



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SA KWAZULU-NATALI

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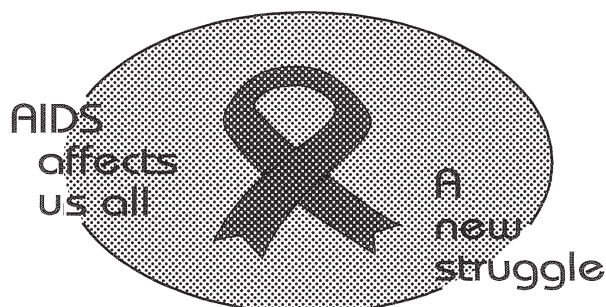
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No. 1606

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**AIDS
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DEPARTMENT OF HEALTH

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Notice submission deadlines

Government Printing Works has over the last few months implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submit your notice request.

In line with these business rules, GPW has revised the notice submission deadlines for all gazettes. Please refer to the GPW website www.gpwonline.co.za to familiarise yourself with the new deadlines.

CANCELLATIONS

Don't forget!

Cancellation of notice submissions are accepted by GPW according to the deadlines stated in the table above.

Non-compliance to these deadlines will result in your request being failed. **Please pay special attention to the different deadlines for each gazette.**

Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

Requests for cancellation must be sent by the original sender of the notice and must accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

take note!

With effect **from 01 October**, GPW will not longer accept amendments to notices. The cancellation process will need to be followed and a new notice submitted thereafter for the next available publication date.

CUSTOMER INQUIRIES



Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While GPW deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a **2-working day turnaround time for processing notices** received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

PROOF OF PAYMENTS

REMINDER

GPW reminds you that all notice submissions **MUST** be submitted with an accompanying proof of payment (PoP) or purchase order (PO). If any PoP's or PO's are received without a notice submission, it will be failed and your notice will not be processed.

When submitting your notice request to submit.egazette@gpw.gov.za, please ensure that a purchase order (GPW Account customer) or proof of payment (non-GPW Account customer) is included with your notice submission. All documentation relating to the notice submission must be in a single email.

A reminder that documents must be attached separately in your email to GPW. (In other words, your email should have an Adobe Form plus proof of payment/purchase order – 2 separate attachments – where notice content is applicable, it should also be a 3rd separate attachment).

REMINDER OF THE GPW BUSINESS RULES

- Single notice, single email – with proof of payment or purchase order.
- All documents must be attached separately in your email to GPW.
- 1 notice = 1 form, i.e. each notice must be on a separate form
- Please submit your notice **ONLY ONCE**.
- Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
- The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.

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Government Printing Works reserves the right to apply the 25% discount to all Legal and Liquor notices that comply with the business rules for notice submissions for publication in gazettes.

National, Provincial, Road Carrier Permits and Tender notices will pay the price as published in the Government Gazettes.

For any information, please contact the eGazette Contact Centre on 012-748 6200 or email info.egazette@gpw.gov.za

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Gazette *Page*
No. *No.*

MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

20	National Building Regulations and Building Standards Act (103/1977): Umvoti Municipality	1606	4
21	KwaZulu-Natal Pound Act (3/2006): Umvoti Municipality: Impound of Animals By-law.....	1606	46
22	Road Traffic Act (93/1996): Umvoti Municipality Impound of Vehicles and other By-law	1606	54
23	Municipal Systems Act (32/2000): Umvoti Municipality Informal & Street Trading By-law	1606	64

MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

MUNICIPAL NOTICE 20 OF 2016

Umvoti Municipality



Name of BY LAW	Building Control By Law
Date of Adoption	30 th June 2015
Council Resolution No	UMS 117 (11)
Status	Final for 15/16 Financial Yr
No of Pages contained herein	
Date of Next Revision	30 June 2016
Version	1.0 bco

UMVOTI MUNICIPALITY BUILDING CONTROL BY-LAWS: CONSOLIDATED BY LAWS SUPPLEMENTARY TO THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, 1977 (ACT 103 OF 1977), AND THE REGULATIONS MADE UNDER THE ACT AND APPROVED BY THE MINISTER OF TRADE AND INDUSTRY IN TERMS OF SECTION 29(2) AND 29(8)(a) OF THE ACT

**PART A
DEFINITIONS**

1. Definitions

**PART B
SCOPE OF BY-LAWS**

2. Scope of by-laws

PART C

STREETS AND PAVEMENTS

3. Catheads, cranes and platforms
4. Slab footways and pavements
5. Plants on street verge
6. Street gutter bridges

BUILDINGS

7. Encroachments
8. Restriction on the erection of buildings within the one-in-fifty-year flood-line
9. Relay of storm water from high-lying erven to lower-lying erven
10. Enclosures
11. Roofs

PART D**SEWERAGE****GENERAL PROVISIONS**

12. Connection to sewer
13. Disconnection of drainage installations and conservancy and septic tanks
14. Drainage work that does not meet the requirements
15. Maintenance
16. Drain and sewer blockages
17. Interference with or damage to sewers and water care works
18. Entry onto premises
19. Manholes on municipal property
20. Mechanical food-waste and other disposal units

PREVENTION OF WATER POLLUTION

21. Sewage and other pollutants not to enter storm water drains
22. Storm water not to enter sewers
23. Discharge from fountains, boreholes, wells, reservoirs and swimming pools
24. Permission to discharge industrial effluent
25. Control of industrial effluent
26. Metering and assessment of the volume and composition of industrial effluent
27. Prohibited discharges

PART E**WATER**

28. Connection from main
29. Valves in communication pipes

30. Additions to fire extinguishing system
31. Extension of fire extinguishing system to other premises
32. Inspection and approval of fire extinguishing services
33. Connections to be to the satisfaction of the Municipality
34. Installation of reflux valves
35. Sprinkler systems
36. Header tanks and duplicate supply from main

PART F

NOTICES

37. Notices

PART G

OFFENCES AND PENALTIES

38. Offences and penalties

SCHEDULE I

CONDITIONS WITH WHICH ENCLOSURES MUST COMPLY

SCHEDULE II

LIMITS OF CONCENTRATION OF CERTAIN SUBSTANCES

PART A

DEFINITIONS

1. Definitions

In these by-laws all words and phrases, except the words and phrases defined in these by-laws, have the same meaning as in the National

Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), the National Building Regulations made under the Act and the user's code of practice for the application of the National Building Regulations, namely SANS 10400/SABS 0400:1990, and, unless the context indicates otherwise –

“Act” means the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

"adequate" means adequate in the opinion of the Municipality, regard being had in all cases to all the circumstances of a particular case and to the accepted principles of drainage installation and, in the case of any appliance, fitting or other object, to the purpose such appliance, fitting or object is intended to serve;

"antisiphonage pipe" means a pipe or portion of a pipe provided to protect, by ventilation, a water seal or trap against unsealing through siphonage or back pressure;

"approved" means approved by the Municipality, regard being had in all cases to all the circumstances of a particular case and to the accepted principles of drainage installation and, in the case of any appliance, fitting or other object, to the purpose such appliance, fitting or object is intended to serve;

“awning” means an easily removable light-weight roof-like covering which projects from a wall or building;

“balcony” means an outside platform, enclosed along the outer edges by parapets, railings or balustrades, which may project beyond the external wall of a building at any storey above the ground storey and which may be partly or wholly roofed;

“bay window” means a window placed in a bay which has been advanced from the external wall of a building to add space to a room;

“canopy” means a rigid roof-like projection from wall of a building;

"cleaning eye" means an access opening to the interior of a discharge pipe or trap which is provided for the purpose of internal draining and which remains permanently accessible after completion of a drainage installation;

"communication pipe" means a pipe leading from a main to the premises of a consumer as far as that street boundary of the premises which is situated nearest to the main or, where a meter is installed inside the premises, as far as the inlet of the meter;

"connecting sewer" means that part of a sewerage system which is vested in the Municipality and by means of which a drain is connected to the Municipality's sewer;

"connection" means the point at which a drain is connected to a connecting sewer;

"conservancy tank" means a tank which is used for the retention or temporary retention of the discharge from a drainage installation and which is emptied at intervals;

"drain" means that portion of a drainage installation on any premises, other than a soil-water pipe, waste-water pipe, ventilation pipe or antisiphonage pipe, which is vested in the owner of the premises and which has been laid in the ground and is used or intended to be used for conveying sewage to a connecting sewer, a common drain, a conservancy tank or a septic tank situated on the premises;

"drainage installation" means an installation vested in the owner of premises and includes a drain, soil-water pipe, stack, waste-water pipe, ventilation pipe, antisiphonage pipe, soil-water fitting, waste-water fitting, mechanical appliance or any other appliance or fitting or combination thereof for collecting and conveying sewage;

"drainage work" means the construction or reconstruction of a drainage installation or the alteration of or addition to a drainage installation, or any work done in connection with a drainage installation, but does not include any work undertaken solely for repair or maintenance purposes;

'dwelling house' means a building used or constructed or designed or adapted to be used as a residence by one family together with such out-buildings as are ordinarily used therewith;

"encroachment" means any projection from a building which encroaches under, into or over any street or public place;

'excavation work' includes loosening, taking out, and removing stone or soil or other material in connection with building work;

'flat' means a portion of a building designed for occupation by a single family or household for living purposes and containing one or more habitable rooms, a kitchen, a bathroom and a water closet pan;

'frontage works' means any gate, gateway, driveway, path or other means of access to premises and any wall, fence or other structures and any permanent earthworks abutting upon a street or situated on private property within five metres of the street line or any line which the municipality has prescribed as a future street line;

"hoarding" means any fence or screen which is used while building or excavation work, as the case may be, is in progress, to enclose a building or material or an excavation;

"industrial effluent" means any liquid, whether or not containing matter in solution or suspension, which is emitted in the course of or as a result of any trade or industrial operation, including a mining operation, and includes any liquid besides soil water or waste water or storm water;

"main" means a pipe, aqueduct or other work which is under the exclusive control of the Municipality and which is used by the Municipality for the purpose of conveying water to consumers, but does not include a communication pipe;

"Municipality" means the Umvoti local Municipality established in terms of the provisions of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

"owner" means -

- (a) the person who receives the rent or profits of land or property from a tenant or occupier of the land or property, or who would receive the rent or profits if the land or property were leased, whether for his or her own account or as an agent for a person entitled to the rent or profit;
- (b) where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of the premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative; and
- (c) in relation to -
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property; or
 - (ii) a section as defined in the Sectional Titles Act, 1986, the person in whose name the section is registered under a sectional title deed, and includes the lawfully appointed agent of such person;

"Piece of land" means -

- (a) a piece of land registered in a deeds registry as an erf, stand, lot, plot or other area or as a portion or a subdivision portion of such erf, stand, lot, plot or other area; or
- (b) a defined portion, not intended as a public place, of a piece of land which is held under surface right permit or under mining title or which, being proclaimed land not held under mining title, is used for

residential purposes or for purposes not incidental to mining operations;

"premises" means a piece of land, the external surface boundaries of which are delineated on -

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1997 (Act 8 of 1997), or in terms of the Deeds Registries Act, 1937 (Act 47 of 1937); or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986;

"sanitary fitting" or "sanitary appliance" means a soil-water fitting or waste-water fitting;

"septic tank" means a tank designed to receive sewage and to effect the adequate decomposition of organic matter in the sewage by bacterial action;

"sewage" means soil water, waste water or industrial effluent, whether separately or together;

"sewer" means a pipe with fittings which is vested in the Municipality and is used or designed or intended to be used for or in connection with the conveyance of sewage;

"stack" means the main vertical component of a drainage installation or any part thereof other than a ventilation pipe;

"storm water" means a liquid resulting from natural precipitation or accumulation, and includes rainwater, spring water and groundwater;

"trap" means a pipe fitting or a portion of a sanitary appliance that is designed to retain a water seal in position;

"ventilation pipe" means a pipe or portion of a pipe which leads to the open air at its highest point and which does not convey any liquid, but which is used to ventilate a drainage installation in order to prevent the destruction of water seals;

"waste water" means used water that has not been polluted by soil water or industrial effluent, but does not include storm water;

"waste-water fitting" means a fitting that is used to receive and discharge waste water;

"waste-water pipe" means a pipe, other than a drain, that is used to convey waste water only;

"water care works" means a water works for the purification, treatment or disposal of effluent; and

"water seal" means the water in a trap which serves as a barrier against the flow of foul air or gas.

PART B

SCOPE OF BY-LAWS

2. Scope of by-laws

- (1) These by-laws are supplementary to the National Building Regulations and are applicable to every building, sewerage installation and water installation and, in relation to any sewerage installation or water installation in particular, to the operation and maintenance of such installation in any new building or existing building, with or without any alteration of or addition to the existing installation, whether or not such alteration or addition is required by the Municipality in terms of the National Building Regulations or these by-laws.

- (2) Any building, sewerage installation or water installation may at any time after its completion and commissioning be subject to such inspection, approval, tests and control as the Municipality may deem fit or require.

PART C

STREETS AND PAVEMENTS

3. Catheads, cranes and platforms

A cathead, lifting crane, platform or other similar device may not overhang any street or sidewalk without the special consent of the Municipality.

4. Slab footways and pavements

- (1) The owner or occupier of a piece of land adjoining a street may lay or construct a slab footway or pavement on that portion of the verge of the street which is intended for exclusive use as a street sidewalk.
- (2) The paving or slabs for a slab footway or pavement referred to in subsection (1) must be laid to the grade, line and cross fall determined by the Municipality and must meet the following further requirements:
- (a) For ordinary paving or slabs the minimum cross fall is 1:100 and the maximum cross fall is 1:25.
 - (b) Non-skid paving or non-skid slabs of a type to be approved by the Municipality must be used when the cross fall is between 1:25 and 1:15, provided that the cross fall does not exceed 1:15.
 - (c) Longitudinal grades may not be steeper than 1:25 for ordinary paving or ordinary slabs, and non-skid paving or non-skid slabs must be used for longitudinal grades of between 1:25 and 1:15, provided that the longitudinal grade does not exceed 1:15.

- (3) If, in respect of a slab footway or pavement referred to in subsection (1), a vehicular opening is formed in a kerb or an intersecting footway or pavement, the opening must be paved or slabbed.
- (4) The Municipality may impose such conditions as it deems necessary in respect of a slab footway or pavement referred to in subsection (1), with due regard to public safety, the preservation of municipal property and all other relevant circumstances.

5. Plants on street verges

- (1) The owner or occupier of a piece of land adjoining a street may grade and plant with grass the area lying between such piece of land and that part of the street that is intended, laid out or made up for the use of vehicular traffic.
- (2) The owner or occupier of a piece of land adjoining a street may plant with flowers or small shrubs a strip of land not exceeding 1 m in width immediately adjoining the piece of land.
- (3) The Municipality may, due regard being had to public safety, the preservation of municipal property and all other relevant circumstances, impose such conditions as it deems necessary in respect of the planting of grass, flowers and small shrubs as contemplated in subsections (1) and (2)

6. Street gutter bridges

No person may without the express permission of the Municipality bridge over or enclose any gutter or storm water drain that is under the control of the Municipality.

BUILDINGS

7. Encroachments

With the consent of the Municipality -

- (a) a cantilevered overhanging roof may be erected over a street boundary or building line, at a height of at least 2,75 m above the finished ground level, measured from the finished ground level to the lowest point of the overhanging roof;
- (b) foundations that are at least 0,75 m under the ground level may

exceed a street boundary or building line by a maximum of 0,5 m;

- (c) a sunshade or overhead lamp may exceed a street boundary or building line, provided that there is a head clearance of at least 2,1 m, measured from the finished ground level to the lowest point of such sunshade or overhead lamp; and
- (d) a projection from any eaves may not exceed a street boundary or building line.

8. Restriction on the erection of buildings within the one-in-fifty-year flood-line

- (1) No building may without the express permission of the Municipality be erected so that the building is, at its nearest point to a natural watercourse, nearer to the centre of the natural watercourse than to a line indicating the maximum level likely to be reached every fifty years on average by flood water in the watercourse.
- (2) For the purpose of subsection (1) the Municipality is the sole judge as to the position of the line and of the centre of the natural watercourse.
- (3) For the purpose of this section, a natural watercourse means a topographic land depression that collects and conveys surface storm water in a definite direction, and includes any clearly defined natural channel that conveys water in a definite course along a bed between visible banks, whether or not the channel's conformation has been changed by artificial means and whether or not the channel is dry during any period of the year, and such channel includes any river, spruit or stream.

9. Relay of storm water from high-lying erven to lower-lying erven

If, in the opinion of the Municipality, it is impracticable for storm water to be drained from a high-lying erf direct to a public street, the owner of a lower lying erf is obliged to accept

and permit the passage of such storm water over the lower-lying erf. The owner of such high-lying erf from which storm water is discharged over the lower-lying erf is liable for a proportionate share of the cost of any pipe-line or drain that the owner of the lower-lying erf may find necessary to construct for the purpose of conducting the storm water so discharged.

10. Enclosures

Where a piece of land is enclosed in any manner whatsoever, the enclosure must be designed, erected and maintained in accordance with Schedule I, subject to any other provisions of these by-laws.

11. Roofs

- (1) Sheet metal that is used for a roof and that is visible from a street or a surrounding erf must be properly painted within 3 months after construction in line with the requirements of Part L (L1) of the Act thereof if the Municipality so requires.
- (2) No roof surface may have a luminous finish.

12. Certificate of Occupancy in respect of Buildings

A certificate of approval for occupation in terms of section 14(1) of the Act must be obtained from the municipality before the owner of a building of which the erection has been completed, or any person having an interest therein, has requested in writing to issue a certificate of occupancy in respect of such building.

PART D

SEWERAGE

GENERAL PROVISIONS

12. Connection to sewer

- (1) No part of any drainage installation may extend beyond the boundary of the piece of land on which the building or part of the building served by the

drainage installation is erected, provided that, where the Municipality considers it necessary or expedient to do so, the Municipality may permit the owner of the piece of land to lay a drain at his or her own expense through an adjoining piece of land on submission of proof of registration of an appropriate servitude or of a notarial deed of joint drainage, as the Municipality may require.

- (2) Subject to the provisions of subsection (3), and without prejudice to the provisions of the National Building Regulations regarding the inspection and testing of drainage installations, the owner of any premises must, 14 days before the drainage installation on his or her premises is ready for connection to a connecting sewer, advise the Municipality of his or her intention to connect the drain to a connecting sewer. As soon as the Municipality has provided the connecting sewer, such owner must connect the drain to the connecting sewer at his or her own expense.
- (3) Any alternative or additional connection required by the owner of any premises is subject to the approval of the Municipality and must be effected at the owner's expense.
- (4) No person may permit, for testing purposes, the entry of any substance whatsoever other than clean water into any drainage installation before the drainage installation has been connected to a sewer.
- (5) Except as may be otherwise authorised by the Municipality in writing, no person other than an officer duly authorised to do so may lay and connect any connecting sewer to a sewer.
- (6) The conveyance of sewage from two premises or more by means of a common drain to a connecting sewer may be authorised by the Municipality.

13. Disconnection of drainage installations and conservancy and septic tanks

- (1) If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for the use of a conservancy tank or septic tank is withdrawn, the owner of the premises on which such conservancy tank or septic tank is situated must cause the conservancy tank or septic tank to be disconnected and to be either completely removed or completely filled with earth or other suitable material, provided that the Municipality may require the conservancy tank or septic tank to be otherwise dealt with or may permit it to be used for some other purpose, subject to such conditions as the Municipality may consider necessary, regard being had to all the circumstances of the case.
- (2) After all the requirements of the National Building Regulations in regard to the disconnection of an existing conservancy tank or septic tank on any premises have been complied with and on request of the owner of the premises, the Municipality must issue a certificate to the effect that -
- (a) the disconnection has been completed in terms of the National Building Regulations; and
- (b) any sewerage charges prescribed in the tariff and raised in respect of the disconnected portion of the drainage installation will cease to be raised in respect of the disconnected portion with effect from the first day of the month following the issue of the certificate, provided that until the certificate is issued by the Municipality, any such charges will continue to be raised.
- (3) When a drainage installation on any premises is disconnected from the sewer, the Municipality must seal the opening made and must recover from the owner of the premises the cost of the work in accordance with section 14(5).

- (4) Any person who, without the permission of the Municipality, breaks or removes or causes or permits the breakage or removal of a seal effected in terms of subsection (3) is guilty of an offence under these by-laws.
- (5) Where a soil-water fitting has, during the month, been connected to or disconnected from a drainage installation that discharges into a sewer system, the charge as prescribed in the tariff, excluding the fixed charge for every erf, stand, premises or other area that has or has no improvements or that in the opinion of the Municipality can be connected to a sewer, must be calculated as if the connection or disconnection had been made on the first day of the month following the month in which the connection or disconnection was made.

14. Drainage work that does not meet the requirements

- (1) Where a drainage installation that has been constructed on any premises or drainage work that has been carried out on any premises fails to comply in any respect with any of the provisions of the National Building Regulations or these by-laws, the owner of the premises must, notwithstanding the fact that he or she may have received approval for the plans for the drainage installation or work in terms of the National Building Regulations or previous by-laws, carry out, on receiving written notice from the Municipality, such repairs, replacements, maintenance work or alteration in respect of the drainage installation as the notice may specify and within the time the notice may specify.
- (2) If, in the opinion of the Municipality, a nuisance exists as a result of the emission of gas from a trap or sanitary fitting or any other part of a drainage installation on any premises, the Municipality may require the owner of the premises to, at his or her own expense, take such action as may be necessary to prevent the recurrence of the nuisance.
- (3) Where any sewage, after being discharged into a drainage installation, enters or overflows a soil-water fitting or waste-water fitting connected to the

drainage installation on any premises or leaks out somewhere from the drainage installation, whether by reason of surcharge, back pressure or any other circumstance, the Municipality may by notice in writing require the owner of the premises to carry out within the period specified in the notice the work necessary to abate and prevent any recurrence of such entry, overflow or leakage of sewage.

(4) Instead of serving a notice contemplated in subsection (1) or (3) or where such notice has not been complied with within the period prescribed in the notice, the Municipality may, without prejudice to its right also to prosecute the owner to whom the notice was directed because of an infringement of the National Building Regulations or these by-laws -

(a) itself proceed to carry out such alteration, removal or other work as it may deem necessary for compliance with the provisions of the National Building Regulations or these by-laws; and

(b) recover, in accordance with subsection (5), the cost of the alteration, removal or other work from the owner by the ordinary process of law.

(5) Where any work other than that for which a fixed charge has been determined in the tariff is done by the Municipality, the Municipality is entitled in terms of these by-laws to recover the cost of such work from a person, and there may be included in such cost such claim to be determined by the Municipality as will cover all expenditure reasonably incurred by the Municipality.

15. Maintenance

Where any part of a drainage installation is used by two owners of any premises or more or two occupiers of any premises or more, such owners or occupiers are jointly and severally liable in terms of this section for the maintenance and repair of the drainage installation.

16. Drain and sewer blockages

- (1) No person may cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, pipe, drain or fitting as to cause the blockage or ineffective operation of the trap, tank, pipe, drain or fitting.
- (2) If the owner or occupier of any premises has reason to believe that a blockage has occurred in any drainage installation on the premises, he or she must immediately inform the Municipality of the blockage and take steps to have it removed.
- (3) Where a blockage occurs in a drainage installation, any work necessary for the removal of the blockage must, subject to the provisions of subsection (5), be done by or under the supervision of a plumber or registered person as required by the National Building Regulations in regard to the control of plumbers and plumbing work.
- (4) Any plumber or registered person contemplated in subsection (3) must -
 - (a) before proceeding to remove any blockage from a drainage installation, notify the Municipality by telephone or otherwise of his or her intention to remove the blockage; and
 - (b) after removing the blockage, notify the Municipality of the removal of the blockage and of the nature, location and cause of the blockage.
- (5) The Municipality is entitled at its own discretion to remove a blockage from a drainage installation on any premises and, whether or not it has been requested by the owner of the premises to do so, the Municipality may recover the costs of such removal from the owner in accordance with section 14(5) of these by-laws.

- (6) Should the removal by the Municipality of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Municipality is not liable for the reinstatement of the paving, lawn or other artificial surfacing.
- (7) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and should the Municipality be reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation is liable for the cost of removing the blockage, and the Municipality may recover the cost of the removal from the owner in accordance with section 14(5) of these by-laws.
- (8) Where a blockage has been removed from a drain or portion of a drain that serves two pieces of land or more, the charge for the removal of the blockage as prescribed in the tariff is recoverable in equal portions from each of the owners of the pieces of land, provided that the owners are jointly and severally liable for the whole charge.

17. Interference with or damage to sewers and water care works

Any damage caused to the Municipality's sewer or any part of its sewerage or water care works through or in consequence of noncompliance with or the contravention of any provision of the National Building Regulations or these by-laws must be rectified or repaired by the Municipality at the expense of the person responsible for such noncompliance or contravention or for causing or permitting such noncompliance or contravention, and the cost of rectifying or repairing the damage must be determined by the Municipality.

18. Entry onto premises

- (1) An officer authorised by the Municipality has the right to enter on any

premises at any reasonable time in order to take samples of or test sewage or industrial effluent or to carry out such inspection or work in connection with a drainage installation as the Municipality may deem necessary.

- (2) The owner or occupier of any premises is guilty of an offence under these by-laws if he or she, in respect of an officer entering on the premises in terms of subsection (1) -
- (a) denies the officer entry to the premises or causes or permits any other person to deny the officer entry;
 - (b) obstructs the officer in the performance of the officer's duties or causes or permits any other person to so obstruct the officer;
 - (c) withholds information that the officer requires to carry out his or her duties or causes or permits any other person to withhold such information; or
 - (d) knowingly gives the officer false information or causes or permits any other person to give the officer such information.

19. Manholes on municipal property

- (1) Where, for any reason whatsoever, the provision of adequate means of access to the Municipality's connecting sewer is impracticable on any private premises, the Municipality may, at the expense of the owner of the premises, cause or permit a manhole to be constructed over the Municipality's connecting sewer in such public place and in such position and of such materials and dimensions as the Municipality may decide, and such owner must bear the cost, as determined by the Municipality, of any alteration to existing services in the public place which may by reason of the construction of the manhole be necessary.

- (2) The owner of the private premises referred to in subsection (1) must, if so required by the Municipality, pay rental to the Municipality for the space occupied by the manhole in the public place. Such rental must be determined from time to time by the Municipality in accordance with the powers delegated to it in terms of section 80B of the Local Government Ordinance, 1939.

20. Mechanical food-waste and other disposal units

- (1) No person may incorporate into a drainage installation a mechanical food-waste or other disposal unit or garbage grinder that has a power capacity in excess of 500 W unless a standard water meter has been connected to the supply pipe that provides water to the unit or grinder, provided that -
- (a) the Municipality installs and seals the water meter at the cost of the owner; and
 - (b) the Municipality has the right of access to the water meter at all times.
- (2) The Municipality may require the owner or occupier of any premises on which a food-waste or other disposal unit or a garbage grinder has been installed, or the owner of such unit or grinder, to remove, repair or replace the unit or grinder if, in the opinion of the Municipality, the unit or grinder is functioning inefficiently or is impairing the working of the Municipality's sewerage system.
- (3) The owner or occupier referred to in subsection (2) must, upon the removal of the unit or grinder, notify the Municipality within 14 days of the removal.

- (4) The charges as prescribed in the tariff must be paid in respect of the discharge of a food-waste or other disposal unit or a garbage grinder referred to in subsection (1).

PREVENTION OF WATER POLLUTION

21. Sewage and other pollutants not to enter storm water drains

- (1) The owner or occupier of any piece of land on which steam or any liquid other than potable water is stored, processed or generated must provide all the facilities necessary to prevent any discharge, leakage or escape of such liquid into any street, storm water drain or watercourse, except where, in the case of steam, the Municipality has specifically permitted such discharge.
- (2) Where the hosing down or the flushing by rainwater of an open area on any private premises is in the opinion of the Municipality likely to -
- (a) cause the discharge of objectionable matter into a street gutter, storm water drain, river, stream or other watercourse, whether natural or artificial; or
 - (b) contribute to the pollution of any watercourse,

the Municipality may instruct the owner of the premises to take at his or her own cost such measures, by way of the owner's alteration of the drainage installation or roofing of the open area, as it may consider necessary to prevent or minimise the discharge or pollution.

22. Storm water not to enter sewers

No person may discharge or cause or permit to be discharged any storm water or any substance other than sewage into a drainage installation.

23. Discharge from fountains, boreholes, wells, reservoirs and swimming pools

Water from a fountain, borehole, well, reservoir or swimming pool situated on private premises may only be discharged into a drainage installation with the prior written consent of the Municipality and subject to such conditions relating to place, time, rate of discharge and total discharge as the Municipality may impose.

24. Permission to discharge industrial effluent

- (1) No person may discharge or cause or permit to be discharged into any sewer any industrial effluent or other liquid or substance other than soil water or waste water without the prior written permission of the Municipality and, if such permission has been obtained, such discharge must be in strict compliance with all of the conditions of the permission.
- (2) Every person must, before discharging any industrial effluent into a sewer, make application in writing to the Municipality for permission to discharge the industrial effluent, and such application must be made on the prescribed form, which is to be completed in duplicate, and, after the application is made, he or she must furnish such additional information and submit such samples as the Municipality may require.
- (3) The Municipality may, at its discretion, grant permission for the discharge of industrial effluent from any premises into a sewer, having regard to the capacity of the sewer or any mechanical appliance used for the sewage or28 any water care works, whether or not vested in the Municipality, provided that such conditions as the Municipality may deem fit to impose are complied with, including the payment of any charge prescribed in the tariff.
- (4) Any person to whom permission has been granted in terms of subsection (3) to discharge industrial effluent into a sewer must, before doing or causing or permitting to be done anything that results in a change in the quantity or discharge or nature of the industrial effluent, notify the

Municipality in writing of the date of the proposed change and of the nature of the proposed change.

- (5) Any person who discharges or causes or permits to be discharged any industrial effluent into a sewer without having first obtained permission to do so in terms of subsection (3) is guilty of an offence and is -
- (a) liable to such charge prescribed in the tariff as the Municipality may determine for the conveyance and treatment of the effluent so discharged; and
 - (b) liable for any damage caused as a result of the unauthorised discharge.
- (6) If any person discharges into a sewer any industrial effluent or any substance which is prohibited or restricted in terms of section 27 or which has been the subject of an order issued in terms of section 27(2), the Municipality is, without prejudice to its rights in terms of subsection (5) or section 27(2)(c), entitled to recover from such person the full cost of expenses or charges incurred or to be incurred by the Municipality and the full cost of losses suffered or to be suffered by the Municipality as a result of any or all of the following:
- (a) Injury to people or damage to any sewer, any water care works, any mechanical appliance or any property whatsoever, which injury or damage is as a result of the breakdown, either partial or complete, of a sewer or water care works or mechanical appliance, whether under the control of the Municipality or not; or
 - (b) a prosecution in terms of the Water Act, 1956 (Act 54 of 1956), or any action against the Municipality consequent on a partial or complete breakdown of a sewer, water care works or mechanical appliance caused directly or indirectly by the discharge, including any fine or damages which

may be imposed or awarded against the Municipality.

- (7) Owing to a change in circumstances arising from a change in the sewage treatment process or the introduction of new or revised or stricter or other standards by the Municipality or in terms of the Water Act, 1956, or as a result of any amendment to these by-laws or for any other reason, the Municipality may from time to time or at any time -
- (a) review, amend, modify or revoke any permission given or any conditions attached to such permission;
 - (b) impose new conditions for the acceptance of industrial effluent into a sewer; or
 - (c) prohibit the discharge of any or all industrial effluent into a sewer, provided that -
 - (i) the Municipality gives adequate written notice in advance of its intention to take the measures contemplated in paragraph (a), (b) or (c); and
 - (ii) on expiry of such period of notice, the previous permission or conditions, as the case may be, are regarded as having lapsed and the new or amended conditions, if any, as the case may be, apply immediately.

25. Control of industrial effluent

- (1) The owner or occupier of any premises from which industrial effluent is discharged into a sewer must provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means effectively to prevent the accidental discharge into a

sewer of any substance that is prohibited or restricted or has properties outside the limits imposed by these by-laws, irrespective of whether such accidental discharge is owing to the negligence of an operator, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or any other similar reason.

- (2) If the owner or occupier of any premises on which industrial effluent originated intends treating such industrial effluent before discharging it, he or she must obtain prior written permission from the Municipality.
- (3) The Municipality may, by notice served on the owner or occupier of any premises from which industrial effluent is discharged, require him or her to, without prejudice to any provision of the National Building Regulations or any other provision of these by-laws, do all or any of the following:
 - (a) The owner or occupier must subject the industrial effluent, before it is discharged into the sewer, to such pre-treatment as to ensure that the industrial effluent will at all times conform in all respects with the requirements of section 27(1), or the owner or occupier must modify the effluent cycle of the industrial process to such extent and in such manner as in the opinion of the Municipality is necessary to enable any water care works receiving the industrial effluent, whether the water care works is under the control of the Municipality or not, to produce treated effluent complying with any standards which may be laid down in respect of such water care works in terms of the Water Act, 1956.
 - (b) The owner or occupier must -
 - (i) restrict the discharge of industrial effluent to certain specified hours and restrict the rate of discharge to a specified maximum; and

- (ii) install, at his or her own expense, such tanks, appliances and other equipment as in the opinion of the Municipality may be necessary or adequate for compliance with the restrictions contemplated in subparagraph (i).

- (c) The owner or occupier must install a separate drainage installation for the conveyance of industrial effluent and must discharge the industrial effluent into the sewer through a separate connection, as directed by the Municipality, and the owner or occupier must refrain from -
 - (i) discharging any industrial effluent through a drainage installation intended or used for the conveyance of domestic sewage; or
 - (ii) discharging any domestic sewage through the separate installation for industrial effluent.

- (d) The owner or occupier must construct at his or her own expense in any drainage installation conveying industrial effluent to the sewer one or more inspection, sampling or metering chambers of such dimensions and materials and in such positions as the Municipality may prescribe.

- (e) The owner or occupier must pay, in respect of the industrial effluent discharged from the premises, such charge as may be determined in the tariff, provided that, where, owing to the particular circumstances of a case, the actual chemical oxygen demand (COD) or permanganate value (PV) and the concentration of metals in the industrial effluent cannot be assessed by means of the method of assessment prescribed by the South African Bureau of Standards (SABS), the Municipality may use such alternative method of assessment as it may deem expedient, and the charge to be levied must be assessed accordingly.

- (f) The owner or occupier must provide all such information as may be required by the Municipality to enable it to assess the charges payable in terms of the tariff.
- (g) For the purposes of paragraph (f), the owner or occupier must provide and maintain at his or her own expense a meter or meters to measure the total quantity of water which is drawn from any borehole, spring or other source of water, excluding that of the Municipality, used on the premises and which is discharged as industrial effluent into the sewer.

26. Metering and assessment of the volume and composition of industrial effluent

- (1) The Municipality may incorporate, in such position as it may determine, in any drainage installation conveying industrial effluent to a sewer any meter or gauge or other device for the purpose of ascertaining the volume and composition of the industrial effluent, and it is an offence for any person to bypass, open, break into or otherwise interfere with or do damage to any such meter, gauge or other device, provided that the Municipality may at its discretion enter into an agreement with any person discharging industrial effluent into a sewer to establish an alternative method of assessing the quantity of industrial effluent so discharged.
- (2) The Municipality is entitled to install and maintain a meter, gauge or device referred to in subsection (1) at the expense of the owner of the premises on which it is installed.
- (3) The owner of any premises on which is situated a borehole or well used for a water supply for trade or industrial purposes must -
 - (a) register the borehole or well with the Municipality;

- (b) give the Municipality full particulars of the discharge capacity of the borehole or well; and
- (c) if the Municipality has reason to doubt the reliability of the particulars given in terms of paragraph (b), carry out, at the expense of the owner, such tests on the discharge capacity of the borehole or well as may, in the opinion of the Municipality, be necessary for the purpose of these by-laws.

27. Prohibited discharges

- (1) No person may discharge or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance which -
 - (a) in the opinion of the Municipality, may be offensive to the public or cause a nuisance to the public;
 - (b) is in the form of steam or vapour or has a temperature exceeding 44 °C at the point at which it enters the sewer;
 - (c) has a pH value less than 6,0 or greater than 10,0;
 - (d) contains any substance whatsoever that is likely to produce or emit explosive, flammable, poisonous or offensive gases or vapours in the sewer;
 - (e) contains a substance having a flashpoint of less than 93 °C or which emits a poisonous vapour at a temperature below 93 °C;

- (f) contains any material whatsoever, including oil, grease, fat or a detergent, which is capable of causing interference with the proper operation of any water care works;
- (g) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
- (h) contains a substance in such concentration as is likely in the final treated effluent from any water care works to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
- (i) contains any substance specified in Schedule II in such concentration as to exceed the limit of concentration specified in Schedule II, provided that -
 - (i) the Municipality may approve a greater limit of concentration for such period or on such conditions as it may specify on consideration of the effect of dilution in the sewer and of the effect of the substance on the sewer or on any sewage treatment process; and
 - (ii) the Municipality is satisfied that the discharge or entry of the substance into the sewer will not -
 - (aa) damage the sewer or any mechanical appliance, water care works or equipment;
 - (bb) prejudice the use of sewage for re-use; or
 - (cc) adversely affect any waters into which purified sewage effluent is discharged, or any land or crops irrigated with the sewage; and

- (j) contains any substance whatsoever which, in the opinion of the Municipality -
- (i) is not amenable to treatment at any water care works, or which causes or may cause a breakdown or inhibition of the normal sewage treatment processes;
 - (ii) is or may be amenable to treatment only to such degree as to prevent the final treated effluent from any water care works from satisfactorily complying in all respects with any requirement imposed in terms of the Water Act, 1956; or
 - (iii) whether listed in Schedule II or not, either alone or in combination with other matter may -
 - (aa) generate or constitute a toxic substance detrimental to the health of persons employed at the water care works or persons entering the Municipality's sewers or manholes in the course of their duties;
 - (bb) be harmful to sewers, water care works or land used for the disposal of purified sewage effluent; or
 - (cc) adversely affect any of the processes whereby sewage is purified or purified sewage effluent is used.
- (2) (a) Any person who receives from an officer duly authorised thereto by the Municipality a written order instructing such person to stop the discharge into a sewer of any substance referred to in subsection (1) must immediately stop such discharge.
- (b) Any person who contravenes the provisions of subsection (1) or who fails to comply with an order issued in terms of paragraph (a) is guilty of an offence.

- (c) Notwithstanding the provisions of paragraph (b), if any person fails to comply with the terms of an order served on him or her in terms of paragraph (a) and if the discharge is likely, in the opinion of the Municipality, to cause damage to any sewer or mechanical or other appliance or to seriously prejudice the efficient operation of any water care works, the Municipality may, after further written notice, refuse to permit the discharge of any industrial effluent into the sewer until the industrial effluent complies in all respects with the Municipality's requirements as prescribed in terms of these by-laws. Any person who has been refused such permission to discharge industrial effluent into a sewer must immediately stop discharging industrial effluent and, if he or she fails to do so, the Municipality may prevent him or her from proceeding with the discharge.

PART E

WATER

28. Connection from main

- (1) Any communication pipe that is intended for preventive or automatic use in the event of fire must be laid by the Municipality as far as the boundary of the consumer's property.
- (2) A communication pipe referred to in subsection (1) may be used only for fire extinguishing purposes.
- (3) No extraction (draw-off) of water of any kind may be made from the main, except an extraction (draw-off) in connection with any automatic sprinkler and drencher, hydrant connection or any connection necessary for the pressure tank on the top of a building, which tank must be controlled by a suitable ball tap.

29. Valves in communication pipes

Every communication pipe must be fitted with a proper stop valve, which valve -

- (a) must be supplied by the Municipality at the expense of the consumer to whose premises the communication pipe leads;
- (b) must be installed between the consumer's premises and the main;
- (c) must be of the same diameter as the communication pipe; and
- (d) must be in such position as may be determined by the Municipality.

30. Additions to fire extinguishing system

No further sprinkler may without the prior written consent of the Municipality be added or connected to any existing fire extinguishing system after such system has been connected to the main.

31. Extension of fire extinguishing system to other premises

No extension or connection may be made from the fire extinguishing system of one premises to any other premises. If any such extension or connection is made, the Municipality is entitled to enter on any premises and to take all steps necessary to disconnect the extension or connection at the cost of the person responsible for the extension or connection.

32. Inspection and approval of fire extinguishing services

No supply of water may be made or given in respect of a fire extinguishing service until the fire extinguishing system has been inspected and the Municipality has certified in writing that -

- (a) such service is in accordance with these by-laws; and

- (b) the work in connection with the system has been carried out to the Municipality's satisfaction.

33. Connections to be to the satisfaction of the Municipality

Any connection to a main in respect of a fire extinguishing service must be effected to the satisfaction of the Municipality, which is entitled to disconnect any fire extinguishing service at any time.

34. Installation of reflux valves

In any private installation where a fire pump connection is installed, a reflux valve to close off the supply from the Municipality's main when the fire pump connection is being used must be installed between the boundary of the premises and the fire pump connection.

35. Sprinkler systems

- (1) A sprinkler system may be installed in direct communication with a main, but the Municipality does not guarantee any specified pressure of water at any time.
- (2) When an automatic sprinkler system on any premises has been installed and completed, the owner of the premises must advise the Municipality in writing within 14 days of the date of completion of the installation of such sprinkler system.

36. Header tanks and duplicate supply from main

If a header tank is installed above ground level, the header tank must be provided with an overflow pipe which discharges in such a position as to be readily observable and which may not be led away by any down-pipe to any drain.

PART F
NOTICES

37. Notices

- (1) Every notice, order or other document issued or served by the Municipality in terms of these by-laws is valid if signed by an officer of the Municipality who is duly authorised thereto.
- (2) Any notice, order or other document served on any person in terms of these by-laws must be served in the following manner:
 - (a) The notice, order or other document, or a true copy thereof, must be delivered personally to the person to whom it is addressed or must be delivered at his or her last-known residence or place of business; or
 - (b) the notice, order or other document, or a true copy thereof, must be posted to the person to whom it is addressed at his or her last known residence or place of business, in which case it will be deemed to have been served five days after it was posted.
- (3) In every notice, order or other document issued or served in terms of these by-laws, the premises to which the notice, order or document relates must be specified, but the person for whom it is intended may be referred to as "the owner" or "the occupier" if his or her name is not known.

PART G
OFFENCES AND PENALTIES

38. Offences and penalties

- (1) Notwithstanding any provision of these by-laws in which an offence is

explicitly specified, any person who contravenes or fails to comply with any provision of these by-laws commits an offence and is on conviction liable to a penalty not exceeding the fine and imprisonment prescribed in terms of section 24 of the National Building Regulations and Standards Act, 1977 .

- (2) A person commits an offence if he or she fails in any way to comply with a notice which has been served on him or her by the Municipality and in which he or she is ordered to do or not to do something and, where such failure continues, he or she commits such offence each day or part of the day on which the failure continues and is, with regard to every offence, on conviction liable to a penalty not exceeding the fine and imprisonment prescribed in terms of section 24 of the National Building Regulations and Standards Act, 1977 .
- (3) Any person convicted of an offence as per Section 24 of the Act in respect of which a fine or imprisonment is not expressly provided for, shall be liable to a fine not exceeding R4 000-00 or to imprisonment for a period not exceeding 12 months.

SCHEDULE I

CONDITIONS WITH WHICH ENCLOSURES MUST COMPLY

1. Height restrictions

- (1) Subject to the provisions of paragraph 3, no enclosure (except an enclosure on an erf zoned Industrial or Business) may exceed a height of 2,1 m, irrespective of the type of material from which the enclosure is made.
- (2) Subject to the provisions of subparagraph (1), barbed wire or similar wire or safety spikes may only be erected on an enclosure from a height of 1,75 m.

2. Design and appearance

- (1) An enclosure referred to in paragraph 1 must comply with the following conditions if the enclosure is visible from an adjacent street or public open space:
 - (a) All surfaces of the enclosure that are visible from an adjacent street or public open space must -
 - (i) be skilfully finished;
 - (ii) be of good quality material;
 - (iii) be without any defect; and
 - (iv) have an exposed or finished side.
 - (b) All painted surfaces of the enclosure that are visible from an adjacent street or public open space must be white only or another colour approved by the Municipality.
 - (c) If the enclosure is made of precast material, it must -
 - (i) have a brick-pattern finish and be painted white; or
 - (ii) be of a finish or colour approved by the Municipality.
 - (d) If wood forms part of the enclosure, the wood must be thoroughly treated with a wood-preserving agent.
- (2) An enclosure referred to in paragraph 1 must comply with the following conditions if the enclosure is visible from any adjacent erf:
 - (a) All surfaces of the enclosure that front on an adjacent erf must -
 - (i) be skilfully finished;

- (ii) be of good quality material;
 - (iii) be without any defect; and
 - (iv) be maintenance-free.
- (b) If applicable, the struts, posts or columns of the enclosure must show on the sides of the enclosure that face the piece of land being enclosed by the enclosure.
- (c) If wood forms part of the enclosure, the wood must be thoroughly treated with a wood-preserving agent.

3. General

Notwithstanding the provisions of paragraphs 1 and 2 -

- (a) the Municipality may agree to the exceeding of the maximum height of an enclosure stipulated in paragraph 1;
- (b) an enclosure referred to in paragraph 1 must, if the Municipality so requires, be splayed or lowered to a height of 1 m within a distance of 4,5 m from any street boundary or boundary of a public open space;
- (c) the barbed wire or similar wire or safety spikes of an enclosure in any area (Industrial-zoned erven excluded) may not be visible from any street, public open space or adjacent erf;
- (d) the maintenance of an enclosure must be done properly to ensure at all times a good appearance, of which the Municipality is the sole judge; and

- (e) the height of any enclosure must, for the purpose of this schedule, be measured from natural ground level.

SCHEDULE II

LIMITS OF CONCENTRATION OF CERTAIN SUBSTANCES

1. Subject to the provisions of section 27(1), the limits of concentration of certain substances in sewage are as follows, provided that the Municipality reserves the right to limit the total mass of any substance or impurity discharged per 24 hours into a sewer from any premises:

- (1) The limits of pH and electrical conductivity of sewage are as follows:

(a) PH: within the range of 6,0 to 10,0; and

(b) electrical conductivity: not greater than 300 m/Sm at 20 °C.

- (2) The maximum permissible concentrations of pollution in sewage, expressed in milligrams per litre (mg/ℓ), are as follows:

(A) GENERAL

- (i) Permanganate value (PV): 1 400 mg/ℓ;
- (ii) caustic alkalinity (expressed as CaCO₃): 2 000 mg/ℓ;
- (iii) substances in suspension (including fat, oil, grease, waxes and like substances): 2 000 mg/ℓ;
- (iv) substances soluble in petroleum ether: 500 mg/ℓ;
- (v) sulphides, hydrosulphides and polysulphides (expressed as S): 50 mg/ℓ;
- (vi) substances from which hydrogen cyanide can be liberated in a drainage installation, sewer or watercare works (expressed as HCN): 20 mg/ℓ;
- (vii) formaldehyde (expressed as CH₂O): 50 mg/ℓ;
- (viii) phenolic compounds: 1,0 mg/ℓ;

- (ix) non-organic solids in suspension: 100 mg/ℳ;
- (x) chemical oxygen demand (COD): 5 000 mg/ℳ;
- (xi) all sugars and/or starches (expressed as glucose):1 500 mg/ℳ;
- (xii) available chlorine (expressed as Cl): 100 mg/ℳ;
- (xiii) sulphates and sulphites(expressed as SO₄):1 800 mg/ℳ;
- (xiv) fluorine-containing compounds (expressed as F):
5 mg/ℳ;
- (xv) anionic surface activators:500 mg/ℳ; and
- (xvi) orthophosphates (expressed as P): 10 mg/ℳ.

(b) METALS

(i) Group 1

The total collective concentration of the following metals (which constitute Group 1) in any sample of effluent may not exceed 20 mg/ℳ, nor may the concentration of any individual metal in any sample exceed 5 mg/ℳ:

- (aa) Chromium (expressed as Cr);
- (bb) copper (expressed as Cu);
- (cc) nickel (expressed as Ni);
- (dd) zinc (expressed as Zn);
- (ee) silver (expressed as Ag);
- (ff) cobalt (expressed as Co);
- (gg) cadmium (expressed as Cd); and
- (hh) manganese (expressed as Mn).

(ii) *Group 2*

The total collective concentration of the following metals (which constitute Group 2) in any sample of effluent may not exceed 50 mg/ℓ, nor may the concentration of any individual metal in any sample exceed 20 mg/ℓ:

- (aa) Lead (expressed as Pb);
- (bb) selenium (expressed as Se); and

(iii) *Group 3*

The total collective concentration of the following metals (which constitute Group 3) in any sample of effluent may not exceed 20 mg/ℓ:

- (aa) Arsenic (expressed as As); and
- (bb) boron (expressed as B).

(c) **RADIOACTIVE WASTE**

Radioactive waste or isotopes: such concentration as may be laid down by the Atomic Energy Corporation or any State department.

2. The method of testing in order to ascertain the concentration of any substance referred to in this schedule must be the test normally used by the Municipality for this purpose. Any person discharging into a sewer any substance referred to in this schedule must obtain the details of the appropriate test from the Municipality.

MUNICIPAL NOTICE 21 OF 2016

Umvoti Municipality



Name of BY LAW	Impound of Animals By Law
Date of Adoption	30 th June 2015
Council Resolution No	UMS 117 (11)
Status	Final for 15/16 Financial Yr
No of Pages contained herein	
Date of Next Revision	30 June 2016
Version	1.0 ia

INDEX

No	Content	Page No
1	Definitions	3
2	Application	4
3	Establishment of Pound	4
4	Detention and Removal of Animals	4
5	Receipt of Animals	5
6	Care of Animals	6
7	Release of Animals	6
8	Disposal of Animals	7
9	Indemnity	8
10	Offences and Penalties	8
11	Repeal of Existing By Laws	8
12	Short title and Commencement	8

Be it enacted by the Council of the Umvoti Municipality, in terms of Section 156 of Constitution of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000 and the KwaZulu-Natal Pound Act 2006 (Act No. 3 of 2006), as follows;

1. Definitions

In these bylaws, unless inconsistent with the context –

Animal	means any equine or bovine animal or any donkey, sheep, goat, pig or domesticated ostrich, or any hybrid of such animals, or any poultry;
Council	means the council of the Umvoti Municipality;
Impounded Animal	means any animal received into a pound as contemplated in section 5;
Indigent	means a person that is unable to pay the full economic costs on basic services due to a number of factors that the municipality views as legitimate;
Indigent Household	means any household that is at or below the poverty threshold as determined by the Municipality
Municipality	means a municipality as defined by the Municipal systems Act (Act No. 32 of 2000).
Owner	in relation to any animal includes the agent of the owner or any other person having lawful custody of the animal;
Owner	in relation to any land includes the registered owner, the lessee and any lawful occupier of such animal;
Pound	means any premises on which a pound has been established by or on behalf of the Council for the impounding of animals under these bylaws; and
Pound Manager	means the person appointed from time to time by the Council to manage a pound established by the Council and any other person appointed by such person to act in his or her stead during his absence from the pound.
Public Place	any place to which the public has access including, without limiting the generality of the foregoing, any square, park, recreation ground, sports ground, open space, shopping Centre on municipal land, unused/vacant municipal land or cemetery; and
Public Road	shall mean a public road as described under Section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996).

Background

Council is responsible for ensuring Public and Traffic Safety within its municipal area of jurisdiction. It is also imperative to control livestock on public roads and CBD areas in terms of Municipal By-laws. Roads prove highly hazardous due to accidents that occur due to stray animals found on roads. To deal with this problem it is necessary that the municipality impounds the stock that is left unattended on public areas and roads.

1. Application

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

2. Establishment of pound

- (1) The Council may establish a pound at any convenient place within its area of jurisdiction and, whenever the Council deems it necessary, may disestablish such pound.
- (2) The Council shall give notice of the establishment of a pound, or the disestablishment thereof, by publishing a notice in at least two newspapers circulating in the area of jurisdiction of the Council.

3. Detention and removal of animals

- (1) Any animal –
 - (a) found trespassing on land; or
 - (b) straying or wandering unattended in a public road or other public place,may be detained and removed to a pound by the owner of such land, an official of the Council, a member of the South African Police Services or the pound manager.
- (2) Any person who has detained an animal for the purpose of impounding shall -

- (a) remove such animals to a pound within 24 hours after seizure; and
- (b) ensure that proper care is taken of the seized animal until the animal is received at the pound.

4. Receipt of animals

- (1) Any person removing an animal to a pound shall provide the pound manager with-
 - (a) his or her name and permanent residential address;
 - (b) the time and place of detention of the animal; and
 - (c) the capacity in which he or she detained the animal.
- (2) The pound manager shall, upon receipt of a detained animal -
 - (a) record the particulars furnished in terms of section 5(1) and enter the same in a book maintained for the purpose;
 - (b) furnish the person delivering the animal with a receipt reflecting –
 - (i) his or her name;
 - (ii) a description of the animal; and
 - (iii) the date and time of receipt of the animal at the pound; and
 - (c) keep a copy of each receipt issued in terms of section 5(2)(b).
- (3) No person shall release or attempt to release, otherwise than in accordance with these bylaws, any animal which has been received at a pound.

5. Care of animals

- 6(1) The pound manager shall take proper care as per animal health requirements of any animal impounded in terms of these bylaws.
- (2) The pound manager shall not use or cause or permit to be used any animal impounded in terms of these bylaws.
- (3) In the event of the injury or death of any impounded animal, the pound manager shall record the cause of such injury or death and shall retain any veterinary certificate issued.
- (4) The pound manager shall keep records of any expense incurred in respect of an impounded animal including, but not limited to, the feeding and veterinary care of the animal.

6. Release of animals

7. The pound manager shall release an impounded animal to any person who has –
 - (1) satisfied the pound manager that he or she is the owner of the impounded animal viz. produce proof of ownership, full personal details including copy of Identity Document, permanent residential address (not postal) etc.
 - (2) paid the conveyance and pound fees prescribed by resolution of the council of the Council from time to time; and
 - (3) paid any veterinary or other expenses incurred in the impounding of the animal by way of a statement of account commensurate with the period the stock has been impounded inclusive of veterinary or other expenses, which statement must be taken to the finance cashiers who will issue a release note to the owner;.
 - (4) Animal collection will be during working hours only, no person will be allowed to claim stock after working hours or during weekends.

7. Disposal of animals

- (1) The pound manager may sell by public auction and for cash any impounded animal which has not been claimed within 30 days of being impounded, and in respect of which –
 - (a) the Council has taken all reasonable steps to locate and notify the owner;
 - (b) the owner has not been located or, despite having been given 10 day's notice, has failed to remove the impounded animal; and
 - (c) 10 day's prior notice of the proposed sale has been given in terms of section 8(2).
- (2) The sale of an impounded animal shall be advertised by placing a notice on a public notice board at a place designated by the Council for that purpose –
 - (a) describing the animal, its sex, its approximate age and any particular brands or marks; and
 - (b) stating that the animal will be sold by public auction if not claimed within 10 days.
- (3) The proceeds of any sale shall be applied in defraying the fees and expenses referred to in section 7 and the balance, if any, shall be forfeited to the Council if not claimed within three months by a person who establishes to the satisfaction of the pound manager that he or she is the owner of the impounded animal.
- (4) If the pound manager is for any reason unable to sell any impounded animal or if, in the opinion of the pound manager the animal is so dangerous, vicious, diseased or severely ill or in such a physical condition that it ought to be destroyed, the pound manager may cause the animal to be destroyed subject to any applicable law relating to the protection of animals or otherwise dispose of the animal in a manner approved by the Council.

- (5) Any shortfall between the proceeds of sale, if any, and the fees and expenses referred to in section 7, or the costs of destruction as contemplated in clause 8(4), may be claimed by the Council from the owner.

8. Indemnity

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

10. Offences and penalties

Any person who contravenes or fails to comply with any provision of these by-laws shall be guilty of an offence and liable for a fine not exceeding R5 000 or imprisonment for a period not exceeding three months or for both such fine and imprisonment.

11. Repeal of existing By-laws

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

12. Short title and commencement

These by-laws shall be called the Pound By-laws, 2015, and shall take effect on a date determined by the municipality by proclamation in the Provincial Gazette.

MUNICIPAL NOTICE 22 OF 2016

Umvoti Municipality



Name of BY LAW	CODE OF PROCEDURE BY LAW FOR THE IMPOUNDMENT OF VEHICLES, ENQUIRIES INTO OWNERSHIP AND DISPOSAL OF UNCLAIMED IMPOUNDED VEHICLES
Date of Adoption	30 th June 2015
Council Resolution No	UMS 117 (11)
Status	Final for 15/16 Financial Yr
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Version	1.0 iv

INDEX

No	Content	Page No
1	Authority to Remove Motor Vehicle from Public Roads	3
2	Particulars of Vehicles	6
3	Impoundment of Vehicle	7
4	Administrative Procedures After Impoundment	7
5	Release of a Claimed Vehicle	8
6	Disposal of Unclaimed Impounded Vehicles	9
7	Post Auction Sale Procedure	10
8	Inability to Sell a Vehicle	10

1. AUTHORITY TO REMOVE MOTOR VEHICLE FROM PUBLIC ROADS

- 1.1 Regulation 305(6) of the road traffic Act 93 of 1996 provides that whenever a vehicle has been parked in contravention of any provision of the Act or any Bylaw made under the Act, or in disregard of the requirements of any road traffic sign or notice board as prescribed, such vehicle may be removed and impounded by a police officer and the costs so incurred shall, except in the case of a stolen vehicle, be borne by the owner thereof.
- 1.2 Regulation 320(1) Vehicle left or abandoned on public road.

Any vehicle standing on a public road in a position or in circumstances which in the opinion of a traffic officer, is likely to cause danger or an obstruction to other traffic on such road, may be removed forthwith to a safer place by any such traffic officer or person or authority instructed by such officer to remove such vehicle and in the case where such a vehicle was carrying persons which is left stranded at the scene when the vehicle is removed to a safer place, the traffic officer concerned may arrange and contact any other person to provide the necessary transport to such persons: Provided that such traffic officer or person or authority shall, in removing such vehicle, use such device or devices as may be necessary, having regard to the public safety.

1.3 Regulation 320(1A)

The owner of the vehicle referred to in sub-regulation (1) shall be liable for all expenses incurred in the removal and storage of such vehicle and the arrangement and contracting of another vehicle to transport stranded persons.

1.4 Delegation of Authority

Regulation 320(2) Section 114(6) of the road traffic Act 29 of 1989 permits the Municipal Council to delegate, either generally or specifically, any power conferred upon it in terms of the provisions to any persons in its employ.

The Municipal Council has delegated the power to remove and impound vehicles found illegally parked causing obstruction or danger, or abandoned on public roads of Umvoti Municipal to the Director Community Services.

Any vehicle:-

a) Parked in a place where:-

- i. The stopping of a vehicle is prohibited in terms of regulation 304; or
 - ii. A vehicle of a class to which such vehicle belongs may not be parked;
- b) Left for the continuous period of more than:-
- i. 24 hours in the same place on a public road outside an urban area;
 - ii. Seven days in a same place on a public road within an urban area; or
 - iii. Seven days on a site of any testing station; or
- c) Found on a public road and to which
- i. No licence number is affixed or, in the opinion of a traffic officer, a false licence number is affixed; or
 - ii. No other number or anything is affixed which may, in the opinion of a traffic officer, serve to identify the owner,

Shall be deemed to have been abandoned by the owner and such vehicle may be removed by or on behalf of the authority having jurisdiction over the place or road concerned and such authority shall take all reasonable steps to trace the owner, and the owner shall, except in the case of a stolen vehicle, be liable to such authority for the expenses incurred:-

aa) in the removal of such vehicle;

bb) in keeping the vehicle in custody for a period not exceeding four months; and

cc) in connection with the endeavour to trace him or her,

and such authority may, subject to the provisions of sub-regulation (3), retain possession of such vehicle until such expenses have been paid.

1.5 Legal procedure after impoundment

Regulation 320(3) (4) & (5)

(3) If:-

- (a) Such owner is traced by the authority referred to in sub-regulation (2) which owner fails to recover the vehicle concerned and pay the expenses referred to in that sub-regulation within 14 days after being requested to do so; or
- (b) After a lapse of one month from the date of removal contemplated in sub-regulation (2), the owner cannot be traced,

Such vehicle or anything contained therein may be sold in the manner prescribed by any law governing the sale of movable property by such authority and, whenever possible, the authority which registered such vehicle shall be advised of such sale.

(4) the proceeds of any sale referred to in sub-regulation (3) shall be applied firstly to the costs of removal, custody and sale of the vehicle concerned and all the endeavours made to trace the owner of such vehicle, and any balance shall be paid to the owner of such vehicle, and any balance shall be paid to the owner thereof upon his or her establishing his or her claim thereto: Provided that if no claim can be established within one year from the date of such sale, such balance shall be forfeited to the authority concerned.

(5) If an authority referred to in sub-regulation (2) is unable to sell any vehicle as contemplated in sub-regulation (3), it may dispose of that vehicle in any manner it deems fit, and any moneys received as a result of such disposal shall be forfeited to such authority.

1.6 Liability

(2) Request for towing away and impounding of a vehicle

A traffic officer who requires a vehicle to be towed in and impounded shall:-

- 1) Issue a written notification (AARTO 31 in terms of the administration adjudication of road traffic offence) for the offence committed;
- 2) Obtain registered owner details from Communications Officer via eNATIS for recording stolen or South African Police Force vehicles.
- 3) Place the notification under the windscreen wiper (if any) on the driver's side of the windscreen;

- 4) Request the Communications Officer in the Radio Control Room to contact a tow truck to be dispatched to the scene.
- 5) Remain with the offending vehicle until the tow-truck has arrived and the offending vehicle is removed;
- 6) Furnish the following information to the Communication Officer:-
 - a. AARTO 31 Notice number
 - b. Alleged offence
 - c. Place of offence
 - d. Colour of vehicle
 - e. Make of vehicle
 - f. Type of vehicle
 - g. Registration number
 - h. Signs of visible damage
 - i. Whether vehicle open or locked
 - j. Contents of vehicle
 - k. Time of arrival of tow-truck
 - l. Time of departure of tow-truck

And obtain the occurrence Book reference number for his/her records,

- 7) Cancel a call for a tow-truck and release the vehicle to the person who claims to be the owner of lawful driver if the vehicle has not already been hitched or lifted on to the tow-truck.

In this instance the traffic officer concerned shall obtain the name and address of the person claiming to be the owner or lawful driver and furnish the particulars to the Communications Officer.

2. PARTICULARS OF VEHICLE, CONTENTS ETC.

The Communications Officer on duty in the radio Control room at Community Services shall:-

- (1) Capture all particulars furnished by the traffic officer and to be entered -
 - (a) In the Traffic Occurrence Book; and
 - (b) In the Impounded Vehicle Register kept in the Radio Control Room,
- (2) Obtain the officer's pocket book number and page number for record purposes.

3. IMPOUNDMENT OF VEHICLE

When a vehicle for impoundment arrives at Community Services, the pound Security must:-

- (1) Complete the vehicle inspection check list provided and hand to communication officer for verification.
- (2) Confirm the identity of the vehicle;
- (3) Designate to the tow-truck driver where to place the towed vehicle in the pound;
- (4) Ensure that the tow-truck driver leaves the pound area after releasing the vehicle;

4. ADMINISTRATIVE PROCEDURES AFTER IMPOUNDMENT

4.1 Immediately after a motor vehicle is impounded, the Communications Officer on duty in the Radio Control Room at Traffic Headquarters shall contact the South African Police (Greytown) by Telephone and inform the police of the colour, make, type and registration number of the impounded motor vehicle and any other particulars of which the police may require. The SAP Motor Vehicle Theft Branch shall also be notified forthwith of the impoundment of the vehicle and its particulars.

The radio control at SAP (Greytown) shall be requested to furnish the SAP 280 reference Number and an enquiry shall be made whether the vehicle is reported as stolen or not.

The reply given by S.A. Police Greytown shall be entered-

- (a) In the Branch's Occurrence Book; and
- (b) In the Impoundment Vehicle register under the column S.A. Police in Red ink.

If a Motor vehicle is reported to be stolen, an endorsement to this effect in large red writing must be made in the Occurrence Book for the attention of the Manager Protection Services operations and such vehicle MUST NOT BE RELEASED UNDER ANY CIRCUMSTANCES

The Manager Protection Services operation will make arrangement with the South African Police Regarding the release of a stolen vehicle into the custody of the South African Police together with waiving of the fees for towing away and impoundment and appropriate endorsements in the Impounded Vehicle Register.

4.2 ENQUIRIES CONCERNING OWNERSHIP

On Friday of each week, the Administrative Officer shall examine the Impound Vehicle Register to ascertain which motor vehicle have been impounded during the week and not claimed.

The Administrative Officer shall thereafter:-

- (1) Establish the name and address of the registered owners of unclaimed impounded motor vehicles from eNaTIS
- (2) Dispatch a formal letter to the registered owner by registered post keeping a copy thereof on file.
- (3) Dispatch a formal letter to the Branch Commander, South African Police Motor Vehicle theft Branch, Private Bag X 9031, Pietermaritzburg 3200.
- (4) Wait thirty (30) days from date of dispatch of the aforementioned letter for any response before proceeding further.

5. RELEASE OF A CLAIMED VEHICLE

If the owner, of the authorised representative or the owner of the motor vehicle, which has been impounded, wishes to recover his vehicle:-

- (1) The prescribed towing-in and impounded fee;
- (2) Storage fees calculated at the prescribed rate per day inclusive of the date of impoundment and Saturdays, Sundays and Public Holidays during a week not **exceeding (4) four months;**
- (3) Any other expenses incurred in connection with the endeavour to trace him/her (e.g. tracing Agency fees, search fees etc) shall be paid IN FULL ONLY to the cashier at Traffic Headquarters during normal business hours.

Note: Regulation 320(1) of the Road Traffic Act 96 of 1996 provides that the reasonable exercise by any person or authority of the powers conferred by the section shall not render such person or authority subject to any liability in respect of the loss or theft of or damage to any vehicle or thereof or anything therein.

When the owner of authorised representative of the owner has complied with the aforementioned requirements, the Administration officer on duty shall proceed with the owner or representative to the motor pound and permit the owner or representative to remove his vehicle.

Enquiries concerning the release of an impound vehicle without the payment of the prescribed fees and waiving of such fees shall only be considered and decided by the Administrative officer or the Senior Traffic Superintendent or the Manager Public Safety (MPS).

6. DISPOSAL OF UNCLAIMED IMPOUNDED VEHICLES

- (1) All registered letters returned to the Traffic Branch as unclaimed by the addressees shall be returned on file as proof of an endeavour to inform the registered owner of an impoundment vehicle of such impoundment and the intention to dispose of the motor vehicle by public auction if unclaimed.
- (2) Once a year or sooner if necessary a public auction of all unclaimed impounded motor vehicles shall take place.
- (3) The Administrative Officer shall prepare a list of all unclaimed motor vehicles which are to be auctioned containing the following information:-
 - (a) The impounded vehicle register reference number - IVR
 - (b) The colour, makes, type, registration number, chassis number and engine number of each vehicle.
- (4) A date and time for the auction of the unclaimed impounded motor vehicles shall be decided and a request made for an auctioneer to auction the vehicles on the date of the auction.
- (5) Whenever possible the expenses incurred in towing-away, impounding and storing a vehicle for four (4) months and any other expenses to trace the owner, shall be recovered.
- (6) The Administrative Officer shall prepare a notice for publication once only, in the Greytown Gazette or the Witness at least twenty-one (21) days before the date of the proposed auction sale.
- (7) The Administrative Officer shall arrange for the notice to be published in the relevant newspaper.
- (8) A copy of the advertised notice of the proposed auction sale with the date of publication and the name of the newspaper shall be obtained and retained on file.
- (9) On the day before the auction sale, members of the public may view the advertised motor vehicles for sale between the hours of 08H00 to 14H00, accompanied by the Administrative Officer.

7. POST-AUCTION SALE PROCEDURE

- (1) The highest bidders for each motor vehicle auctioned and who have paid the relevant monies shall be furnished with a formal letter of clearance from the Branch. Immediately after the transaction a copy to be placed on file.
- (2) A formal letter shall be addressed to the Director-General of the Province in which a motor vehicle is registered and licenced, informing him of the disposal of such vehicles by public auction and names and addresses of persons to whom such vehicles have been sold "voetstoets" as scrap for spares only.
- (3) Particulars of the disposal of each vehicle shall be entered into the impounded vehicle register.

8. INABILITY TO SELL A VEHICLE

If, at a public auction, any vehicle is not sold, it may be disposed by sale to a scrap-metal dealer.

MUNICIPAL NOTICE 23 OF 2016

Name of BY LAW	Informal & Street Trading By Law
Date of Adoption	30 th June 2015
Council Resolution No	UMS 117 (11)
Status	Final for 15/16 Financial Yr
No of Pages contained herein	
Date of Next Revision	30 June 2016
Version	1.0 ist

The Municipal Manager of Umvoti Local Municipality hereby, in terms of section 13 (a) in conjunction with section 75 (1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Informal Economy and Street Trading (Hawkers) By-Law for the Umvoti Local Municipality, to be approved by the Council, as set out hereunder.

TABLE OF CONTENTS

1. Definitions
2. Meaning of words and expressions in Business Act 71 of 1991 (Act no 71 of 1991, as amended) incorporated in this By-Law
3. Single act constitutes street trading and informal economy
4. Reference to legislation includes regulations made thereunder
5. Assigning powers of a council employee to employee of a service provider where a service provider has been appointed
6. Prohibited conduct
7. Restricted conduct
8. Cleanliness
9. Signs indicating restricted and prohibited areas
10. Removal and impoundment
11. Vicarious responsibility/Liability of persons carrying on business
12. Offences and penalties
13. Repeal of By-Law
14. Short title

1. DEFINITIONS

In this By-Law, unless the context otherwise indicates-

“Approval” means approval by the Council and “approved” has a corresponding meaning;

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

“Council” means -

(a) the Municipality established by Provincial Notice No. 6766 of 2000 dated 1 October 2000, as amended, exercising its legislative and executive authority through its municipal Council; or

(b) its successor in title; or

(c) a structure or person exercising a delegated power or carrying out an instruction, where any power in this By-Law has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or

(d) a service provider fulfilling a responsibility under this By-Law, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, or any other law, as the case may be.

“Council Services” means any system conducted by or on behalf of a local authority, for the collection, conveyance, treatment or disposal of refuse, sewage, or storm water, or for the generation, impounding, storage or purification, or supply of water, gas or electricity, or municipal services;

“Council Service Works” means all property or works of whatever nature necessary for or incidental to any Council services;

“Demarcated stand” means a stand demarcated by Council for the purposes of street trading in terms of section 6(a)(3)(b) of the Act;

“Foodstuff” means foodstuff as defined in section 1 of the Foodstuff Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

“Garden or Park” means a garden or park to which the public has a right of access;

“Goods” means any movable property used in connection with street trading and, without limiting the generality of the foregoing, includes products for sale, display tables, stands, receptacles, vehicles, structures or animals;

“Informal Economy” means activities as defined in the KZN Policy on Informal Economy, 2010.

“Intersection” means an intersection as defined in the regulations promulgated in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

“Litter” includes any receptacle, container or other matter, which has been discarded, abandoned or left behind by a street trader or by his or her customers;

“Motor Vehicle” means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996;

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

“Property”, in relation to a street trader, means any article, container, vehicle or structure used or intended to be used in connection with such business, and includes goods in which he or she trades;

“Public Building” means a building belonging to or occupied solely by the State or the Council;

“public monument” means any one of the “public monuments and memorials” as defined in the National Heritage Resources Act, 1999 (Act No. 25 of 1999);

“Public Place” means a public place as defined in section 2 of the Local Government Ordinance, 1939 (Ordinance No. 17 of 1939);

“Public Road” means a public road as defined in section 1 of the National Road Traffic Act, 1996;

“Roadway” means a roadway as defined in section 1 of the National Road Traffic Act, 1996;

“Sell” includes:-

- (a) barter, exchange or hire out;
- (b) display, expose, offer or prepare for sale;
- (c) store on a public road or public place with a view to sell; or
- (d) provide a service for reward; and “sale” or

“Selling” has a corresponding meaning;

“Sidewalk” means a sidewalk as defined in section 1 of the National Road Traffic Act, 1996;

“Street Furniture” means any furniture installed by the Council on the street for public use;

“Street Trader” means a person who carries on the business of street trading and includes any employee of such person;

“Street Trading” means the selling of any goods or the supplying or offering to supply any service for reward, in a public road, or public place, by a street trader;

“the Act” means the Businesses Act, 1991 (Act No. 71 of 1991) and includes the regulations promulgated thereunder; and

“Verge” means a verge as defined in section 1 of the National Road Traffic Act, 1996;

2. MEANING OF WORDS AND EXPRESSIONS IN BUSINESSES ACT INCORPORATED IN THIS BY-LAW

In this By-Law, unless the context otherwise indicates, any words or expressions to which a meaning has been assigned in the Businesses Act, 1991 (Act No. 71 of 1991), shall have a corresponding meaning in this By-Law.

3. SINGLE ACT CONSTITUTES STREET TRADING

For the purpose of this By-Law a single act of selling or offering or rendering of services in a public road or public place shall constitute street trading.

4. REFERENCE TO LEGISLATION INCLUDES REGULATIONS MADE THEREUNDER

For the purpose of this By-Law a reference to any legislation shall be a reference to that legislation and the regulations promulgated thereunder.

5. ASSIGNING POWERS OF A COUNCIL EMPLOYEE TO EMPLOYEE OF A SERVICE PROVIDER, WHERE A SERVICE PROVIDER HAS BEEN APPOINTED

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

6. PROHIBITED CONDUCT

- (1) No person shall carry on the business of a street trader –
- (a) at a place or in an area declared by the Council in terms of section 6A (2) (a) of the Act as a place or area in which street trading is prohibited;
 - (b) in a garden or a park to which the public has a right of access;
 - (c) on a verge contiguous to -
 - (i) a building belonging to, or occupied solely by, the State or the Council;
 - (ii) a church or other place of worship;
 - (iii) a building declared to be a Public monument;
 - (iv) an auto teller bank machine; banking premises
 - (d) at a place where it causes an obstruction in front of –

- (i) a fire hydrant;
 - (ii) an entrance to or exit from a building;
- (e) at a place where it could obstruct vehicular traffic;
 - (f) at a place where it could substantially obstruct a pedestrian in his or her use of the sidewalk;
 - (g) on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control, or any occupier of that building objects thereto and such objection is made known to the street trader by an authorized official;
 - (h) on a stand, or in any area demarcated by Council in terms of section 6A(3)(b) of the Act, if he or she is not in possession of a written proof that he or she has hired such stand or area from the Council, or that such stand has otherwise been allocated to him or her;
 - (i) within 5 (five) metres of any intersection as defined in Regulation 322 of the National Road Traffic Act 1996; and
 - (j) on a sidewalk contiguous to a building in which business is being carried on, by any person who sells goods of the same or of a similar nature to the goods being sold on such sidewalk by the street trader, if the goods are sold without the prior consent of such person and an authorized official has informed the street trader that such consent does not exist.
- (2) A person who has hired a stand from, or been allocated a stand by the Council in terms of subsection (1) (h), may not trade in contravention of the terms and conditions of such lease or allocation.

7. RESTRICTED CONDUCT

A person carrying on the business of a street trader –

- (a) (i) may not sleep overnight at the place of such business;
(ii) or claim to still be trading after the normal council approved trading hours.
- (b) may not erect any structure for the purpose of providing shelter, other than a device approved by the Council;
- (c) may not place his or her property on a public road or public place, with the exception of his or her motor vehicle or trailer from which trade is conducted, and provided that such vehicle or trailer does not obstruct pedestrian and vehicular traffic movement, and complies with the provisions of the National

Road Traffic Act, 1996; so authorised by council as a specially designated area for trading as per Informal Economy policy.

- (d) must ensure that his or her property or area of activity does not cover an area of a public road or public place which is greater in extent than six square metres (with a maximum length of three metres) or unless otherwise approved by the Council, and which on any sidewalk leaves an unobstructed space for pedestrian traffic, the length of the property or area of activity, and not less than 1,5 metres wide, measured from any contiguous building to the obstructed area, and an unobstructed space, the length of the property or area of activity, and not less than 0,5 metres wide, measured from the kerb of the roadway;
- (e) may not trade on a sidewalk where the width of such sidewalk is less than four metres;
- (f) may not place or stack his or her property in such a manner that it constitutes a danger to any person or property, or is likely to injure any person or cause damage to any property;
- (g) may not display his or her goods or other property on or in a building, without the consent of the owner, lawful occupier, or person in control of such building or property;
- (h) must on a request by an authorized official of the Council, or supplier of telecommunication or electricity or other council services, move his or her property so as to permit the carrying out of any work in relation to a public road, public place or any such service;
- (i) may not attach any of his or her property by any means to any building, structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;
- (j) may not carry on such business in such a manner as to
 - (i) create a nuisance;
 - (ii) damage or deface the surface of any public road or public place, or any public or private property; or
 - (iii) create a traffic and/or health hazard, or health risk, or both.
- (k) may not make an open fire on a public road or public place; unless demarcated so by council.

- (l) may not interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop display window, or obscure such goods from view.
- (m) may not obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic;
- (n) may not obstruct access to, or the use of, street furniture and any other facility designed for the use of the general public;
- (o) may not obscure any road traffic sign displayed in terms of the National Road Traffic Act, 1996, or any marking, notice or sign displayed or made in terms of this By-Law;
- (p) may not carry on business, or take up a position, or place his or her property on a portion of a sidewalk or public place, in contravention of a notice or sign erected or displayed by the Council for the purposes of this By-Law;
- (q) may not, other than in a refuse receptacle approved or supplied by the Council, accumulate, dump, store, or deposit, or cause or permit to be accumulated, dumped, stored or deposited, any litter on any land or premises or any public road or public place or on any public property;
- (r) may not place on a public road or public place, his or her property that is not capable of being easily removed to a storage place away from such public road or public place, at the end of the day's business;
- (s) must on concluding business for the day remove his or her property, except any structure permitted by the Council, to a place which is not part of a public road or public place;
- (t) may not store his or her property in a manhole, storm water drain, public toilet, and bus shelter or in a tree; and
- (u) may not carry on such business in a place or area in contravention of any prohibition or restriction approved by the Council in terms of section 6A (2) (a) of the Act.
- (v) may not use substance or any materials that can harm the health of the public.
- (w) may not act as agent or sell on behalf of any other individual or business.

8. CLEANLINESS

A street trader must-

- (a) Keep the area or site occupied by him or her for the purposes of such business in a clean and sanitary condition;
- (b) Keep his or her property in a clean, sanitary and well maintained condition;
- (c) Dispose of litter generated by his or her business in whatever receptacle is provided by the Council for the public or at a dumping site of the Council;
- (d) Not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
- (e) Ensure that on completion of business for the day, the area or site occupied by him or her for the purposes of trade is free of litter;
- (f) Take such precautions in the course of conducting his or her business as may be necessary to prevent the spilling onto a public road, or public place, or into a storm water drain, of any fat, oil or grease;
- (g) Ensure that no smoke, fumes or other substance, odours, or noise emanating from his or her activities causes pollution of any kind;
- (h) On request by an authorized official of the Council, move his or her property so as to permit the cleansing of the space of the area or site where he or she is trading, or the effecting of council services.

9. SIGNS INDICATING RESTRICTED AND PROHIBITED AREAS.

- (a) The Council may, by resolution and in terms of section 6A(2) of the Act, declare any place in its area of jurisdiction to be an area in which street trading is restricted or prohibited, and must, to enable compliance therewith, prescribe or make signs, markings or other devices indicating-
 - (i) specified hours, places, goods or services in respect of which street trading are restricted or prohibited;
 - (ii) the locations of boundaries of restricted or prohibited areas;
 - (iii) the boundaries of a stand or area set apart for the purposes of the carrying on of the business of street trading;
 - (iv) the fact that any such stand or area has been let or otherwise allocated; and
 - (v) any restriction or prohibition against street trading in terms of these Bylaws;

- (b) The Council may display any such sign, marking or device in such a position and manner as will indicate any restriction or prohibition and or the location or boundaries of the area or stand concerned;
- (c) Any sign erected in terms of this By-Law or any other law, shall serve as sufficient notice to a street trader of the prohibition or restriction of the area concerned; and
- (d) Any sign may be amended from time to time and displayed by the Council for the purpose of this By-Law, and shall have the same effect as a road sign in terms of the National Road Traffic Act 1996.
- (e) No other signage or advertising boards shall be permitted unless approved so by council.

10. REMOVAL AND IMPOUNDMENT

- (1) An authorized official may remove and impound any property of a street trader-
 - (a) which he or she reasonably suspects is being used or which intended to be used or has been used in or in connection with street trading; and
 - (b) which he or she finds at a place where street trading is restricted or prohibited and which, constitutes an infringement of any such restriction or prohibition whether or not such property is in possession or under the control of any person at the time of such removal or impoundment.
- 2) Any authorized official acting in terms of subsection 1 above must, except where goods have been left or abandoned, issue to the person carrying on the business of a street trader, a receipt for any property so removed and impounded, which receipt must-
 - (i) itemize the property to be removed and impounded;
 - (ii) provide the address where the impounded property will be kept, and the period thereof;
 - (iii) state the conditions for the release of the impounded property;
 - (iv) state the terms and conditions relating to the sale of unclaimed property by public auction; and
 - (v) provide the name and address of a council official to whom any representations regarding the impoundment may be made, and the date and time by which this must be done.

- (3) If any property about to be impounded is attached to any immovable property or a structure, and such property is under the apparent control of a person present thereat, any authorized official of the Council may order such person to remove the property, and if such person refuses or fails to comply, he or she shall be guilty of an offence.
- (4) When any person fails to comply with an order to remove the property referred to in subsection (3), any authorized official of the Council may take such steps as may be necessary to remove such property.

11. VICARIOUS RESPONSIBILITY OF PERSONS CARRYING ON BUSINESS

- (1) When an employee of a street trader contravenes a provision of this By-Law the employer shall be deemed to have committed such contravention him or herself unless such employee satisfies the court that-
- (a) he or she neither connived at nor permitted such contravention and;
 - (b) he or she took reasonable steps to prevent such contravention.
- (2) The fact that the employer issued instructions prohibiting such contravention shall not in itself constitute sufficient proof of such reasonable steps.

12. OFFENCES AND PENALTIES

12. Any person who –
- (a) contravenes or fails to comply with any provision of this By-Law;
 - (b) fails to comply with any notice issued in terms of this By-Law; or
 - (c) fails to comply with any lawful instruction given in terms of this By-Law; or
 - (d) who obstructs or hinders any authorized representative of the Council in the execution of his or her duties under this By-Law - is guilty of an offence and liable on conviction to a fine or in default of payment, to imprisonment for a period not exceeding three months, and in the case of a continuing offence, to a further fine not exceeding R50 per day, or in default of payment, to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence.

12 (e) SCHEDULE OF FINES

The committee to discuss how much (fine) per item impounded, and circulate to respective departments to add/edit their sections.

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