Service Authority or Service Provider

17. Neither the Service Authority nor the Service Provider shall be liable for any loss or

damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or any other abnormality of the supply of electricity, unless caused by negligence on the part of the Service Authority or the Service Provider.

Failure of supply

18.(1) The Service Provider does not undertake to attend to any failure of supply of electricity due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the Service Provider.

(2) When any failure of supply is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the Service Provider shall have the right to charge the consumer the fee as prescribed by the Service Provider for each restoration of the supply in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation as aforesaid.

Temporary disconnection and reconnection

19.(1) The Service Provider shall, at the request of the consumer, temporarily disconnect and reconnect the supply to the consumer's electrical installation upon payment of the fee as prescribed by the Service Provider for each such disconnection and subsequent reconnection.

(2) In the event of the necessity arising for the Service Provider to effect a temporary disconnection and reconnection of the supply to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the Service Provider shall waive payment of the fee hereinbefore referred to.

(3) The Service Provider may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose and in all instances adequate notice shall be given.

(4) The Service Provider may inspect the service connection and/or require a Certificate of Compliance to be submitted before reconnecting the supply.

Temporary supplies

20. It shall be a condition of the giving of any temporary supply, as defined in this By-law, that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the Service Provider shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and neither the Council nor its employees or contractors shall be liable for any loss or

damage occasioned by the consumer by such termination.

Temporary work

21. (1) Electrical installations requiring a temporary supply shall not be connected directly or indirectly to the supply mains except with the special permission in writing of the Director.

(2) Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid permission, and the Director may refuse such permission or may grant the same upon such terms and conditions as may to him appear desirable and necessary.

Load reduction

22. (1) At times of peak load, or in an emergency, or when, in the opinion of the Director, it is necessary for any reason to reduce the load on the electricity supply system of the Service Provider, the Service Provider may without notice interrupt and, for such period as the Director may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation.

(2) Neither the Service Authority nor the Service Provider shall be liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity supply.

(3) The Service Provider may install upon the premises of any consumer such apparatus and equipment as may be necessary to give effect to the provisions of subsection (1), and any duly authorized official of the Service Provider may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting and/or changing such apparatus and equipment.

(4) Notwithstanding the provisions of sub-section (3), the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the Service Provider may require to facilitate the later installation of the apparatus and equipment referred to in sub-section (3).

High, medium and low voltage switchgear and equipment

23.(1) In cases where a supply is given at either high, medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved by the Director, be paid for by the consumer.

(2) All such equipment installed on the consumer's premises shall be compatible with the Service Provider's System Control Centre.

(3) No person shall open, close, isolate, link or earth high or medium voltage switchgear or equipment without giving reasonable prior notice to the Service Providers System Control Centre.

(4) In the case of high or medium voltage supply of electricity, where the consumer has high or medium voltage switchgear installed, the Service Provider shall be advised of the competent person appointed by the consumer in terms of the Regulations and of any changes made to such appointments.

(5) In the case of a low voltage supply of electricity, the consumer shall provide and install an approved low voltage main switch and/or any other equipment required by the Service Provider or any duly authorised official of the Service Provider.

Substation accommodation

24.(1) The Service Provider may, on such conditions as may be deemed fit by the Director require the owner to provide and maintain approved accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing:

- (a) high voltage cables and switchgear;
- (b) medium voltage cables and switchgear;
- (c) transformers;
- (d) low voltage cables and switchgear; and
- (e) other equipment necessary for the supply requested by the applicant.

(2) The Service Provider shall have the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the Service Provider, such additional accommodation may be provided by the applicant at the cost of the Service Provider.

(3) The substation accommodation shall comply with specified requirements and dimensions determined by the Service Provider and shall incorporate adequate lighting, ventilation, fire prevention and fire extinguishing measures.

(4) The substation accommodation shall be situated on the ground floor level at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and the maintenance of the equipment.

(5) Vehicular access to the substation entrance door shall be provided from the adjacent road or driveway.

(6) Where in the opinion of the Director the position of the substation accommodation is no

longer readily accessible or has become a danger to life or property or has for justifiable reasons become unsuitable, the consumer shall remove it to a new position to the satisfaction of the Director, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.

Wiring diagram and specification

25. (1) When more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification shall on request be supplied to the Service Provider in duplicate for written consent before the work commences.

(2) Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from high voltage, or from one of the substations of the Service Provider through mains separate from the general distribution system, a complete specification and drawings for the plant to be installed by the consumer shall, if so required, be forwarded to the Service Provider for written consent before any material in connection therewith is ordered.

Standby supply

26. No person shall be entitled to a standby supply from the Service Provider for any premises having a separate source of electricity supply except with the written consent of the Director and subject to such terms and conditions as may be laid down by the Director..

Consumer's electricity generation equipment

27.(1) No electricity generation equipment provided by a consumer in terms of any By-laws and or Regulations or for his own operational requirements shall be connected to any installation without the prior written consent of the Director.

(2) Application for such consent shall be made in writing and shall include a full specification of the equipment and wiring diagram.

(3) The electricity generation equipment shall be so designed and installed that it is impossible for the Service Provider's supply mains to be energized by means of a back-feed from such equipment.

(4) The position of the installed generating equipment shall not interfere with the supply mains; moreover, the generating equipment must be installed entirely on the consumer's premises.

(5) the consumer shall be responsible for providing and installing all such protective

equipment and for obtaining a Certificate of Compliance issued in terms of the Regulations for the work carried out.

(6) where by special agreement with the Service Provider, the consumer's electricity generation equipment is permitted to be electrically coupled to, and run in parallel with the Service Provider's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of the Director.

(7) Under normal operating conditions, any export of surplus energy from the consumer to the Service Provider's network shall be subject to a special agreement with the Service Provider.

(8) In the event of a general power failure on the Service Provider's network protection equipment shall be installed by the consumer, subject to the Director's approval, so as to ensure that the consumer's installation is isolated from the Service Provider's network until normal operating conditions are restored. The cost of any specialized metering equipment will be for the consumer's account.

Installation circular letters

28. The Service Provider may from time to time issue Installation Circulars to all contractors and/or consulting engineers and/or architects detailing the requirements of the Service Provider regarding matters not specifically covered in this By-law but which are necessary for the safe, efficient operation and management of the supply of electricity.

Servitudes on private property

29. (1) The Service Provider may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the Service Authority or on any private property, unless and until the prospective consumer shall have obtained and deposited with the Service Provider written permission granted by the owner of the said private property or by the person in whom is vested the legal title to the land or thoroughfare as aforesaid exists, as the case may be, authorising the laying or erection of a service connection thereon.

(2) if such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and new the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be continued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply of electricity is required to be continued.

Statutory servitude

30. (1) Subject to the provisions of subsection (3) the Service Provider may within the municipal area of the Service Authority:

- a) provide, establish and maintain electricity services;
- b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;
- c) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the Service Provider;
- d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by the paragraphs (a) to (c).

(2) If the Service Provider constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the Service Authority or under the control of or management of the Service Authority, the Service Provider shall determine the restrictions to be imposed on the use of the property under a servitude agreement.

(3) The Service Authority and the owner of such street or property shall enter into a servitude agreement which may include an agreed amount for compensation, or in the absence of an agreement as determined by arbitration or a court of law.

(4) The Service Provider shall, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the Service Authority or under the control or management of the Service Authority, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

CHAPTER 3**SPECIFIC CONDITIONS OF SUPPLY****Service connection**

31. (1) The consumer shall bear the cost of the service connection, as determined by the Council.

(2) Notwithstanding the fact that the consumer bears the cost of the service connection,

ownership of the service connection shall vest in the Service Provider, the Service Provider shall be responsible for the maintenance of such service connection up to the point of a supply.

- (3) The consumer shall not be entitled to any compensation from the Service Provider in respect of such service connection.
- (4) The work to be carried out by the Service Provider at the cost of the consumer for a service connection to the consumer's premises shall be determined by the Director.
- (5) The consumer shall provide, fix and/or maintain on his premises such ducts, wireways, trenches, fastenings and clearance to overhead supply mains as may be required by the Director for the installation of the service connection.
- (6) Unless otherwise approved by the Director, each registered erf shall only be provided with one service connection.

(7) Where two or more premises belonging to one owner are situated on adjacent erven and the owner operates the properties in a consolidated manner, for safety considerations, only a single bulk supply of electricity shall be made available to such erven.

(8) Any covers of a wireway carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the Service Provider.

(9) Within the meterbox, the service conductor or cable, as the case may be, shall terminate in an unobscured position and the conductors shall be visible throughout their length when cover plates, if present, are removed.

(10) In the case of blocks of buildings occupied by a number of individual consumers separate wireways and conductors, or cables shall be laid from the common metering room, or rooms, to each individual consumer in the blocks of buildings. Alternatively, if trunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1,5 meters) throughout their length.

Metering accommodation

32.(1) complete this on work computer.

(2) Such accommodation and protection shall be provided and maintained, to the satisfaction of the Director, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of credit meters, at a point where free and unrestricted access shall be had at all reasonable hours for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment.

- (3) Access at all reasonable hours shall be afforded for the inspection of prepayment meters.
- (4) Where sub metering equipment is installed, accommodation separate from the Service Provider's metering equipment shall be provided.
- (5) The consumer or, in the case of a common meter position, the owner of the premises shall provide a distribution board from which to supply adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.
- (6) Where in the opinion of the Director the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a course of danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new position, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.
- (7) The accommodation for the Service Provider's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices.
- (8) No apparatus other than that used in connection with the supply of electricity and use of electricity shall be installed or stored in such accommodation unless approved.

CHAPTER 4

RESPONSIBILITIES OF CONSUMERS

Consumer to erect and maintain electrical installation

33. Any electrical installation connected or to be connected to the supply mains, and any additions or alterations made thereto which may be made from time to time, shall be provided and erected and maintained and kept in good order by the consumer at the consumer's own expense and in accordance with this By-law and the Regulations.

Fault in electrical installation

34. (1) If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the consumer shall immediately disconnect the electricity supply. The consumer shall without delay give notice thereof to the Service Provider and shall immediately take steps to remedy the fault.

(2) The Service Provider may require the consumer to reimburse it for any expense to which it may be put in connection with a fault in the electrical installation.

Discontinuance of use of supply

35. In the event of a consumer desiring to discontinue using the electricity supply, he shall give at least two full working days' notice in writing of such intended discontinuance to the Service Provider, failing which the consumer shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of two full working days after such notice has been given.

Change of consumer

36.(1) Two full working days' notice in writing shall be given to the Service Provider of the intention to discontinue using the electricity supply, failing which the owner shall remain liable for such supply.

(2) If the person taking over occupation of the premises desires to continue using the electricity supply, the owner of such premises shall make application in accordance with this By-law, and If the new occupier fails to make application for an electricity supply within ten working days of taking occupation of the premises, the supply shall be disconnected, and the new occupier shall be liable to the Council for the electricity supply of electricity shall be disconnected, and the owner shall be liable to the Service Provider for the electricity supply from the date of occupation until such time as the supply is disconnected.

(3) Where premises are fitted with pre-payment meters and there is no existing electricity supply agreement, until such time as an application is made by the owner for the supply of electricity in terms of this By-law, the owner shall be liable for all charges and fees owed to the Service Provider for that metering point as well as any outstanding charges and fees which have accrued to that metering point.

Service apparatus

37. (1) The consumer shall be liable for all costs to the Service Provider arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been occasioned by an Act of God or an act or omission of an employee of the Service Provider or caused by an abnormality in the supply of electricity to the premises.

(2) If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus, being the property of the Service Provider and having been previously used, have been removed without its permission or have been damaged so as to render reconnection dangerous, the owner or occupier of the premises, as the case may be, during such period shall bear the cost of overhauling and/or replacing them.

(3) Where there is a common metering position, the liability detailed in subsection (1) shall

devolve on the owner of the premises.

(4) The amount due in terms of subsection (1) shall be evidenced by a certificate from the Director which shall be final and binding.

Deposits

38.(1)(a) Except as determined by law, all classes of consumers approved by the Council and every applicant for a supply shall, before such supply is given, deposit with the Council a sum of money on the basis of the cost of the maximum consumption of electricity which the applicant is in the Chief Financial Officer's opinion likely to use during any two consecutive months: Provided that such sum shall not be less than is prescribed in the tariff.

(b) Notwithstanding the foregoing provisions of this section the Chief Financial Officer may, in lieu of a deposit, accept from an applicant, a guarantee for an amount calculated in accordance with paragraph (a) and in the form prescribed by the Council, as security for the payment of any amount that may become due by the applicant for, or in respect of, the supply of electricity: Provided that no such guarantee shall be accepted unless the estimated monthly account in respect of the supply to the premises concerned amounts to at least R_____.

(2)(a) The Council may at any time when the deposit or guarantee is found to be inadequate for the purposes of subsection (1), require a consumer to increase the deposit made or guarantee furnished by him/her, in which event the consumer shall, within 30 days after being so required, deposit with the Council such additional sum or furnish such additional guarantee as the Council may require, failing which the Council may discontinue the supply. Any sum deposited by or on behalf of a consumer shall, on being claimed, be refunded within 30 days after the termination of the consumers' agreement after deducting any amount due by the consumer to the Council.

(b) An amount as determined by the Council from time to time by means of a Council resolution, shall be payable as a deposit for water consumption, when a pre-paid electricity meter is installed.

(3)(a) Subject to the provisions of subsection (3), any person claiming a refund of a deposit or part thereof, shall either –

- (i) surrender the receipt which was issued for payment of the deposit; or
- (ii) if such receipt is not available, sign a receipt prescribed by the Council for the refund to him/her of such deposit or part thereof and satisfy the Council that he/she is the person entitled to such refund.

(b) If a deposit or part thereof has been refunded in accordance with paragraph (a), the Council shall be absolved from any further liability in respect thereof.

(4) The consumer's agreement may contain a provision that any sum deposited by the consumer, a refund of which has not been so claimed within 1 year after either such agreement has been terminated or he/she has ceased for any reason to receive a supply in terms of such agreement, shall at the expiration of that period become forfeited to the Council.

(5) Notwithstanding the provisions of subsection (5), the Council shall at any time pay –

(a) to the person who paid the deposit on his/her satisfying the Council of his/her identity and the amount; or

(b) to any other person who has satisfied the Council that he/she is entitled to have the payment made to him/her, an amount equal to the forfeited deposit.

(6) If a consumer applies to the Council for a supply of higher capacity than he/she is receiving, the Chief Financial Officer may require the consumer to make an increased deposit or furnish an increased guarantee in terms of subsections (1) and (2) before such supply is given.

CHAPTER 5

UNAUTHORISED ACTIONS

Tampering with service connection or supply mains

39.(1) No person shall in any manner or for any reason whatsoever tamper with, interfere with, vandalise, fix advertising medium to, or deface any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the Service Provider or illegally connect into the electricity wiring of any other consumer.

(2) Where prima facie evidence exists of a consumer and/or any person having contravened subsection (1), the Service Provider may disconnect the supply of electricity to the consumer and, that person shall be liable for all fees and charges levied by the Service Provider for such disconnection.

(3) Where interference or damage is caused by any individual, having contravened subsection (1), legal action may be instituted against that individual.

(4) Where a consumer and/or any person has contravened subsection (1) and such contravention has resulted in the meter recording less consumption than the true consumption, the Service Provider shall have the right to recover from the consumer the full cost of his estimated consumption.

Removal of seals

40. The meter, service protective devices and all apparatus belonging to the Service Provider shall be sealed or locked by a duly authorized official of the Service Provider, and no person not being an official of the Service Provider duly authorised thereto shall in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks.

Prevention of tampering with service connection or supply mains

41. If the Director decides that it is necessary or desirable to take special precautions in order to prevent tampering with any portion of the supply mains, service connection or meter, the consumer shall either supply and install the necessary protection or pay the costs thereof where such protection is supplied by the Service Provider.

Unauthorised connections

42. No person other than a specifically authorized thereto by the Director in writing shall directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the supply mains or service connection.

Unauthorised reconnections

43.(1) No unauthorized person shall reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service connection any electrical installation or installations which has or have been disconnected by the Service Provider.

(2) Where the supply that has previously been disconnected is found to have been reconnected, the consumer using the supply shall be liable for all charges for electricity consumed between the date of disconnection and the date the supply was found to be reconnected and any other charges raised in this regard.

(3) Furthermore, the service provider reserves the right to remove part or all of the supply equipment until such time as payment has been received in full. In addition the consumer will be responsible for all the costs associated with the re-instatement of such supply equipment.

Improper use

44.(1) If the consumer uses electricity for any purpose or deals with the electricity in any manner which the Service Provider has reasonable grounds for believing interferes in an improper or unsafe manner or is could interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the Service Provider may, with or without notice, disconnect the electricity supply but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed.

(2) The fee as prescribed by the Service Provider for the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored, unless it can be shown to the satisfaction of the Engineer that the consumer did not use or deal with the electricity in an improper or unsafe manner.

Protection of electrical distribution system

4.(1) No person shall without having in his possession on site a Wayleave and Civil Work Permit issued by the Service Provider and subject to such conditions as may be imposed -

(a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the electrical distribution system;

(b) excavate, open up, remove the ground, or later the ground level above, next to, under or near any part of the electrical distribution system;

(c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the electrical distribution system;

(d) make any unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity therefrom.;

(e) the owner shall limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the Service Provider will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down. Should the owner fail to observe this provision, the Service Provider shall have the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose;

(f) The Service Provider subject to obtaining an order of court, demolish, alter or otherwise deal with any building structure or other object constructed, erected or laid in contravention with this By-law.

(g) The Service Provider may in the case of an emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system

Resale of electricity

46. The resale by any person of electricity supplied by the Council to such person shall be only permitted in terms of legislation and the terms and conditions as resolved by the Council.

CHAPTER 6

SYSTEMS OF SUPPLY

Nominal supply voltage

47. The nominal voltage at which a supply is given shall be determined by the Service Provider as necessitated by technical considerations to ensure the efficient operation of the supply mains.

Load requirements

48. Alternating current supplies shall be given as prescribed by the Electricity Act, 1987 (Act No. 41 of 1987), and in the absence of a quality of supply agreement, as set out in the applicable standard specification.

Load limitations

49.(1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15 kVA, the electrical installation shall be arranged for a two-wire single-phase supply of electricity, unless otherwise approved by the Director.

(2) Where a three-phase four-wire supply is provided, the load shall be approximately balanced over the three phases but the maximum out-of-balance load shall not exceed 15 kVA, unless otherwise approved by the Director.

(3) No current-consuming appliance, inherently single phase in character, with a rating which exceeds 15 kVA shall be connected to the electrical installation without the prior approval of the Director

Interference with other person's electrical equipment

50.(1) No person shall operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the applicable standard specification..

(2) The assessment of interference with other person's electrical equipment shall be carried out by means of measurements taken at the point of common coupling.

(2) Should it be established that undue influence is in fact occurring, the consumer shall, at

this/her own cost, install the necessary equipment to filter out the interference and prevent it reaching the power supply mains.

Supplies to motors

51. (1) Unless otherwise approved by the Director the rating of motors shall be limited as follows:

(a) limited size for low voltage motors rating of the low voltage single – phase motor shall be limited to 2 Kilo Watts and/or the starting current shall not exceed 70. All motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.

(b) Maximum starting and accelerating currents of three-phase alternating current in motors. –

The starting current of three-phase low voltage motors permitted shall be related to the capacity of the consumers' service connection, as follows:

Insulated service cable, size in mm ² , copper equivalent mm ²	Maximum permissible starting current A	Suggested maximum motor rating in Kw		
		Direct on line (6 x full-load current)	Star/Delta (2.5 x full-load current)	Other means (1.5 x full-load current)
		KW	KW	KW
16	72	6	13,5	23
25	95	7,5	18	30
35	115	9	22	36,5
50	135	10	25	45
70	165	13	31	55
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

c) Consumers supplied at medium voltage in an installation supply that is medium voltage the starting current of low voltage motors shall be limited to 1,5 times the rated full –load current of the transformer supplying such a motor. The starting arrangement for medium voltage motors shall be subject to the approval of the Director.

High voltage electrical installations

52.(1) All the apparatus used in connection with a high voltage electrical installation shall be of approved design and construction.

(2) Before any work is commenced in connection with a new high voltage electrical installation or for the extension of an existing high voltage installation, a site plan and a drawing showing in detail to the Council's satisfaction the particulars and layout of all electrical apparatus which it is proposed to install together with full technical information concerning the apparatus shall be submitted to the Council and no work as aforesaid shall be commenced until the proposed installation or extension has been approved.

(3) No person other than a skilled person shall undertake the installation, repair, alteration, extension, examination or operation of or touch or do anything in connection with high voltage apparatus.

(4) Notwithstanding any approval previously given by him/her the Council may at any reasonable time and in case of emergency at all times inspect any high voltage apparatus and subject it to such tests as may be deemed necessary and may, if such apparatus be found defective, disconnect the supply to the premises until the defect has been rectified to the Council's satisfaction.

(5) The owner of the consumer shall be liable to the Council for the cost of carrying out any of the test referred to in subsection (4) if any defect in the high voltage or the low voltage electrical installation is revealed thereby.

(6) Notwithstanding anything contained in section 25 no high voltage apparatus which has been newly installed, altered or extended shall be connected to the supply without the permission in writing of the Council, which permission shall not be given unless and until every requirement of this section has been complied with.

Enclosures for supply

53.(1) Where required by the Council, an owner shall at no expense to the Council provide and maintain an approved enclosure for accommodating the Council's and consumer's supply equipment in a position determined by the Council.

(2) No person shall enter the enclosure accommodating the Council's supply equipment or touch or interfere with any apparatus therein, unless authorised thereto by the Council.

(3) Every low voltage enclosure associated with a high voltage enclosure and every enclosure for a special supply at low voltage shall be kept locked by the consumer and a key thereto shall, if required by the Council, be deposited with him/her or provision made for the fitting of an independent lock by the Council who shall be entitled to access to the enclosure at all times.

(4) The consumer or owner of premises shall at all times provide and maintain safe and convenient access to a low voltage enclosure or an enclosure for a special supply at low voltage and such enclosure shall at all times be kept clean and tidy by the consumer to the satisfaction of the Council and shall be used for no other purpose save the accommodation of equipment and apparatus associated with the supply.

(5) The consumer or owner of the premises shall at all times provide and maintain safe and convenient access to a high voltage enclosure, such access to be direct to that part of the enclosure into which the high voltage supply is led and not through the low voltage enclosure or through any door or gate the lock of which is controlled by the consumer or the owner of the premises.

(6)The Council may use any enclosure for supply equipment in connection with a supply to consumers on premises other than those on which that enclosure is situated.

Surge diverters

54.Every electrical installation connected to an overhead supply main shall be provided with one or more approved surge diverters in positions determined by the Council.

Position of cooking appliances

55.No heating or cooking appliance shall be installed, placed or nursed below any meter belonging to the Council.

Provision of circuit breakers

56.When required by the Council, the owner shall supply and install 1 or more approved supply circuit breakers in a manner and position as determined by the Council.

Maintenance of installation

57.(1)Any electrical installation on any premises connected with the supply shall at all times be maintained by the owner or consumer in good working order and condition to the satisfaction of the Council.

(2)The Council may require a consumer who takes a multiphase supply, to distribute his/her electrical load, as approved by the Council, over the supply phases and may install such devices in the relevant service connection as he/she may deem necessary to ensure that this requirement is complied with.

Control apparatus

58.The Council shall have the right to install a control relay on any water heater, space heater of the storage type or any other apparatus and thereafter at any time to switch off the said apparatus during periods of stress or peak load for such length of time as it may deem necessary.

Obstructing employees

59.No person shall –

- (1)hinder, obstruct or interfere with any employee of the Council in the performance of any duty relating to this by-law; or
- (2)refuse to give such information as the Council may reasonable require; or
- (3)give to the Council any information which to his/her knowledge is false or misleading.

Irregular supply

60. The Council shall not be liable for the consequences to the consumer or any other person of any stoppage, failure, variation, surge or other deficiency of electricity from whatsoever cause.

Owner's and consumer's liability

61.(1) The owner and the consumer shall be jointly and severally liable for compliance with any financial obligation, except as provided in subsection (2), or other requirement imposed upon them in the alternative by this by-law.

(2) The liability for compliance with any financial obligation in respect of the consumption of electricity, shall be the sole responsibility of the consumer.

Notice

62.(1) Any notice or other document to be issued by the Council in terms of this by-law shall be deemed to have so issued of it is signed by an authorised official of the Council.

(2) Where the by-law require that a notice or other document be served on a person, it shall be deemed to be properly so served if delivered at the person's place of residence or business or if sent per registered mail to such person's last known resident or business address recorded in the Chief Financial Officer's records.

Power factor

63.(1) If required by the Director, the power factor of any load shall be maintained within the limits 0,85 lagging and 0,9 leading.

(2) Where, for the purpose of complying with subsection (1), it is necessary to install power factor corrective devices, such corrective devices shall be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.

(3) The consumer shall, at his or her own cost, install such corrective devices.

Protection

64. Electrical protective devices for motors shall be of such a design as effectively to prevent sustained overcurrent and single phasing, where applicable.

CHAPTER 7

MEASUREMENT OF ELECTRICITY

Metering

65.(1) The Service Provider shall, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.

(2) Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the Service Provider and read at the end of such period except where the metering equipment is found to be defective, in which case the consumption for the period shall be estimated.

(3) Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.

(4) The Service Provider reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.

(5) No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the Director.

Accuracy of metering

66.(1) A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in this By-law is found to be within the limits of error as provided for in the applicable standard specifications..

(2) The Service Provider shall have the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the Service Provider shall-

- (a) in the case of a credit meter, adjust the account rendered;
- (b) in the case of prepayment meters,
 - (i) render an account where the meter has been under-registering, or
 - (ii) issue a free token where the meter has been over-registering, in accordance with the provisions of subsection (6).

(3) The consumer shall be entitled to have the metering equipment tested by the Service Provider on payment of the prescribed fee. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of subsection (2) and (6) shall be made and the aforesaid fee shall be refunded.

(4) In case of a dispute, the consumer shall have the right at his own cost to have the metering equipment under dispute tested by an independent testing authority accredited by

the South African Accreditation Services and the result of such test shall be final and binding on both parties.

(5) Meters shall be tested in the manner as provided for in the applicable standard specifications.

(6) When an adjustment is made to the electricity consumption registered on a meter in terms of sub-section (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in sub-section (5) or upon a calculation by the Service Provider from consumption data in his possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.

(7) When an adjustment is made as contemplated in subsection (6), the adjustment may not exceed a period of three years preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.

(8) Where the actual load of a consumer differs from the initial estimated load provided for under section 7(1) (find section) to the extent that the Service Provider deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.

(9)(a) Prior to the Service Provider making any upward adjustment to an account in terms of sub-section (6)(check), the Service Provider shall-

- (i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;
- (ii) in such notification provide sufficient particulars to enable the consumer to submit representations thereon; and
- (iii) call upon the consumer in such notice to provide him with reasons in writing, if any, within 21 days or such longer period as the Director may permit why his account should be adjusted as notified.

(b) Should the consumer fail to make any representations during the period referred to in subsection (9)(a)(iii), the Service Provider shall be entitled to adjust the account as notified in subsection 9(a)(i).

(c) The Director shall consider any reasons provided by the consumer in terms of subsection 9(a) and shall, if satisfied that a case has been made out therefore, adjust the account appropriately.

(d) If the Director decides after having considered the representations made by the consumer that such representations do not establish a case warranting an amendment to

the monetary value established in terms of subsection (6), the Service Provider shall be entitled to adjust the account as notified in terms of subsection (9)(a)(i), subject to the consumers rights to appeal the decisions of the official in terms of section 62 of the Municipal Systems Act, 2000.

Reading of credit meters

67.(1) Unless otherwise prescribed in the applicable standard specification, credit meters shall normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly. The Service Provider shall not be obliged to effect any adjustments to such charges.

(2) If for any reason the credit meter cannot be read, the Service Provider may render an estimated account. The electrical energy consumed shall be adjusted in a subsequent account in accordance with the energy consumption actually used.

(3) When a consumer vacates a property and a final reading is not possible, an estimation of the consumption may be made and the final account rendered accordingly.

(4) If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee.

(5) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only apply in respect of accounts for a period of three years preceding the date on which the error in the accounts was discovered, and shall be based on the actual tariffs applicable during the period. The application of this section does not prevent a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.

Accounts

68.(1) The engineer shall, in respect of each scale of the tariff governing a supply, provide such number of meters as he/she deems necessary.

(2) The Council may, during any meter reading period, render to the consumer a provisional account in respect of a part of such period (which part shall nearly as practically possible be a period of 30 days and the amount of such account shall be determined as provided in subsection (4) and shall as soon as possible after the meter reading at the end of such period render to consumer an account based on the actual measured consumption and demand during that period, giving credit to the consumer for any sum paid by him/her on a provisional account as aforesaid.

(4) An account may be rendered for fixed charges in terms of the tariffs as and when they become due.

(4) The amount of a provisional account referred to in subsection (2) shall be determined by the Council by reference to such previous consumption, on the same premises as would in his/her opinion, constitute a reasonable guide to the quantity of electricity consumed over the period covered by the provisional account: Provided that where there has been no such previous consumption the Council shall determine the amount of the said account by reference to such consumption on other similar premises which, in his/her opinion, affords reasonable guidance.

(5) A consumer's decision to dispute an account shall not entitle him/her to defer payment beyond the due date stipulated in the account.

(6) In the event of the Council not being able to gain access to a meter for 2 consecutive meter readings the Council may forthwith discontinue the supply of electricity in respect of the premises to which that meter relates.

(7) When it appears that a consumer has been wrongly charged for electricity due to the application of a wrong tariff or on any other grounds other than inaccuracy of a meter, the Council shall make such enquiries and tests as it thinks necessary and shall if satisfied that the consumer has been wrongly charged, adjust his/her account accordingly or if not so satisfied, charge him/her if the Council's actions are the result of a complaint by the consumer, in addition the cost to itself of making such enquiries and tests.

Prepayment metering

69.(1) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.

(2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.

(3) When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer by the Service Provider.

(4) The Service Provider shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters and/or tokens.

(5) Where a consumer is indebted to the Service Provider for electricity consumed or to the Service Authority for any other service supplied by the Service Authority (including rates) or for any charges previously raised against him in connection with any service rendered, the Service Provider may deduct a percentage from the amount tendered to offset the amount owing to the Service Authority and/or Service Provider, as set out in the section 4 agreement for the supply of electricity.

(6) The Service Provider may, at its discretion, appoint vendors for the sale of credit for

prepayment meters and shall not guarantee the continued operation of any vendor.

CHAPTER 8

ELECTRICAL CONTRACTORS

Electrical contractors

70.(1) Where an application for a new or increased supply of electricity has been made to the Service Provider the Director may at his discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of the Director, be inspected, tested and connected to the supply mains as though it were a complete installation.

(2) The examination, test and inspection that may be carried out at the discretion of the Director in no way relieves the electrical contractor/accredited person or the user or lessor, as the case may be, from his responsibility for any defect in the installation. Such examination, test and inspection shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is in accordance with this by-law or the safety standard, and neither the Service Authority nor the Service Provider shall be held responsible for any defect or fault in such electrical installation.

(3) Neither the Service Authority nor the Service Provider shall be held responsible for the work done by the electrical contractor/accredited person on a consumer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

Right of admittance to inspect, test and/or do maintenance work

71. The Service Provider or any duly authorised official of the Service Provider may at any reasonable time, or, in an emergency, at any time enter any premises when there are reasonable grounds for supposing that a breach of this by-law has been or is being committed, and may remove any earth, bricks stone, iron or woodwork or other covering on any portion of the premises for purposes of inspection, and the Council shall not be liable for any damage as a result of such removal but shall restore such premises to their former condition should no breach of this by-law be discovered.

Refusal or failure to give information

72. No person shall refuse or fail to give such information as may be reasonably required of him by any duly authorised official of the Service Provider or render any false information to any such official regarding any electrical installation work completed or contemplated.

Refusal of admittance

73. No person shall wilfully hinder, obstruct, interfere with or refuse admittance to any duly authorised official of the Service Provider in the performance of his duty under this By-law or of any duty connected therewith or relating thereto.

CHAPTER 9**PENALTIES**

74. (1) Any person who contravenes any of the provisions of this by-law shall be guilty of an offence and liable upon conviction to the penalties prescribed in the Municipal Systems Act.

(2) Every person committing a breach of the provisions of this by-law shall be liable to recompense the Service Authority or the Council as the case may be for any loss or damage suffered or sustained by it in consequence of such breach.

(3) The occupier, as defined in section 1 of this by-law, shall be guilty of a contravention under section 26 unless he proves the contrary on a balance of probability.

CHAPTER 10**GENERAL****Repair of damage**

75. The Service Provider may repair and make good any damage done in contravention of this By-law or resulting from a contravention of this By-law. The cost of any such work carried out by the Service Provider which was necessary due to the contravention of this By-law, shall be to the account of the person who acted in contravention of this By-law.

Arbitration

76. If at any time any difference or question arises between the Council and the consumer as

to the construction, meaning or effect of this by-law or as to the rights, obligations or liabilities of either party thereunder, such difference or question or matter or thing so subject to agreement or adjustment shall be referred to the National Electricity Regulator for a decision, failing which shall be determined by arbitration in terms of the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965), as amended.

Indemnity

77. The Council shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or discontinuance of the supply of electricity, unless caused by negligence on the part of the Council.

Offences

78. Any person who -

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

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

Repeal of existing By-laws

79. The Council's existing By-laws are hereby repealed.

Short title and commencement

80. These by-laws shall be called the Electricity Supply By-laws, 2015, and shall come into operation on

FIRE PREVENTION

Be it enacted by the Council of theMunicipality in terms of section 156(2) of The Constitution of the Republic of South Africa, 1996, the Local Government:

Municipal Systems Act, 2000 and the Local Government: Municipal Structures Act, 1998, the Municipal Council has made the following by-law as set forth hereunder.

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CHAPTER 1 DEFINITIONS

Definitions

(1) In this bylaw, unless the context indicates otherwise-

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

"Act" means the Explosive Act, 1956 (Act no.26 of 1956);

"authorised official" means a person authorised to perform a specified function of this By-law, who is a –

- (a) Peace officer as contemplated in section 334 of the Criminal Procedure Act; or
- (b) municipal or metropolitan police officer as contemplated in the South African Police Service Act.

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

"Approved" means approved by a Chief Fire Officer;

"Basement" means that part of a building which is below the ground floor storey;

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

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

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

therewith;

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

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

“bulk depot” means any premises defined as such in SANS 10089 relating to the handling, storage and distribution of flammable substances;

“bund wall” means a containment wall surrounding an above ground storage tank, constructed of an impervious material and designed to contain 110% of the contents of the tank;

“certificate of competence” means a certificate of competence issued in terms of section 8;

“certificate of registration” means a certificate contemplated by section 8;

“Class O flammable liquid” means Liquefied Petroleum Gas;

“Class I Flammable Liquid” means a liquid that has a closed cup flash point below 21C;

“Class II Flammable Liquid” means a liquid that has a closed cup flash point from 21C up to and including 55C;

“Class III Flammable Liquid” means a liquid that has a closed cup flash point from 55C up to and including 100C;

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

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

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

“Competent person” means someone with sufficient training and experience

“Constitution” means the Constitution of the Republic of South Africa;

“container” means any vessel used or intended to be used for the holding of a

flammable liquid, but does not include the fuel tank or any motor vehicle or stationary internal combustion engine in normal use as such;

“Controlling Authority” means a Chief Fire Officer, a Municipal Manager or their respective delegates as contemplated in this by-law;

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

"division separating element" means a building element or component which separates one area in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SANS 10400;

“dry cleaning machinery” means any machinery used or intended to be used for the cleaning or treatment of garments or textiles with the aid of flammable liquids;

“Earth”, “Earthed” or “Earthing” in relation to electricity means connected to the general mass of Earth in such a manner as will ensure at all times an immediate discharge of electrical energy without danger;

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

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

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

“entertainment and public assembly occupancy” means a place where people gather to eat, drink, dance or participate in other recreational activities;

“Environmental Regulations” means the Environmental Regulations made in terms of the Occupational Health and Safety Act under GN R2281 in GG 10988 of 16 October, as amended from time to time;

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

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

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

"Explosives Act" means the Explosives Act, 2003 (Act 15 of 2003)

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

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

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

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

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

"fire hydrant" means an active fire protection measure, and a source of water provided in most urban, suburban and rural areas with municipal water service to enable firefighters to tap into the municipal water supply to assist in extinguishing a fire;

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

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

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

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

SANS 10400;

"flammable gas" as contemplated in SANS 10228, means a gas that at 20 degrees centigrade and at a standard pressure of 101,3 kilopascals:

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

"flammable liquid or substance" means any substance that is readily ignited or an flammable liquid:

1	2	3
Danger Group	Closed Cup Flash Point (°C)	Initial Boiling Point(°C)
1.	-	≤ 35 (°C)
2.	< 23 (°C)	> 35 (°C)
3.	≥ 23 ≤ 60,5 (°C)	> 35 (°C)
4.	> 60,5 – 100 (°C)	> 35 (°C)

"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, as contemplated in SANS 10228;

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

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

"General Safety Regulations" means the General Safety Regulations made under the Occupational Health and Safety Act, under GN R1031 in GG10252 of 30 May 1986, as amended from time to time;

"member" means a member of the Service and includes the Chief Fire Officer;

"motor vehicle" means any self-propelled vehicle –

- (a) having an engine or motor as an integral part thereof or attached thereto;

- (b) which is designed or adapted to be propelled by means of such engine or motor for the purposes of transportation on the road or on water of one or more persons or any material, item, substance or object;
- (c) including, but not limited to, a trailer, motor-bike, quad-bike, personal watercraft or earth-moving or earth-working vehicle; and
- (d) excluding any motor vehicle which is controlled by a pedestrian, or any motor vehicle with a mass not exceeding 230 (two hundred and thirty) kilograms which is specially designed and constructed solely for mobility of any person suffering from some physical defect or disability or a vessel;

“Municipality” means the _____, a category _____ municipality as envisaged in terms of section 155(1) of the Constitution;

“Municipal area” means the area under jurisdiction of the municipal council;

“Municipal Structures Act” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“Municipal Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

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

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

“National Building Regulations and Buildings Standards Act” means the National Building Regulations and Building Standards Act, 1997 (Act 103 of 1997);

“National Road Traffic Act” means the National Road Traffic Act, 1996 (Act 93 of

1996);

"non-combustible" means a substance or material classified as non-combustible when tested in accordance with SANS 10177: Part 5;

"occupancy separating element" means a building element or component which separates one occupancy in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SANS 10400-T;

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

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

"owner" means:

- (a) in relation to premises, other than a building, either a natural or juristic person whose identity is determined by operation of law;
- (b) in relation to a building, either a natural or juristic person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question;
- (c) in relation to an installation, either a natural or juristic person in whose name a contract is entered into regarding approval, erection and maintenance of the installation; provided that such a person is not the owner mentioned in (b), and
- (d) in the event of the Council being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is entitled to the benefit of the use of such premises, building or installation or who enjoys such benefit;

"person in charge" means:

- (a) in relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the management, or utilisation of the premises;
- (b) in relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the building;
- (c) in relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for the management or utilisation of the installation; provided that such a person is not the person mentioned in (a), and
- (d) in the event of the Council being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is in the opinion of the Council deemed to be in charge of such premises, building or installation;

"Population" means the population determined in accordance with the National

Building Regulations (A21);

"Portable Fire Extinguisher" means an extinguisher complying with the requirements of one of the following standards specifications, depending upon the type required by this Code or Approved by the Chief Fire Officer:

"S.A.N.S" means South African National Standards

"premises" means any piece of land external surface boundaries of which are delineated on—

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1997 or in terms of the Deeds Registries Act, 1937; or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986

"public place" means any square, park, recreation ground or open space which —

- (a) is vested in the Municipality;
- (b) the public has the right to use; or
- (c) is shown on a general plan of a township filed in a deeds registry or a Surveyor-General's office and has been provided or reserved for the use of the public or owners of erven in such township;

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

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

"pump" means a pump used or intended for use for the supply, delivery, propulsion or pumping of a flammable liquid or substance and includes all apparatus, pipes and appliances used for or in connection therewith, but does not include pumps in bulk depots unless such pumps are used or intended to be used for the sale of such substances by retail;

"S.A.B.S Code of Practice" means the version of any S.A.B.S code of Practice applicable at the time of promulgation of this Code;

"Service" means a fire brigade service as defined in the Fire Brigade Services Act;

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

“spraying booth” means any subdivision of or compartment in a spraying room when such subdivision or compartment is used or intended to be used for the purpose of spraying motor vehicles or other articles;

“spraying room” means any room or structure used or intended to be used for the purpose of spraying motor vehicles or other such articles;

"Standards Act" means the Standards Act, 2008 (Act 8 of 2008);

“State” means any –

(a) department of state or administration in the national, provincial or local sphere of government; or

(b) other functionary or institution exercising a –

(i) power or performing a public function in terms of the Constitution or a provincial constitution; or

(ii) public power or performing a public function in terms of any legislation, but does not include a court or judicial officer;

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

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

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

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

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

Interpretation

2. If there is a conflict of interpretation between the English version of this By-law and a translated version, the English version prevails.

CHAPTER 2

FIRE PROTECTION OF BUILDINGS

Design and construction

3. (1) Every building must be designed and constructed in a manner that –

- (a) provides for the effective drainage of any water that may result from fire-extinguishing activities and for the discharge of such water directly into a storm water drain;
- (b) prevents any water that may result from fire-extinguishing activities from draining down a stairway or lift shaft, down any electrical shaft or telecommunications service shaft, down any shaft that is connected to a basement level or along any approach to a building or any motor vehicle access ramp leading to or from a building
- (c) If any water resulting from fire extinguishing activities should spill into a basement, such water shall be directly discharged into a storm water drain; and
- (d) Complies with the requirements of SANS 10400, Parts A, K, M, O, T, V and W insofar as these relate to fire protection.

(2) Every owner of a building which is equipped with a transformer room must ensure that-

- (a) The transformer room is situated on the ground level;
- (b) Access to the transformer room is from the outside of the building; and
- (c) There is adequate and ready access to the transformer room for fire-fighting and maintenance activities

(3) The following buildings or structures must be designed, constructed or erected such that they comply with a rational design as contemplated in the National Building Regulations and Building Standards Act:

- (a) Grain silo
- (b) Atrium
- (c) Air traffic control tower
- (d) Tower for telecommunications or other uses
- (e) Thatched structure which is larger than 20 meters squared and situated within 4.5 meters of any boundary line of the property concerned;
- (f) Tent or other temporary structure for holding a public gathering; and
- (g) Open-plan commercial or industrial premises with a covering distance that exceeds 45 meters measured from any point in the premises to any escape or exit door.

(4) The design or construction of any aircraft hanger or helicopter pad must –

- (a) Be in compliance with a rational design as contemplated by the National Building Regulations;
- (b) Provide 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) Provide 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) Prevent the spread of any liquid from the floor of the hanger or helicopter pad; and
 - (e) Provide effective earthing devices for the discharge of static electricity.

Reporting a fire hazard and other threatening danger

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

Access for emergency vehicles

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

- (a) be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises; and
 - (b) where the premises have a motorized or electronically operated gate, be equipped in such a manner that access to the premises can be gained without the use of a motor or electronic device;
- (2) Fire lanes must be provided for all premises which are set back more than 45 meters from a public road or exceed 9 meters in height and are set back over 15 meters from a public road;
- (3) Fire lanes must be at least four meters in width, the position of which must be decided upon after consultation with the Controlling Authority, and the area from ground level to a clearance height of 4 meters above the fire lane must remain unobstructed; and
- (4) A cul-de-sac that is more than 90 meters in length must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.
- (5) The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the Controlling Authority.
- (6) It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.

Division and occupancy separating elements

6. (1) Every building must, to the extent applicable, comply with the division and occupancy separating requirements as contemplated in SANS 10400-T
- (2) Any division, occupancy or tenancy separating element contemplated in subsection (1) must comply with a minimum fire resistance threshold contemplated in SANS 10400-T
- (3) An owner or person in charge of a building may not alter a division or occupancy

separating element in any way that would render it less effective; or allow flame, heat or combustion products to penetrate into the adjacent compartment or structure.

Fire doors and assemblies

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

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

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

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

Escape Routes

8. (1) One or more escape routes must be provided in every building, to the extent required by, and in compliance with, the provisions of SANS 10400-T.

(2) No person may obstruct, or render less effective or inaccessible in any manner in the case of fire or any other emergency, any component which forms part of an escape route such as, but not limited to –

- (a) Feeder routes
- (b) Access doors
- (c) Emergency routes; and
- (d) Escape doors

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

(4) A locking device, which is fitted to an access or escape door in an escape route, must be of a type approved by the Municipality as contemplated in SANS 10400-T.

Provision for fire-fighting and rescue purposes

9. (1) Every plan, design, construction or erection in relation to any building must, subject to the provisions of the National Building Regulations and Building Standards Act, any applicable town planning scheme or the conditions of establishment of any township, be such

that-

- (a) At least one elevation of the building fronts on to the 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) There is a climate-proof and weather-proof parking surface for 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; and
 - (iii) has a carrying capacity of at least 70 metric tons; and
- (d) any entrance arch to the premises provides an opening with dimensions at least 4 meters wide by 4.5 meters high, unless there is an alternative and easy access route to the premises of at least the same dimensions.

(2) Every owner or occupier of the premises must ensure that a correct street number of the premises is displayed on the premises so as to allow easy identification by any member of the Service in an emergency.

(3) The street number contemplated in subsection (2) must be –

- (a) displayed clearly on the street boundary of the premises in numbers at least 75 mm high;
- (b) visible from the street; and
- (c) maintained in a legible condition at all times.

Extraction fan systems

10.(1) An extraction fan must be installed on every building to the extent required by, and in compliance with, the provisions of the National Building Standards and Building Regulations Act.

(2) An extraction fan system contemplated in subsection (1) and any related ducts or similar chimney, must be designed, constructed or installed such that –

- (a) it provides for clearly demarcated, adequate and easy access for inspection maintenance and repairs; and
- (b) 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

(3) Filters must be so designed and installed as to prevent any grease from dripping onto the cooking surface and the velocity of airflow through the filters must not be less than 1,2 meters per second.

(4) Any drip tray which is part of an extractor fan system must be –

- (a) fitted beneath the lower edge of the filter
- (b) mounted such that it is out of the air stream in the hood;
- (c) of sufficient size to effectively collect the grease; and
- (d) pitched to drain into a metal container that has the capacity of not less than 0,5 liters and not more than 4 liters

(5) the duct system for the exhaust hood must be constructed from mild steel sheet of 1 mm (one millimetres) minimum thickness or stainless steel of 0.9 mm (nought comma nine millimetres) minimum thickness and have the minimum exhaust velocity of 2,53 m/s (two comma five three metres per second).

(6) All commercial solid fuel cooking equipment must be served by extraction systems that are separate from all other cooking exhaust systems.

(7) All solid fuel cooking extraction systems shall have a method of arresting sparks before the sparks reach the filtration devices in the hood.

8) An extraction fan system contemplated in subsection (1) and any related ducts or similar chimney or any components thereof, must be regularly inspected, cleaned and maintained to ensure that fatty residues or any other combustible residues do not accumulate, as follows:

Solid serving fuel cooking operations	Monthly
Systems serving high-volume cooking operations such as 24h cooking, char boiling or commercial cooking	Quarterly
Systems serving moderate-volume cooking operations	Twice a year
Systems serving low- volume cooking operations such as churches, day camps, seasonal businesses, or senior citizen centres	Annually

Vacant or unused buildings

11.(1) Subject to the Problem Buildings By-law of the Municipality and to the extent of its applicability, the owner a building or a portion thereof that is vacant or unused must, at his or her own cost and to the satisfaction of the Chief Fire Officer –

- (a) remove all combustible waste and refuse from the building;
- (b) block, seal 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; and

- (c) cause such building or portion thereof to be inspected at reasonable regular intervals, to the satisfaction of the Chief Fire Officer, to ensure that no conditions exist or develop that may cause a fire hazard, while it remains vacant or unused.

2) the owner or person in control of any vacant or unused building or a portion thereof, as contemplated in this section, is accountable to the Municipality and other relevant authority for any fire related incident or damage on such building or portion thereof.

CHAPTER 3

FIRE SAFETY EQUIPMENT

Fire extinguishers

12.(1) Fire extinguishers must be provided and installed on any premises, to the extent required by the National Building Standards and Building Regulations Act and the Occupational Health and Safety Act, in accordance with the National Building Regulations (T1) and (T2); the General Safety Regulations; Environmental Regulations; and any other applicable Regulations.

(2) Fire extinguishers must be maintained strictly in accordance with the requirements of the Occupational Health and Safety Regulations, SANS 1475: Part 1, SANS 1571, SANS 1573 and SANS 10105: Part 1.

(3) In the event that a fire extinguisher is removed from its station for the purposes of filling, recharging, reconditioning, modification, repair, inspection or testing, it must be replaced temporarily with a similar appliance in good condition.

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

(5) A person may not –

- (a) fill, recharge, modify, repair, inspect or test a fire extinguisher unless that person is a holder of a permit issued by the South African Bureau of Standards or certificate of competence issued by the South African Qualifications Certification Committee;
- (b) remove or interfere with any fire-fighting equipment or service installation at any premises, except for purposes of authorised inspection, service or repair or for use in fire-fighting or emergency; or
- (c) alter, damage, misuse or render ineffective any fire-fighting equipment or service installation at any premises.

(6) A person may not place, install or use any second-hand fire-fighting equipment on the premises unless and until such equipment has been examined, pressure tested and serviced, with sufficient proof thereof, to the satisfaction of the Chief Fire Officer.

Testing and maintenance of fire protection systems

13.(1) A fire protection system must be tested and maintained on a regular basis at a minimum of once every 12 months and the owner or person in charge of the premises must keep a detailed record of the test and maintenance of the system.

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

(3) A fire protection system designed for detecting, fighting, controlling and extinguishing a fire must be maintained in accordance with the National Building Regulations (T2) read SANS 10400-T.

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

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

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

Interference with fire protection systems and fire extinguishers

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

Fire detection and alarm system

15.(1) As contemplated in SANS 10400, any building containing occupancy classified as –

- (a) F1, with a floor area of more than 500m² (five hundred square meters); or
- (b) H1, H2, E2 or E3, irrespective of height or floor area,

must be equipped with a fire detection system and alarm system that is designed, installed and maintained by competent persons in accordance with SANS 10139.

(2) Without compensation to the owner of the premises concerned, the Controlling Authority may cause a –

- (a) fire alarm;
- (b) transmission instrument for calls of fire or other emergency; or
- (c) transmission instrument for warning residents of a fire or other emergency,

to be affixed to any building, wall, fence, pole or tree.

(3) Without compensation to the owner or the person in charge of the premises, the Controlling Authority may cause the position of a fire hydrant and fire alarm or any other fire protection information to be marked on any building, wall, fence, pole, tree, road, pavement or hydrant cover with a board, decal, metal plate or painted marker or by any other means.

(4) The Controlling Authority may at any time cause a fire alarm, other transmission instrument, board, decal, metal plate or painted marker to be removed without compensating to an owner of the premises concerned.

(5) An unauthorised person is prohibited from removing, defacing, altering, tampering or damaging a fire alarm, other transmission instrument, board, decal, metal plate or painted marker.

(6) A person may not render less effective, inoperative, inaccessible, or tamper and interfere with a fire hydrant.

Sprinkler system

16.(1) A suitable sprinkler system must be installed on every building to the extent required, and in compliance with SANS 10400.

(2) A sprinkler system contemplated in subsection (1) must be designed, constructed or installed such that it complies with the specific requirements stipulated in –

- (a) SANS 10287; and
- (b) SANS 10400 (Parts A, K, M, O, T, V and W), insofar as it relates to fire protection.

Water supply requirements for fire fighting purposes

17.(1) The owner of land or the person in charge of a building, development or construction on any land must ensure that a sufficient water supply is provided on such land or premises

for purposes of fire-fighting by members of the Service as contemplated in SANS 10252-1 & SANS 10400.

(2) Any person contemplated in subsection (1) must ensure that –

- (a) the water storage capacity and rate of replenishment or supply thereof are sufficient for fire-fighting purposes during development or construction;
- (b) there is at least 9kl (nine kilo litres) of water capacity at a construction site at all times, at 300kpa (three hundred kilopascal) pressure and flow rate of 0.5l/s (nought comma five litres per second); and
- (c) sufficient number of hose reels at a construction site as practicable or where deemed necessary by the Controlling Authority.

(3) Any person contemplated in subsection (1) must ensure that the water storage capacity and rate of replenishment or supply thereof are sufficient for fire-fighting purposes at occupied or completed building in accordance with SANS 10252-1 & SANS 10400.

Fire hydrant requirements

18.(1) As contemplated in SANS 10400, read with SANS 1128 –

- (a) any building that exceeds 12 m (twelve metres) in height; and
- (b) any building (excluding buildings classified as H4) of any height with a total floor area that exceeds 1 000 m² (one thousand square metres), must be provided with fire hydrants.

(2) Any fire hydrant contemplated in subsection (1) must be provided at a –

- (a) distance of not more than 90 m (ninety metres) from the entrance of a building;
- (b) rate of not fewer than 1 (one) per 1000m² (one thousand square metres) per storey; and
- (c) minimum of 1 (one) per floor (but subject to a rate contemplated in paragraph (b)).

(3) Where internal hydrants are provided such hydrants must be provided in a protected shaft with equivalent rating to the structural stability of the occupancy as per SANS 10400; or be able to withstand the effects of fire for an equivalent period if not provided with such shaft.

Connection to water reticulation system

19.(1) The relevant provisions of the Water By-law of the Municipality apply with regards to the provision of water supply for fire-fighting purposes on any premises.

(2) Subject to the provisions of the Water By-law of the Municipality –

- (a) a person may not obtain a water connection to the Municipality's water reticulation system unless the fire protection plans for the premises concerned have been approved by the Chief Fire Officer;
- (b) a person who requires a water connection to the water reticulation system of the Municipality must, if the premises are protected by a sprinkler installation, ensure that the –
 - (i) connection is calculated and designed for each sprinkler installation in accordance with a rational design as contemplated in the National Building Regulations and Building Standards Act;
 - (ii) size, delivery pressure and flow of the water connection is calculated in advance by the responsible engineer;
 - (iii) 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-W; and
 - (iv) water installation upon completion complies with the provisions of SANS 10252.

CHAPTER 4

PUBLIC SAFETY

Population certificate

20.(1) The owner or person in charge of premises may not cause or allow premises to be used for entertainment or public assembly, including any occupancy classified under A1, A2, A4 and A5 in the National Building Regulations (A20), without being in possession of a population certificate issued by the Controlling Authority

(2) An application for a population certificate contemplated in subsection (1) must be made with the council on a prescribed form as contemplated in Schedule 2.

(3) The Council may request any information from the applicant which it deems necessary in order to process any application contemplated in subsection (1).

(4) Notwithstanding the provisions of subsection (1), the council may instruct the owner or person in charge of the premises to apply for either a temporary or a permanent population certificate, should the premises be used in respect of any other occupancy contemplated in the National Building Regulations (A20).

(5) A temporary population certificate is valid for a period not exceeding 30 (thirty) calendar days.

(6) The Council may not issue the temporary or permanent population certificate if the premises do not comply with the requirements of the National Building Regulations (T1).

(7) In the event that the Council is of the opinion that the non-compliance contemplated in subsection (6) can be remedied, he or she must instruct the owner or person in charge of the premises in writing to take all reasonable steps to render the premises safe prior to the usage of the premises and the issuing of the temporary or permanent population certificate.

(8) If, at any time, the Council becomes aware that the usage of the premises is not in accordance with the temporary or permanent population certificate, he or she may act in accordance with sections 81(2), 82(1) and 83.

(9) A population certificate is valid only for the premises or portion of the premises for which it was issued.

(10) In the event that changes of occupancy occur or alterations are made to the premises for which the certificate was issued, the owner or person in charge of the premises must reapply for the certificate in accordance with subsection (2).

(11) A population certificate must be displayed in a clearly visible and conspicuous position in or on the premises for which the certificate was issued.

(12) The owner or the person in charge of the premises must prevent overcrowding by limiting the maximum population to that which is specified on the temporary or permanent population certificate.

(13) A person must vacate the premises that are overcrowded when instructed to do so by the Council, the owner or person in charge of the premises.

Attendance of a service

21.(1) When the Controlling Authority is of the opinion that a representative of the fire brigade service is required to be in attendance during a function or activity contemplated in section 27(1), he or she may provide one or more members of the Service, together with any necessary motor vehicle or equipment, to be in attendance on such premises for the duration of such function or activity or part thereof.

(2) When attendance of a fire brigade service during a function in a place used for entertainment or public assembly involves costs, the costs incurred by the Municipality may be recovered from the person in charge of the function.

Formulation of an emergency evacuation plan

22.(1) The owner or person in charge of a –

- (a) school;
- (b) hospital;
- (c) residential institution;
- (d) hotel;
- (e) guest house;
- (f) hostel;
- (g) other similar occupancy;
- (h) or occupancy where persons are unfamiliar with their surroundings,

which has a population in excess of 25 (twenty five) persons, including staff, must formulate an emergency response plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening emergency.

(2) The Council may order the owner or person in charge of the premises, other than those contemplated in subsection (1), to formulate an emergency response plan contemplated in subsection (1).

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

(4) An emergency response plan must be tested in its entirety –

- (a) at a maximum of six-monthly intervals; or
- (b) when the plan has been revised,

and a record of the testing must be kept in a register.

(5) The register contemplated in subsection (4) must contain the –

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

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

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

(8) A floor plan of a facility contemplated in subsection (1) must at all times be displayed conspicuously in every passage in every storey, indicating the

- (a) direction of the entrance and exit points;
- (b) emergency exit points;
- (c) position of assembly point; and
- (d) position of fire equipment.

Displaying of escape route plans

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

CHAPTER 5

HOUSEKEEPING

Combustible waste and refuse

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

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

Combustible or flammable substances and sweeping compounds

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

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

Accumulations in chimneys, flues and ducts

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

Sources of ignition

27(1) Smoking, the carrying of matches, the use of heating, flame-emitting devices or spark-producing equipment is prohibited in areas containing combustible or flammable substances.

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

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

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

Smoking

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

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

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

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

Electrical fittings, equipment and appliances

29. No person may cause or permit –

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

Flame-emitting device

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

CHAPTER 6**FIRE HAZARDS****Combustible material**

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

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

Lighting of fires and burning of combustible material

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

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

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

CHAPTER 7

FLAMMABLE SUBSTANCES

Storage and use of a flammable substance

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

(2) Prior to the commissioning of an above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, the owner or person in charge of the installation must ensure that it is pressure-tested in accordance with the provisions of the National Building Regulations (T1), SANS 10131: Parts 1 and 2, SANS 10089: Part 3 and SABS 10087: Parts 1,3 and 7 (whichever is applicable) in the presence of the official appointed by the Controlling Authority.

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

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

(5) Prior to the alteration of the premises that impacts on the fire safety of an existing aboveground or underground storage tank installation, liquid petroleum gas installation or associated pipework, the owner or person in charge of the premises must notify the Controlling Authority, who may call for the premises or installation to be rendered safe

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

- (a) liquefied petroleum gas in excess of 48 kg (forty eight kilogram);
- (b) liquid of a danger group (i), (ii) or (iii) in excess of 200 (two hundred) litres;
- (c) any flammable substance of a quantity specified by the Chief Fire Officer;
- (d) transport or convey any flammable substance or liquefied petroleum gas or vapours by means of any motor vehicle within the area of jurisdiction of the Controlling Authority,

unless he or she has obtained a flammable substance certificate contemplated in this By-law from the Council.

Flammable substance certificate

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

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

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

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

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

(6) A flammable substance certificate is valid only:

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

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

Suspension or cancellation of flammable substance certificate

35.(1) In the event that the holder of the certificate is convicted for a contravention of this By-law on 2 (two) or more occasions, the Council may either cancel the certificate or suspend it for such period as it may decide.

(2) In the event that the certificate is cancelled or suspended as contemplated in subsection (1) the holder may not do anything which the certificate otherwise authorises him or her to do.

(3) Before the Controlling Authority may act as contemplated in subsection (1), it must first give the holder of the certificate a written notice of its intention to cancel or suspend the certificate at least 14 (fourteen) days before such cancellation or suspension.

(4) The holder may within 14 (fourteen) days of receipt of a notice contemplated in subsection (3) submit written representations for consideration to the Controlling Authority, setting out why the Controlling should not or need not cancel or suspend the certificate.

Transfer of flammable substance certificate

36.(1) A flammable substance certificate may be transferred from one person to another but may not be transferred from one premises to another or from one motor vehicle to another.

(2) The person desiring such a transfer contemplated in subsection (1) must make application in writing to the Chief Fire Officer on the prescribed form, subject to any relevant information that the Chief Fire Officer may require in order to consider the application.

Inspection of premises and installation

37.(1) The person responsible for the installation or erection of any pump, storage tank, filling device, dry cleaning room, store, spraying room or other equipment or premises intended for the storage, use or handling of a flammable substance, must notify the Council in writing upon completion of the installation or erection thereof.

(2) The Council may cause an inspection to be done by a competent person on the premises contemplated in subsection (1) to determine compliance with the requirements this By-law and whether an unmanaged fire risk exists.

Safe use and handling of flammable substance

38.(1) Except if, and to the extent, authorised by this By-law or any other law, a person may not –

(a) store, use or handle any flammable substance on any premises –

(i) in circumstances that such flammable substance, or its vapour comes or is likely to come into contact with any fire, flame, naked light or other agency that is likely to ignite such flammable substance or its vapour;

- (ii) unless the premises are situated or constructed or so protected by surrounding walls or bunds so as adequately to protect adjoining premises or part thereof from the risk of danger from fire;
 - (iii) so as to prevent, or impede the escape of any person or animal;
 - (iv) unless that 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 substance kept thereon;
 - (v) unless all equipment used for the storage, use and handling of a flammable substance is maintained in good and proper order and free from leakage of flammable substance;
- (b) enter or cause or permit any person to enter any storage tank which has contained flammable liquid before such tank has been certified by a competent person that it is free from any flammable liquid vapour, unless such person is wearing an approved gas mask;
- (c) enter any storage tank at any time unless he is bound to a lifeline which is under the control of a person who is continuously responsible for the safety of the person in the storage tank and who is outside the tank and, in the case of an underground storage tank, is at surface level;
- (d) erect or place any pump or other device used or intended to be used for the issue or transfer of flammable liquid to or from any motor vehicle in such a position that the hose thereof can be used for the issue or transfer of flammable liquid on or across any public road or public place;
- (e) cause, allow or permit the issue or transfer of flammable liquid to or from a motor vehicle by means of a pump or other device except while within the premises on which the pump or device is situated;
- (f) erect any pump or other device used or intended to be used for the issue of flammable liquid to a motor vehicle or container on any ramp or within 6m (six meters) of the beginning or top of the ramp and shall in all cases be erected on level ground;
- (g) use a dipping stick other than the one made of wood or brass or other non-ferrous metal or alloy;

(h) deliver flammable liquid from any pump to the fuel tank of any motor vehicle except through sound hose having an earthing wire in its construction which is effectively attached to the metal of the pump and to the metal hose nozzle and, except at an aerodrome or landing ground used by air crafts, with a hose attached to any such pump not exceeding 4.5m (four comma five meters) in length when measured from the pump to the tip of the nozzle;

(h) use in any basement any device for spraying flammable liquid or any pump or other device for the issue or transfer of any flammable liquid to motor vehicle or container.

(i) install any electrical switch, fuse, motor or other device in a distance of 3m (three meters) of any pump unless such switch, fuse, motor or device is of flame and vapour proof construction; or

(j) do, or omit to do, anything whatsoever in connection with the use, handling or storage of a flammable substance with the result that any person, property or animal is, or is likely to be, exposed to a risk of fire.

(2) The electrical wiring between the distribution board or junction box and the pumps must where possible, be in one continuous length of wire, provided, however, that where this is not possible, flame and vapour proof junction boxes shall be used.

Flammable liquid in fuel tank of motor vehicle or stationary engine

39. Notwithstanding anything contained in this By-law, a flammable liquid is 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.

Permanent or temporary above ground storage tank for a flammable liquid

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

(a) it is to be on the premises for a period not exceeding 6 (six) months;

(b) the entire installation complies with SANS 10131, Part 1 or Part 2, whichever is applicable; and

(c) written application together with a plan are forwarded to the Council at least 14 (fourteen) days prior to the erection of the tank and prior written permission is obtained from the Council for the erection of the tank.

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

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

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

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

(6) A permanent or temporary tank must be located on firm level ground and the ground must be of adequate strength to support the mass of the tank and contents plus 10 percent thereof.

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

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

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

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

(11) The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in SANS 10232: Part 1.

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

(13) The electrical installation associated with the above ground storage tank must comply with SANS 10108 and SANS 10089: Part 2.

Underground storage tank for a flammable liquid

41. The installation of underground storage tanks, pumps, dispensers and pipework at service stations and consumer installations must be in accordance with National Building Regulations (T1) read in conjunction with SANS 10400, SANS 10089: Part 3 a.

Bulk storage depot for flammable substances

42. The handling, storage and distribution of flammable substances at bulk depots must be in accordance with the National Building Regulations (T1), read in conjunction with SANS 10089: Part 1.

Liquid petroleum gas containers

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

(2) A liquid petroleum gas container of a capacity not exceeding 9kg (nine kilogram) must be filled and stored in accordance with SANS 10087: Part 7.

(3) Where liquid petroleum gas containers are permanently installed or stored in a building, the type of building as contemplated in SANS 10400-A, and the corresponding size of the container(s) must be as follows:

- (a) flats (H3): a maximum of 9 kg (nine kilo grams) per flat;
- (b) houses (including cluster housing and group housing (not exceeding 2 (two) storeys)): a total maximum of 19 kg (nineteen kilo grams);
- (c) commercial premises (all occupancies not mentioned in this part of SANS 10087): a total maximum of 19 kg (nineteen kilo grams) per unit, provided that there is a separating element that complies with the requirements of SANS 10400-T;
- (d) industrial premises (class of occupancy D1 to D4): a maximum of 19 kg (nineteen kilo grams) per 600 m³ (six hundred cubic meters) of building space with a total maximum of 100 kg (one hundred kilo grams); and
- (e) for special events: consult the local fire authority concerned.

(2) A fixed installation may not be installed inside a garage.

Storage of flammable liquid outside of building or in open air

44.(1) A person may not store a flammable liquid outside a building or elsewhere in the open air unless –

- (a) the area in which a flammable liquid is stored, if so required by the Council, is banded to his or her satisfaction;
 - (b) the signs contemplated in section 38(11) are displayed at all times.
- (2) The storage of a flammable liquid outside a building or in open air must meet the following requirements:
- (a) safe storage areas must be provided for materials that have unique properties such as but not limited to "dangerous when wet" products;
 - (b) incompatible products may not be stored in the same storage area;
 - (c) corrosive fluids may not be stored closer than 3m (three metres) to any other stored fluid, unless it is contained within an independent spill containment system;
 - (d) open flames may not be closer than 15m (fifteen metres) to the store area;
 - (e) access to the storage area for emergency service must have at least 2 (two) independent routes such that one route will not be affected by the prevailing wind;
 - (f) the containers must be stored in an environment which does not exceed the permissible temperature as indicated by the manufacturer or the Material Safety Data Sheet of the product stored whichever is the lesser;
 - (g) the storage area must be sloped such that no accumulation of water can occur;
 - (h) vegetation and combustible materials must be kept free of the storage area for at least 6m (six metres) around the storage area perimeter;
 - (i) the storage area must be located at least 6m (six metres) from a building and at least 3m (three metres) from any public walkway;
 - (j) demarcation and barricading of the storage area must be provided where there is vehicular traffic;
 - (k) any roof structure used to protect the containers in the storage area must be designed such that any vapour emission experienced under normal operations or emergency situations does not hamper the vapours natural dispersion;
 - (l) the MSDS of all products stored must be readily available at the store;

- (m) the sloped path of travel, of released liquid, into the storage area must not be confined to prevent the travel of such liquid;
- (n) the maximum allowable quantities per storage area shall not exceed –
 - (i) Class I: 8000 (eight thousand) litres;
 - (ii) Class II: 20000 (twenty thousand) litres; and
 - (iii) Class III: 50000 (fifty thousand) litres;
- (o) the maximum allowable height of a pile per storage area may not exceed –
 - (i) Class I: 3m (three metres);
 - (ii) Class II: 3.5m (three comma five metres); and
 - (iii) Class III: 5m (five metres); and
- (p) the minimum allowable distance between piles per storage area may not be less than 1.5m (one comma five metres apart).

Bulk storage vessel for liquid petroleum gas

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

Termination of the storage and use of flammable substances

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

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

premises, the owner or person in charge of the installation must apply in writing to the Council to fill the tank with liquid cement slurry.

Reporting accidents

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

Flammable stores

48.(1) The construction of a flammable store must be in accordance with the National Building Regulations (T1) read in conjunction with SANS 10400.

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

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

(4) Notwithstanding the National Building Regulations (T1) read in conjunction with SANS 10400:

- (a) roof assembly of a flammable store must be constructed of a concrete slab capable of providing a 2 (two) hour fire resistance when it forms part of another building;
- (b) ventilation of a flammable store must be achieved by the use of air bricks located in the external walls at the ratio of 1 (one) air brick nominally above the sill level and 1 (one) air brick located in the top third of the wall per 5m² (five square meters) of wall area or part thereof, so that vapour cannot accumulate inside the store;
- (c) ventilation of a flammable store must be achieved by the use of air bricks located in the external walls at the ratio of 1 (one) air brick nominally above the sill level and 1 (one) air brick located in the top third of the wall per 5m² (five square meters) of wall area or part thereof, so that vapour cannot accumulate inside the store;
- (d) air bricks must be covered both internally and externally with closely-woven, non-corrodible wire gauze of at least 1 100 (one thousand one hundred) meshes per metre;
- (e) wire gauze must be held in position by metal straps, a metal frame or cement;
- (f) ventilation openings used to facilitate natural ventilation must be spaced 450 mm (four hundred and fifty millimetres) apart on all free walls to provide a total

ventilation area of 0,15 m² (nought comma fifteen square metres) per 5 m² (five square metres) of floor area.

(g) 50% (fifty percent) of the openings must be located at a level immediately above the level of the door sill and the other half must be located as near to the ceiling level as practicable; and

(h) the location of ventilation openings need to be at least 6m (six metres) away from an adjacent building or structure.

(5) When required by the Council, the flammable store must be ventilated by a mechanical ventilation system approved by the council and must comply with the following requirements:

(a) the ventilation system is to be intrinsically safe, provide 30 air changes per hour and must operate continuously;

(b) the fan extraction point must be nominally above sill level and must discharge through a vertical metal duct terminating at least 1 meter above roof height or at least 3,6 meters above ground level, whichever is the greater;

(c) ducting material that is external to the store, but communicates with the remainder of the building, must be fitted with a fire damper of two-hour fire resistance at the point of exit from a flammable store, and

(d) the ducting must be as short as possible and must not have sharp bends.

(6) Notwithstanding the National Building Regulations (T1) read in conjunction with SANS 10400, a flammable store door must be constructed of material with a fire resistance of two hours, provided that all relevant safety distances are complied with, and the door must open outwards.

(7) When required by the Council, a flammable store door must be a D-class fire door, which complies with SANS 1253.

(8) Notwithstanding the National Building Regulations (T1) read in conjunction with SANS 10400, artificial lighting in the flammable store must be by electric light having vapour-proof fittings wired through seamless steel conduit and the switches operating the lights must be located outside the store.

(9) No other electrical apparatus may be installed in the flammable store.

(10) A flammable store must be provided with a foam inlet consisting of a 65 millimeter male instantaneous coupling and mild steel pipework leading to the inside thereof and the foam inlet must be identified by means of a sign displaying the words "Foam Inlet" in 100 millimeter block letters.

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

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

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

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

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

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

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

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

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

Construction of portable containers

49.(1) Any container used in the storage or conveyance of a petroleum product must comply with SANS 10229, SANS 10230, SANS 10231, SANS 10232 and SANS 10233.

Filling of containers

50.(1) A person may not fill a Container with Class O or Class I or II flammable liquids other than in a room or building constructed of non-combustible materials and used solely for such purpose, which room or building must be adequately ventilated or in the open air at a

distance of not less than 15m (fifteen meters) from any fire, flame, naked light, or other agency likely to ignite the flammable liquid or its vapour.

(2) A person who fills a container with Class O, I or II flammable liquid must ensure that both the liquid and the container from which it is filled are properly earthed.

(3) A person may not fill a container with a flammable liquid to more than 97.5% (ninety seven point five per cent) of its capacity; provided that in the case of liquefied petroleum gas, containers may not be filled more than 80% (eighty percent) of their capacity.

Containers after delivery

51.(1) A person who has taken delivery of any flammable liquid in containers in excess of the quantities contemplated in section 30(7) may not cause or permit such containers to remain unattended in any place other than a store for a longer period than may reasonably be necessary.

(2) In the case of portable containers filled with liquefied petroleum gas which are stored for the retail market, the holder of a flammable substance certificate in respect of premises must ensure that storage of such containers complies with the requirements of SANS 10087.

Storage of empty containers

52.(1) A person may not place or keep any used empty container in any part of any premises other than a store: Provided that such container may be stored in the open air at a distance of not less than 6m (six meters) from any fire, flame, naked light or other agency likely to ignite flammable liquid or its vapour.

(2) A person may not cause or allow any used empty container to remain in or on any public road or public place.

(3) The person who stores used and empty container as contemplated subsection (1) must at all times ensure that the container is securely closed with a bung or other suitable stopper.

(4) The holder of a flammable substance certificate in respect of any premises must ensure that the storage of filled liquefied petroleum gas containers and empty cylinders is in accordance with the requirements of SANS 1087.

Repair of containers

53.(1) A person may not carry out or permit to be carried out any repair or alteration of or perform any work on any used container until all flammable liquid and flammable liquid vapours have been removed from such container: Provided that in the case of faulty liquefied petroleum gas cylinder, no attempt at repair may be made and the owner or the person having possession of the cylinder must ensure that it is treated as contemplated in SANS 10019.

(2) A flammable substance container must be declared gas or vapour-free by a competent person before any modification or repairs are undertaken.

Marking of containers

54. A person may not supply or deliver to any person any Class I flammable liquid in any container unless such container bears in conspicuous letters the words "FLAMMABLE/VLAMBAAR" or any other words as contemplated in SANS 1186 and in accordance with SANS 1187.

Spray rooms and booths

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

Prohibition of unauthorised spraying

56. A person may not spray, coat, plate or epoxy-coat any motor vehicle, article, object or building or any part thereof with any flammable substance unless –

- (a) he or she is in possession of a spraying permit contemplated in section 54; and
- (b) the spraying, coating, plating or epoxy-coating, as the case may be, is conducted in an area approved by the Chief Fire Officer on premises registered for that purpose.

Application for spraying permit

57. 1) Any person who wishes to obtain a spraying permit must complete and submit to the Chief Fire Officer a prescribed application form for such permit in the form and manner determined by the Municipality as contemplated in Schedule 3.

(2) The applicant must further comply with the requirements of the Scheduled Activities By-law of the Municipality.

Duties of owner or person in charge of spraying room

58. The owner or person in charge of a spraying room must ensure that –

- (a) the spraying room complies with the requirements of this Chapter; and
- (b) every other person on the premises complies with the provisions of this Chapter.

Design and construction of spraying room

59.(1) A spraying room contemplated in section 52(b) must be designed and constructed according to the following criteria:

- (a) every window frame must consist of steel with window panels that –
 - (i) cannot be opened;
 - (ii) do not exceed 450mm (four hundred and fifty millimetres) by 450mm (four hundred and fifty millimetres) in size; and
 - (iii) are fitted with wire glass with a thickness not less than 8mm (eight millimetres);
- (b) if based on a brick and concrete construction –
 - (i) the floor must consist of concrete;
 - (ii) the walls must consist of brick or concrete;
 - (iii) the roof must consist of reinforced concrete; and
 - (iv) every door must consist of a Class B-type fire door as contemplated in SANS 1253; and
- (c) if based on a metal structure –
 - (i) the framework of the structure, including door assemblies, must consist of a sturdy steel profile with a minimum wall thickness of 2,5mm (two comma five millimetres);
 - (ii) the framework of the entire structure, including any door, must be clad on both sides with sheet metal with a minimum thickness of 1,3mm (one comma three millimetres);
 - (iii) the framework of the entire structure must be fume-proof, flame-proof and liquid-proof;
 - (iv) the floor must consist of concrete or metal;
 - (v) all material used must have a fire integrity grading of at least 60 (sixty) minutes; and

the structure must be constructed, installed and finished so that all surfaces are smooth in order to prevent any furring which may hamper ventilation, washing or cleaning of the spraying room.

Water floor for spraying room

60. Every spraying room which is designed and constructed with a sunken water floor must be designed and constructed so that the water –

- (a) is covered at the level of the sill by a sturdy, stable, non-combustible and corrosion-free floor grill capable of bearing the weight of every person and object in the spraying room; and
- (b) in the sunken water floor is circulated through an effective non-combustible and cleanable filtering system by a closed circuit pump circulation system consisting of non-corrosive metal pipes of suitable diameter and wall thickness.

Electrical equipment in spraying room

61.(1) All electrical apparatus, light, fitting and switch gear installed or used in a spraying room must be installed and used in accordance with SANS 10108.

(2) Any switch gear, distribution box, fuse and other electrical equipment, except equipment as contemplated in SANS 10108, must be –

- (a) located outside the spraying room; and
- (b) positioned so as not to come into contact with fumes from the spraying room.

(3) Any switch for the mechanical ventilation system of a spraying room must be situated outside the spraying room.

(4) Any metal part and electrical fitting and any other device used in, or in connection with, the spraying room, must be earthed effectively with each other and the ground.

(5) Every electrical installation in a spraying room may be installed only by a suitably qualified electrician who must –

- (a) certify in writing that the installation complies with all applicable legal requirements; and
- (b) furnish the certificate to the owner or person responsible for the premises concerned.

(6) The owner or person responsible for the premises on which the spraying room is located must submit the certificate contemplated in subsection (5) to the Chief Fire Officer without delay.

Location of spraying room

62.(1) The owner, occupier and person in charge of a spraying room must ensure that there is an escape opening between the spraying room and any other activity, process or area on the premises concerned –

- (a) of at least 1200mm (one thousand two hundred millimetres) wide; and
- (b) that must at all times be kept free of any obstruction, refuse or combustible material.

(2) If any other activity or process which may pose a fire hazard is conducted adjacent to a spraying room on any premises, the escape opening contemplated in subsection (1), must be clearly identified by a fire partition wall –

- (a) of a height at least 300mm (three hundred millimetres) higher than the roof of the spraying room; and
- (b) with a fire resistance of at least 60 (sixty) minutes.

(3) No more than 2 (two) sides of a spraying room may border a fire partition wall.

Access to spraying rooms

63.(1) A spraying room must have a clear unobstructed entrance which allows a safe entrance into and exit for any motor vehicles or other objects.

(2) A spraying room must have at least 2 (two) hinged doors for escape purposes that –

- (a) open to the outside of the spraying room;
- (b) have dimensions of at least 800mm (eight hundred millimetres) wide by 2000mm (two thousand millimetres) high;
- (c) are positioned on opposite sides of the spraying room so that the distance to be covered to any door when any object is in the spraying room for spraying does not exceed 4m (four metres); and

- (d) are fitted with a locking mechanism that is at all times capable of being opened from the inside of the spraying room without the use of a key.

Ventilation in spraying room

64. Every spraying room must be equipped with a mechanical inlet and outlet ventilation system designed and installed –

- (a) so that ventilation of at least 0,5m (zero comma five metres) per second is provided across the spraying room;
- (b) with vanes consisting of static-free material;
- (c) so that it releases fumes into the open air from outlets that are not located within 5m (five metres) of any opening of a building or erf boundary;
- (d) with ventilators that are attached firmly to the inside walls of the spraying room with bottom ventilators affixed as close as possible to the level of the sill;
- (e) with ventilation and air duct openings installed in opposite walls, doors or the roof so as to ensure effective cross-ventilation; and
- (f) with ducting material that –
 - (i) is as short as possible in the circumstances and does not have sharp bends; and
 - (ii) is fitted with a fire damper of at least 120 (one hundred and twenty) minutes fire resistance at any point where the ducting exits the storeroom, if ducting material is installed external to the storeroom in communication with the remainder of the building.

Fire dampers, protectors and alarms in spraying rooms

65.(1) A fire damper manufactured and installed in accordance with SANS 193 must be affixed in front of any air purification filter or part of such filter on the inside of any spraying room.

(2) The fire damper must be –

- (a) capable of closing automatically by means of a suitably located sensor that is activated by a rise of more than 10°C (ten degrees Celsius) in the predetermined working temperature inside the spraying room;

- (b) installed so that it will remain in position even if the air duct distorts during a fire; and
 - (c) equipped with an overriding fusible link.
- (3) The ventilation system must be equipped with a sensor that –
- (a) is capable of turning off the ventilation system and any heating device used in connection with the spraying room, in the event of a fire or a rise of more than 10°C (ten degrees Celsius) in the predetermined working temperature inside the spraying room; and
 - (b) activates a visual and audible alarm inside and outside the spraying room in an event contemplated in paragraph (a).

Design and positioning of ventilation outlets for spraying room

66. Every outlet opening from a spraying room must be designed and positioned to release fumes from the spraying room into the open air at least -

- (a) 1m (one metre) above any roof on the premises;
- (b) 4m (four metres) above the ground level; and
- (c) 5m (five metres) from any opening of a building situated on or adjacent to the spraying room.

Display of warning signs on spraying room

67.(1) A symbolic sign prohibiting open flames and smoking must be affixed to the inside and the outside of every door of a spraying room.

(2) Any symbolic sign contemplated in subsection (1) must be –

- (a) manufactured and installed in accordance with SANS 1186; and
- (b) of dimensions at least 290mm (two hundred and ninety millimetres) by 290mm (two hundred and ninety millimetres).

Heating installations in spraying rooms

68. Every heating installation of a Group II hazardous substance that forms an integral part of the heating system of any spraying room must –

- (a) comply with SANS 10087 (Part 1); and

- (b) the requirements of this By-law.

General prohibitions regarding spraying room

69. No person may –

- (a) use any spraying room or allow any spraying room to be used unless signs prohibiting open flames and smoking are affixed to the spraying room in compliance with section 64;
- (b) enter a spraying room or allow any other person to enter a spraying room without the authority of the owner, occupier or person in control of the spraying room;
- (c) use any spraying room or allow any spraying room to be used for any purpose other than spray painting or related activities;
- (d) enter any spraying room or allow any other person to enter a spraying room unless the mechanical ventilation system is operating; or
- (e) place any obstruction or hindrance or allow any obstruction or hindrance to be placed in any escape opening or in front of any door of a spraying room.

Fire extinguishing equipment in spraying room

70.(1) Every spraying room must be equipped with at least 1 (one) 9kg (nine kilogram) dry chemical fire extinguisher installed on the –

- (a) inside of the spraying room; and
- (b) outside of the spraying room.

(2) Fire extinguishers contemplated in subsection (1) must be installed in positions approved by a member of the Service.

(3) Every spraying room must be protected by at least 1 (one) fire hose reel as specified in SANS 543, that -

- (a) is connected to a water supply as contemplated in SANS 10400 (Part W); and
- (b) enables the hose reel to maintain a flow of at least 0,5 (zero comma five) litres per second at a work pressure of at least 300 (three hundred) kPa.

CHAPTER 8

TRANSPORT, SUPPLY AND DELIVERY OF DANGEROUS GOODS

Dangerous goods certificate

71. (1) A person may not convey dangerous goods using a motor vehicle designed for the transportation of dangerous goods unless –

- (a) such motor vehicle is designed and approved to convey such dangerous goods in accordance with SANS 1157 and other applicable standards; and
- (b) that person is in possession of a dangerous goods certificate issued in terms of subsection (5).

(2) The owner, person in control or operator a motor vehicle must apply for a dangerous goods certificate to convey petroleum products on such motor vehicle, not being a road tank, if the –

- (a) liquid of a danger group (i), (ii), or (iii) is in excess of 200 (two hundred) litres;
- (b) liquid of a danger group (iv) is in excess of 400 (four hundred) litres; or
- (c) quantity of Class 0 flammable liquid exceeds 90 (ninety) litres in total capacity and/or the container is of 113lt (one hundred and thirteen) water capacity or more.

(3) The owner, person in control or operator of a motor vehicle contemplated in subsections (1) or (2) must submit an application to the Council on a prescribed form as prescribed in Schedule 4.

(4) The Council may request any information from the applicant which it deems necessary in order to consider the application for a dangerous goods certificate.

(5) The Council may issue the dangerous goods certificate if it is satisfied that the motor vehicle concerned complies with the requirements of this By-law, and SANS 10087-4, SANS 10089-1, SANS 10230, SANS 1157, SANS 1518 and SANS 10187-8, whichever is applicable to the motor vehicle concerned.

(6) The Council may issue a certificate despite lack of full compliance with subsection (5), where it is in its opinion that the non-compliance of a motor vehicle can be remedied, and instruct the applicant in writing to take all reasonable steps to remedy the defaults prior to the use of the motor vehicle and the dangerous goods certificate sought with a specified period.

(7) if the applicant fails to remedy the defaults contemplated in subsection (6) within the specified time the Council may in writing revoke the certificate without further recourse to the applicant.

(8) A dangerous goods certificate must be renewed –

- (a) annually, on or before the date as indicated on it; or
- (b) whenever major maintenance, repairs or modifications have been effected on the motor vehicle.

(9) If, at any time, the Council becomes aware that the usage of a motor vehicle is not in accordance with the dangerous goods certificate, he or she must act in terms of sections 81(2), 82(1) and 83.

(10) A consignor may not supply a flammable substance to an operator of a motor vehicle contemplated in subsections (1) or (2), unless the operator is in possession of a valid dangerous goods certificate issued by the Council.

(11) A consignee may not receive a flammable substance from an operator of a motor vehicle contemplated in subsections (1) or (2), unless the operator meets the requirement in subsection (10).

(12) A dangerous goods certificate is valid only for the motor vehicle for which it was issued and in respect of the quantities stated on it.

(13) The dangerous goods certificate must be available in the motor vehicle for which it was issued for inspection at all times.

(14) The Council must keep records of all motor vehicles in respect of which a dangerous goods certificate has been issued, amended and renewed.

(15) if the person who so conveys the liquid contemplated in subsection 2(c) must ensure that such containers are of suitable construction and are packed in such a manner as to prevent leakage from and damage to the containers in the course of conveyance.

Filling operations

72. 1) A person may not transfer a flammable liquid from or to any motor vehicle at a place other than a bulk depot unless such transfer is carried out under seal and the engine of such motor vehicle is not running.

(2) The owner or person in control of a motor vehicle to or from which a flammable liquid is transferred must ensure that a fire extinguisher is available and readily accessible, and placed outside of the motor vehicle concerned, at the place where such transfer of a flammable liquid is carried out.

(3) The warning signs contemplated in section 38(11) must be displayed at all times at access points to the premises concerned.

(4) Any person responsible for the filling of a tank mounted on a motor vehicle carrying liquefied petroleum gas and any person having control of such motor vehicle must ensure that such filling is effected in accordance with the requirements of SANS 10087, Part IV.

(5) A person may not take on or across any public sidewalk the hose of a pump for the purpose of replenishing any motor vehicle or container with flammable liquid and so replenish any motor vehicle or container which is standing on any public sidewalk.

Condition of motor vehicle used for conveyance of flammable liquids

73. 1) A person who uses a motor vehicle for the purpose of conveying a flammable liquid must ensure that its condition, use and maintenance is in accordance with the requirements of SANS 1157 and any other applicable standard.

(2) Any container for liquefied petroleum gas found on a motor vehicle is deemed to be full until the contrary is proved.

(3) A person who uses a motor vehicle for the purpose of conveying Class III Flammable Liquid or any flammable substance must ensure that such motor vehicle is –

- (a) of adequate capacity and construction to convey safely the quantity of flammable substance which is or is to be conveyed on such motor vehicle;
- (b) equipped with at least 4 (four) wheels: Provided that a trailer does not have to meet this requirement.
- (c) so constructed and equipped as not to cause a flammable liquid conveyed on such motor vehicle to be ignited;

- (c) fitted with a means of cutting off manually the electrical current close to the battery by a double pole switch or other suitable method;
- (d) securely fitted with raised sides at least 800mm (eight hundred millimeters) in height; provided that a length of chain may be fitted across the rear of the motor vehicle in place of a tailboard;
- (e) equipped either with warning signs as contemplated in 38(11) –
 - (i) one of each such sign on each side of the motor vehicle; or
 - (ii) one of each such sign across the top of the motor vehicle or above its cab and in either case parallel to the length of the motor vehicle with lettering or pictograms on both sides and clearly visible when the motor vehicle is carrying the permitted load; and
- (f) fitted with two 9 kg (nine kilo grams) dry chemical powder type fire extinguishers.

Stopping a motor vehicle carrying flammable substances

74(1) A person may not –

- (a) park a motor vehicle contemplated in section 68(1) or (2) carrying a flammable substance on a public road or public place unless the parking of the motor vehicle is necessary for the loading or off-loading of such flammable substance on the premises adjacent to the place where such motor vehicle is parked, and for such period of time as is reasonably necessary for such loading or off-loading of a flammable substance;
- (b) cause or permit the motor vehicle contemplated in paragraph (a) to park on or across any public footpath during loading or off-loading operations;
- (c) place any hose or cause or permit the hose to be placed across a public footpath during the loading or off-loading operations; or
- (d) cause or permit the motor vehicle contemplated in paragraph (a) to park facing in any direction other than toward the exit during the delivery operations.

Precautions relating to motor vehicle

75. The owner, person in control or operator of motor vehicle in which a flammable substance is conveyed must take all reasonable precautions for the prevention of accidents by fire or explosion and for the prevention of access by any unauthorised person to any motor vehicle or container whilst in transit.

CHAPTER 9

FIRE BRIGADE SERVICE

Recognition of Service

76.(1) A Fire Brigade Service has been established as contemplated in section 3 of the Fire Brigade Services Act to operate within the jurisdiction of Municipality.

(2) The Municipality must maintain the Service, which includes –

- (a) appointing a Chief Fire Officer and the necessary members of the Service;
- (b) ensuring that they are properly trained; and
- (c) acquiring and maintaining the necessary vehicles, machinery, equipment, devices and accessories to ensure that the Service is effective and able to fulfil its objects as contemplated in the Fire Brigade Services Act.

Objects of Service

77. The objects of the Service are to –

- (a) prevent the outbreak and spread of fire;
- (b) fight and extinguish any fire that endangers any person, animal or property;
- (c) protect any person, animal and property against any fire hazard or other danger contemplated in this By-law; and
- (d) rescue any person, animal and property from any fire or other danger contemplated in this By-law.

Services to other persons

78.(1) The Service may provide any service related to its objects to any other person against payment of the prescribed fee.

(2) Any service contemplated in subsection (1) may be terminated without notice if the services, equipment or personnel involved in providing such service are required to deal with an emergency.

Instructions by members of Service

79.(1) In addition to any powers under section 8 of the Fire Brigade Services Act, a member may give any instruction to any person in order to secure compliance with this By-law or to ensure the safety of any person, animal or property.

(2)(a) An instruction contemplated in subsection (1) may be given orally or in writing.

(b) In the event that the instruction is given orally, the member must confirm the instruction in writing and give it to the person concerned within 24 hours of such instruction

(3) An instruction contemplated in subsection (1) may include, but is not limited to, an instruction –

- (a) for the immediate evacuation of any premises;
- (b) to close any premises until such time as any contravention of this By-law has been rectified;
- (c) to cease any activity;
- (d) to remove any immediate threat to the safety of any person, animal or property;
- (e) to take specified steps to comply with this By-law, either immediately or within a specified period; and
- (f) if it is not reasonable for steps referred to in paragraph (e) to be taken immediately, for the owner or occupier of the premises concerned to provide the Chief Fire Officer with a written description of the steps to be taken and a time-table for the taking of these steps in order to ensure compliance with this By-law.

Impersonation of member of Service prohibited.

80.(1) A person who is not a member of the Service may not –

- (a) pretend to be a member of the service;
- (c) wear any official clothing, uniform, badge or insignia of the Service; or
- (d) in any manner do or say anything which gives an impression that he or she is a member of the Service.

Certificate to identify members of Service

81.(1) The Chief Fire Officer must provide each member with a certificate identifying such person as a member.

(2) A member, while exercising any power under this By-law must –

- (a) keep the certificate provided in accordance with subsection (1) on his or her person; and
- (b) produce it for inspection on request by any person.

CHAPTER 8

GENERAL PROVISIONS

Indemnity

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

Offences and penalties

83. Any person who -

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

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

Enforcement provisions

84. Any authorized official may –

- (1) enter any premises at any reasonable time to inspect the premises for compliance with this By-law;
- (2) summarily abate any condition on any premises which is in violation of any provision of this By-law and which presents an immediate fire hazard or other threatening danger and to this end may-
 - (a) call for the immediate evacuation of the premises;
 - (b) order the closure of the premises until such time as the violation has been rectified;
 - (c) order the cessation of any activity, and
 - (d) order the removal of the immediate threat.
- (3) Any costs incurred by the Council as a result of acting in terms of section 41 will be borne by the person deemed by a Council to be responsible for the existence of

such condition or situation

- (4) Notwithstanding the provisions of subsection (3), the owner or occupier of the premises will be presumed to be responsible for any violation on the premises unless he or she proves that a person other than himself or herself is responsible for the violation concerned.

Authority to investigate

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

Failure to comply with provisions

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

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

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

Denial, suspension or revocation of approval, certificate or authorization

87. A Council may refuse, suspend or revoke any approval, certificate or authorisation issued or granted in terms of this By-law for non-compliance with the –

- (a) provisions of this By-law; or
- (b) conditions of any such approval, certificate or authorisation; or

requirements stipulated in any notice or order issued in terms of this By-law.

Charges

88. (1) The Municipality may determine the fees payable by a person on whose behalf the Council 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 Municipal Systems Act and other applicable local government legislation regulating the charging of fees.

Authority to investigate

89. Notwithstanding anything to the contrary contained in any other law, a Council has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger

Repeal of existing By-laws

90. The Council's existing by-laws are hereby repealed.

Short title and commencement

91. These by-laws shall be called the Fire Fighting By-laws, 2015, and shall come into operation on

PROPERTY RATES

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

ARRANGEMENT OF SECTIONS*Section*

1. Definitions
2. Expression
3. Adoption of By-law
4. Rating of property
5. Rates Policy
6. Principles
7. Annual operating budget
8. Categories of property
9. Categories of owner
10. Multiple use properties
11. Differential rating
12. Exemptions
13. Rebates

14. Reductions
15. Property used for agricultural purposes
16. Process for granting exemptions, rebates and reductions
17. Rates increases
18. Phasing in of rates on newly rateable property
19. Certificate of occupancy
20. Liability for and recovery of rates
21. Publication of resolutions levying rates
22. Dealing with applications
23. Enforcement of By-laws and Policy
24. Short title
25. Commencement

Definitions

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

“Act” means the Local Government: Municipal Property Rates Act No. 6 of 2004

“Agent” in relation to the owner of a property, means a person appointed by the owner of the property-

- (a) to receive rental or other payments in respect of the property on behalf of the owner; or
- (b) to make payments in respect of the property on behalf of the owner;

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

"annually" means once every financial year;

“appeal board” means a valuation appeal board established in terms of section 56 of the Act;

"category"—

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

“constitution” means the Constitution of the Republic of South Africa 1996;

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

"land tenure right" means an old order right or a new order right as defined in section 1 of the Communal Land Rights Act, 2004;

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

"municipal council" or "council" means a municipal council referred to in section 18 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"municipality" means the _____ Municipality established in terms of section 155(6) of the Constitution, 1996, and established by and under section 11 and 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), read with sections 3, 4 and 5 of the KwaZulu-Natal Determination of Types of Municipality Act, 2000 (Act No. 7 of 2000);

“Municipal Structures Act” means the Local Government: Municipal Structures No. 117 of 1998.

"owner"—

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

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

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

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

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

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

"permitted use", in relation to property, means the limited purposes for which the property may be used in terms of—

- (a) any restriction imposed by—
 - (i) a condition of title;
 - (ii) a provision of a town planning or land use scheme; or
 - (iii) any legislation applicable to any specific property or properties; or
- (b) any alleviation of any such restrictions;

"property" means—

- (a) immovable property registered in the name of a person, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person;
- (b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;
- (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or
- (d) public service infrastructure.

"property register" means a register of properties referred to in section 23 of the Act;

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

"public benefits organisation" means an organization conducting specified public benefit activities as defined in the Act, and registered in terms of the Income Tax Act, 1962 (Act No. 58 of 1962) for a tax reduction because of those activities;

"publicly controlled" means owned or otherwise under the control of an organ of state, including—

- (a) a public entity listed in the Public Finance Management Act, 1999 (Act No. 1 of 1999);
- (b) a municipality; or
- (c) a municipal entity as defined in the Local Government; Municipal Systems Act, 2000 (Act No. 32 of 2000);

"public service infrastructure" means publicly controlled infrastructure of the following kinds:

- (a) national, provincial or other public roads on which goods, services or labour move across the municipal boundary;
- (b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;
- (c) power stations, power substations or power lines forming part of an electricity scheme serving the public;
- (d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;
- (e) railway lines forming part of a national railway system;
- (f) communication towers, masts, exchanges or lines forming part of a communications system serving the public;
- (g) runways or aprons at national or provincial airports;
- (h) breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigation aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;

- (i) any other publicly controlled infrastructure as may be prescribed in terms of section 83 of the Act; or
- (j) rights of way, easements or servitudes in connection with infrastructure mention in paragraphs (a) to (i).

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

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

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

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

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

"sectional title scheme" means a scheme as defined in section 1 of the Sectional Titles Act, 1986 (Act No.95 of 1986);

"sectional title unit" means a unit as defined in section 1 of the Sectional Titles Act, 1986 (Act No. 95 of 1986);

"specified public benefit activity" means an activity listed in item 1 (welfare and humanitarian), item 2 (health care) and item 4 (education and development) of Part 1 of the Ninth Schedule to the Income Tax Act, 1962 (Act No. 58 of 1962);

"the Communal Land Rights Act" means the Communal Land Rights Act, 2004 (Act No. 11 of 2004);

"the Communal Property Associations Act" means the Communal Property Associations Act, 1996 (Act No. 28 of 1996);

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

"the Restitution of Land Rights Act" means the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994);

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

"vacant land" means land on which no immovable improvements have been erected.

2. Any word of expression –

- a) Imparting any gender or the neuter includes both genders and the neuter; or
 - b) Imparting the singular only also includes the plural and vice versa;
- unless the context otherwise indicates.

Adoption of By-laws

3. (1) These By-laws are adopted in terms of section 6 of the Act to give effect to the implementation of the Policy, a copy of which is to be attached to these By-laws as Annexure A.

(2) The Council must, in terms of section 5(1) of the Act, annually review, and may, if necessary, amend its Policy. Proposals for reviewing its policy must be considered by the Council in conjunction with its annual operating budget.

(3) The Policy is hereby incorporated by reference in these By-laws. All amendments to the Policy as the Council may approve from time to time shall be deemed to be likewise incorporated.

(4) These By-laws ascribe to the objectives set out in paragraph X of the Policy.

Rating of property

4. (1) In terms of section 2(3) of the Act, the Council may levy rates on a property subject to:
- a) Section 229 and any other applicable provisions of the Constitution of the Republic of South Africa, 1996;

- b) The provisions of the Act; and
- c) The Policy.

Rates Policy

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

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

(3) The municipality must levy rates in accordance with the Act; these by-laws; and the rates policy adopted in terms of subsection (1).

Principles

6. (1) These By-laws must be read in conjunction with the provisions of:

- (a) any applicable Town Planning Scheme;
- (b) any applicable Ordinances;
- (c) any other legislation pertaining to the use of property; and
- (d) any applicable policy of the Council.

(2) The rates policy adopted by the municipal council must comply with the following principles—

- (a) All ratepayers within a specific category, as determined by the municipal council from time-to-time, must be treated equitably.
- (b) A fair and transparent system of exemptions, rebates and reductions must be adopted and implemented by the municipality.
- (c) Relief measures in respect of the payment of rates may not be granted on an individual basis, other than by way of exemption, rebate or reduction.
- (d) Exemptions, rebates and reductions must be used to alleviate the rates burden on—
 - (i) the poor;
 - (ii) public benefit organisations; and
 - (iii) public service infrastructure.
- (e) Provision must be made for the promotion of local, social and economic development.

(Note: Other principles may be identified by the council and included here)

(3) Rates are levied in accordance with the Act as an amount in the Rand based on the market value of the rateable property as reflected in the valuation roll and any supplementary valuation roll, in accordance with Chapters 6 and 8 of the Act.

(4) Different rates may be levied for different categories of property,

(5) The Council may in terms of section 22 of the Act, levy an additional rate on property in a special rating area and in doing so, may differentiate between categories of property;

(6) Where the rates levied on a property are based on a supplementary valuation roll made in terms of section 78(1) of the Act, such rate will be payable from the date contemplated in section 78(4) of the Act.

(7) The Council shall specify a threshold at which rating in respect of residential properties may commence as provided for in section 15(1)(a) of the Act, which it is hereby authorised to do.

Annual operating budget

7. (1) The Council must consider the levying of rates annually during the budget process referred to in section 12(2) of the Act. Rates will be based on the market value of the rateable property and the amount required by the Council to balance its annual operating budget.

(2) Rates increases must be used to finance the increase in operating costs of municipal services and facilities.

(3) The policy must set out the criteria to be applied when determining the level of increases in rates.

Categories of Property

8.(1) For the purpose of levying different rates on different categories of property, the Council may —

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

(2) The different categories of property determined by the Council in terms of subsection (1)(a); or the criteria for determining different categories of property provided by the Council

in terms of subsection (1)(b), must be specified in the rates policy adopted by the Council in terms of section 2(1).

(3) The different categories of property determined by the Council in terms of subsection (1)(a) may include, but are not limited, to—

- (a) residential properties;
- (b) industrial properties;
- (c) commercial properties;
- (d) farm properties used for—
 - (i) agricultural purposes;
 - (ii) commercial purposes;
 - (iv) residential purposes; and
 - (v) any other purpose;
- (e) farm properties not used for any purpose;
- (f) state-owned properties, including state-owned properties that provide—
 - (i) local services;
 - (ii) district services;
 - (iii) metropolitan services;
 - (iv) provincial services; and
 - (v) national services;
- (g) municipal properties;
- (h) public service infrastructure;
- (i) privately owned towns serviced by the owner;
- (j) formal and informal settlements;
- (k) communal land as defined in the Communal Land Rights Act;
- (l) state trust land;
- (m) property acquired in terms of the Provision of Land and Assistance Act;
- (n) property acquired in terms of the Restitution of Land Rights Act;
- (o) property subject to the Communal Property Associations Act;
- (p) protected areas;
- (q) national monuments;
- (r) property owned by public benefit organizations and used for specified public benefit activities;
- (s) multiple-use properties; and
- (t) vacant land.

(Note: Other categories of property may be determined by the council and included here.)

(4) The criteria for determining different categories of property provided by the Council in terms of subsection (1)(b) may include, but are not limited, to—

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

(Note: Other criteria for determining different categories of property may be provided by the council and included here.)

Categories of Owner

9.(1) For the purpose of levying rates on different categories of property or for the purpose of granting exemptions, rebates or reductions, the Council may —

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

(2) The different categories of owners of property determined by the Council in terms of subsection (1)(a), or the criteria for determining different categories of owners of property provided by the Council in terms of subsection (1)(b), must be specified in the rates policy adopted by the Council in terms of section 2(1) of the Act.

(3) The different categories of owners of property determined by the Council in terms of subsection (1)(a) may include, but are not limited, to—

- a) Residential properties owned and occupied by natural persons who have limited income and who are not pensioners but can show that his or her annual income falls below the limit determined by the Council from time to time.
- b) Residential properties owned and occupied by natural persons who are dependent on social assistance in terms of the Social Assistance, 1992 (Act 59 of 1992) as their sole source of income
- c) Residential properties owned and occupied by pensioners who are not persons contemplated in subparagraph (b), provided that the total income of the household does not exceed the limits determined by the Council from time to time;

- d) Property owned by organisations which in the opinion of and to the satisfaction of the Council, care for the aged and use the property for such purpose;
- e) Property owned by institutions which provide education and/or student accommodation-
 - (i) Public schools
 - (iii) Independent schools
 - (iii) Universities; and
 - (iv) Technical and other colleges;
- f) Property owned by public benefit organisations approved in terms of section 30 of the Income Tax Act, 1962 (Act 58 of 1962), read with items 1,2 and 4 of the ninth schedule for that Act;
- g) Property owned by private sports clubs which use such property primarily for sports purposes;
- h) Property in the inner city rezoned for residential purposes
- i) Property:
 - (i) Declared as heritage sites in terms of section 27 of the National Heritage Resources Act, 1999 (Act 25 of 1999);
 - (ii) Designated as protected areas in terms of section 28 of the National Heritage Resources Act, 1999; and
 - (iii) Designated as heritage areas in terms of section 31 of the National Heritage Resources Act, 1999
- j) Property used for bona fide agricultural/ farming purposes;
- k) Residential sectional title properties;
- l) Property registered in the name of an institution or organisation which has as its exclusive objective the protection of animals;
- m) Property registered in the name of an institution or organisation which has as its exclusive objective the provision and, or promotion of youth development programmes;

- n) Property, including sectional title units that form part of a development that developed at an appropriate density as determined by the Council from time to time during its budget process as contemplated in section 12(2) of the Act;
 - o) Residential properties owned and occupied by natural persons temporarily without income as contemplated in section 15(2)(c) of the Act;
 - p) Property situated within an area affected by;
 - (i) A disaster within the meaning of the Disaster Management Act, 2002 (Act 57 of 2002);
 - (ii) Any other serious adverse social or economic conditions as determined by the Council from time to time; and
 - q) Vacant land.
- (4) The criteria for determining different categories of owners of property provided by the municipal council in terms of subsection (1)(b) may include, but are not limited, to–
- (a) the income of the owner of the property;
 - (b) the source of income of the owner of the property;
 - (c) the occupation of the owner of the property;
 - (d) the market value of the property;
 - (e) the use of the property; and
 - (f) disasters or any other serious adverse social or economic condition.
- (Note: Other criteria for determining different categories of owners of property may be provided by the council and included here.)*

Multiple-use Properties

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

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

(3) The criteria determined by the municipal council must be either–

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

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

- (a) by apportioning the market value of such a property to the different purposes for which the property is used; and
- (b) by applying the relevant cent amount in the rand to the corresponding apportioned market value.

Differential Rating

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

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

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

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

- (a) the nature of the property;
- (b) the sensitivity of the property to rating;
- (c) the extent to which the property has been developed; and
- (d) the promotion of social and economic development.

(Note: Other criteria may be determined by the council and included here.)

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

(6) The method determined by the municipal council in terms of subsection (5) must be based on one of the following methods:

- (a) setting a different cent amount in the Rand for each category of property;
- (b) granting rebates for different categories of property; or

(c) granting reductions for different categories of property.

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

Exemptions

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

- (a) the owners of any specific category of property; or
- (b) any specific category of owners of property, from the payment of rates.

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

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

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

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

(Note: Other criteria may be determined by the council and included here.)

Rebates

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

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

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

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

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

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

(Note: Other criteria may be determined by the municipal council and included here.)

Reductions

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

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

in the rate payable in respect of their properties.

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

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

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

- (a) fire;
- (b) floods;
- (c) lightning;
- (d) storms; and
- (e) other artificial or natural disasters.

(Note: Other criteria may be determined by the council and included here.)

Property used for agricultural purposes

15. When considering the criteria to be applied in respect of any exemptions, rebates or reductions on properties used for agricultural purposes, the following criteria must be taken into account—

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

Process for granting exemptions, rebates and reductions

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

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

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

Rates increases

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

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

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

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

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

(Note: Other criteria may be determined by the council and included here.)

Phasing in of rates on newly rateable property

18. (1) The rates on newly rateable property, as defined in the Act, will be phased in as determined in section 21 of the Act.

Certificate of occupancy

19. (1) Prior to a residential property being eligible for a residential rate or rebate, a Certificate of Occupancy must have been issued in respect thereof by the relevant Council Department concerned, unless expressly provided otherwise.

Liability for and recovery of rates**20. (1) Rates –**

- a) Which are recovered by the Council on a monthly basis, are payable on or before the due date stipulated in the account sent to the ratepayer.
- b) Are payable in full on or before the due date and interest will be charged on rates that are in arrears.

(2) The policy must make provision for the recovery of rates, under appropriate circumstances, from:

- a) Ratepayers who did not receive accounts;
- b) Joint property owners;
- c) Tenants of property; and
- d) Ratepayers that intend to dispose of property.

Publication of resolutions levying rates

21. (1) The Rates Policy must set out the procedure to be followed in the consideration of any objections or comments received pursuant to the publication of any resolutions of the Council regarding the levying of rates.

Dealing with applications

22. The Council must consider every application in terms of the Policy within a reasonable time and may approve the application, subject to such conditions as the Council may deem appropriate under the circumstances, or refuse to grant the application.

Enforcement of the By-laws and Policy

23. These By-laws and the Policy shall, to the extent necessary, be enforced through the Credit Control and Debt Collection Policy and By-laws of the Municipality and/or any other applicable mechanism.

40. Right of appeal

40.1 Any appeal against a decision of the municipal valuer may be lodge, in the prescribed format with the Municipal Manager by any of the following-

- (a) A person who has lodged an objection in terms of section 47 (1) of this By- law and who is not satisfied with the decision of the municipal valuer. Such appeal must be lodged- within 30 days after the date on which the written notice referred to in section 42.1 was sent to the objector or, if the objector has requested reasons in terms of section 42.2, within 21 days after the day on which the reasons were sent to the objector;
- (b) An owner of a property who is affected by such a decision, if the objector was not the owner, Such appeal must be lodged within 30 days after the date on which the written notice referred to in section 42.1 hereof was sent to the owner or, if the owner has requested reasons in terms of section 42.2, within 21 days after the day on which the reasons were sent to the owner; or
- (c) The Council of the Municipality, if the Municipality's interests are affected. Such appeal must be lodged within 30 days after the date on which the decision was taken.

40.2 the Municipal Manager shall forward any appeal lodged in terms of subsection (1) above to the chairperson of the appeal board in question within 14 days after the end of the applicable period referred to in paragraph (a), (b) and (c) above.

41. Valuation Appeals Boards

41.1 The establishment, functions, membership and procedures of valuation appeals boards are regulated by Chapter 7 of the Act.

41.2 The Municipality shall remunerate members of the Appeal Board in accordance with its conditions of appointment and any directions of the MEC for local government.

41.3 The Appeal Board may request the Municipality to provide it with the necessary office accommodation and other administrative assistance, including staff for the Board.

41.4 The Municipality shall comply with all reasonable request in terms of subsection (3) above and shall be liable for the costs of the Appeal Board, provided that members of the Appeal Board shall be remunerated in accordance with subsection (2) above.

42. Updating of the valuation roll

42.1 The Municipality shall update its valuation roll once a year by causing a supplementary roll to be prepared in terms of section 78 of the Act or by amending the valuation roll in terms of section 79 of the Act.

Short title

24. These by-laws will be called the _____ Municipality Property Rates By-Laws, 2015.

Commencement

25. This by-laws come into effect on _____.

IMPORTANT *Reminder* from Government Printing Works

Dear Valued Customers,

As part of our preparation for eGazette Go Live on 9 March 2015, we will be suspending the following existing email addresses and fax numbers from **Friday, 6 February**.

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ProvincialGazetteGauteng@gpw.gov.za	+27 12 334 5841
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