

KWAZULU-NATAL PROVINCE

KWAZULU-NATAL PROVINSIE

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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 127 OF 2019**uMshwathi Municipality****Assessment of General Rates 2019/2020****Notice No: P 2019/20/05**

Notice is hereby given in terms of section 14 of the Local Government Municipal Property Rates Act, No. 6 of 2004 that the uMshwathi Municipal Council has passed a resolution at a special Council Meeting on 30 May 2019 determining that the rates payable on all rateable property within its area of jurisdiction for the financial year 1 July 2019 to 30 June 2020 be set at R0,018997776 in a rand of the market value of residential, commercial, schools and government properties and 0.004749443 for agricultural and public service infrastructure properties. The resolution is available for public inspection during normal office hours at the municipal offices, main Street New Hanover; the libraries in New Hanover, Dalton and Wartburg; and at the Cool Air Cash Office. The resolution will also be available on the municipality's website, www.umshwathi.gov.za.

Mr. N.M. Mabaso
Municipal Manager

Private Bag X29
Wartburg, 3233

uMshwathi Municipality**Tariff of Charges 2019/2020****Notice No: P2019/20/04**

Notice is hereby given in terms of section 24 of the Municipal Finance Management Act, No. 56 of 2003 that the uMshwathi Municipal Council has revised its tariff of charges for the 2019/2020 Financial Year with effect from 1 July 2019.

The Tariff of Charges will be open to the public at the Main Office of the Municipality in Main Street New Hanover.

Mr. N.M. Mabaso
Municipal Manager

Private Bag X29
Wartburg, 3233

PROVINCIAL NOTICE 128 OF 2019**DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS****NOTICE IN TERMS OF SECTION 25(4) OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: BY-ELECTION IN WARD 4 OF THE MPOFANA MUNICIPALITY**

I, Siphon Emmanuel Hlomuka, Member of the KwaZulu-Natal Executive Council responsible for Local Government and Traditional Affairs, and after consultation with the Electoral Commission, hereby give notice under powers vested in me by section 25(4) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), that I have called a by-election in Ward 4 of the Mpozana Municipality as a result of the vacancy that has occurred in the said Ward, and that I have set 06 November 2019 as the date for the said by-election.

Given under my hand at Pietermaritzburg this 10th day of September Two thousand and Nineteen.

MR S.E. HLOMUKA, MPL

Member of the Executive Council of the Province of KwaZulu-Natal
responsible for local government

PROVINSIALE KENNISGEWING 128 VAN 2019**DEPARTEMENT VAN SAMEWERKENDE REGERING EN TRADISIONELE SAKE****KENNISGEWING INGEVOLGE ARTIKEL 25(4) VAN DIE WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998: TUSSENVERKIESING IN WYK 4 VAN DIE MPOFANA MUNISIPALITEIT**

Ek, Siphon Emmanuel Hlomuka, Lid van die Uitvoerende Raad van KwaZulu-Natal verantwoordelik vir Plaaslike Regering en Tradisionele Sake, na oorlegpleging met die Verkiesingskommissie, gee hiermee kragtens die bevoegdheid aan my verleen deur artikel 25(4) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), kennis dat ek 'n tussenverkiesing geroep het in Wyk 4 van die Mpozana Munisipaliteit na aanleiding van die vakature wat in die vermeldde wyk ontstaan het, en dat ek 06 November 2019 as die datum vir die vermeldde tussenverkiesing vasgestel het.

Gegee onder my Hand te Pietermaritzburg op hierdie 10de dag van September, Tweeduisend-en-negentien.

MEV N DUBE-NCUBE, LUR

Lid van die Uitvoerende Raad van die Provinsie van KwaZulu-Natal
verantwoordelik vir Plaaslike Regering

UMNYANGO WEZOKUBUSA NGOKUBAMBISANA NEZOMDABU**ISAZISO NGOKWESIGABA 25(4) SOMTHETHO WEZINHLAKA ZOMASIPALA WOHULUMENI BASEKHAYA, 1998: UKHETHO LOKUCHIBIYELA KUWADI 4 KUMASIPALA WASEMPOFANA**

Mina, Siphon Emmanuel Hlomuka, iLungu loMkhandlu oPhethe KwaZulu-Natali elibhekele ezoHulumeni baseKhaya nezoMdabu, ngemuva kokubonisana neKhomishana yoKhetho, ngalokhu ngikhipha isaziso ngokwamandla engiwanikezwe yisigaba 25(4) soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998), sokuthi kuzoba nokhetho lokuchibiyela kuWadi 4 kuMasipala waseMpozana ngenxa yokubela kwesikhala kule Wadi, futhi nginquma umhla zi-06 kuLwezi 2019 njengosuku okuyobanjwa ngalo lolu khetho lokuchibiyela.

Sikhishwe ngaphansi kweSandla sami eMgungundlovu ngalolu suku lomhla zi-10 kuMandulo, oNyakeni weziNkulungwane eziMbili neShumi nesiShiyagalolunye.

NKK. N DUBE-NCUBE

iLungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali
elibhekele ezoHulumeni baseKhaya

PROVINCIAL NOTICE 129 OF 2019**DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS****NOTICE IN TERMS OF SECTION 25(4) OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: BY-ELECTION IN WARD 18 OF THE KWADUKUKZA MUNICIPALITY**

I, Sipho Emmanuel Hlomuka, Member of the KwaZulu-Natal Executive Council responsible for Local Government and Traditional Affairs, and after consultation with the Electoral Commission, hereby give notice under powers vested in me by section 25(4) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), that I have called a by-election in Ward 18 of the KwaDukuza Municipality as a result of the vacancy that has occurred in the said Ward, and that I have set 06 November 2019 as the date for the said by-election.

Given under my hand at Pietermaritzburg this 02nd day of September Two thousand and Nineteen.

MS N. DUBE-NCUBE, MPL

Member of the Executive Council of the Province of KwaZulu-Natal
responsible for local government

PROVINSIALE KENNISGEWING 129 VAN 2019**DEPARTEMENT VAN SAMEWERKENDE REGERING EN TRADISIONELE SAKE****KENNISGEWING INGEVOLGE ARTIKEL 25(4) VAN DIE WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998: TUSSENVERKIESING IN WYK 18 VAN DIE KWADUKUZA MUNISIPALITEIT**

Ek, Sipho Emmanuel Hlomuka, Lid van die Uitvoerende Raad van KwaZulu-Natal verantwoordelik vir Plaaslike Regering en Tradisionele Sake, na oorlegpleging met die Verkiesingskommissie, gee hiermee kragtens die bevoegdheid aan my verleen deur artikel 25(4) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), kennis dat ek 'n tussenverkiesing geroep het in Wyk 18 van die KwaDukuza Munisipaliteit na aanleiding van die vakature wat in die vermeldde wyk ontstaan het, en dat ek 06 November 2019 as die datum vir die vermeldde tussenverkiesing vasgestel het.

Gegee onder my Hand te Pietermaritzburg op hierdie 2de dag van September, Tweeduisend-en-negentien.

MEV N DUBE-NCUBE, LUR

Lid van die Uitvoerende Raad van die Provinsie van KwaZulu-Natal
verantwoordelik vir Plaaslike Regering

UMNYANGO WEZOKUBUSA NGOKUBAMBISANA NEZOMDABU

ISAZISO NGOKWESIGABA 25(4) SOMTHETHO WEZINHLAKA ZOMASIPALA WOHULUMENI BASEKHAYA, 1998: UKHETHO LOKUCHIBIYELA KUWADI 18 KUMASIPALA WASEKWADUKUZA

Mina, Sipho Emmanuel Hlomuka, iLungu loMkhandlu oPhethe KwaZulu-Natali elibhekele ezoHulumeni baseKhaya nezoMdabu, ngemuva kokubonisana neKhomishana yoKhetho, ngalokhu ngikhipha isaziso ngokwamandla engiwanikezwe yisigaba 25(4) soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998), sokuthi kuzoba nokhetho lokuchibiyela kuWadi 18 kuMasipala waseKwaDukuza ngenxa yokuvula kwesikhala kule Wadi, futhi ngingquma umhla zi-06 kuLwezi 2019 njengosuku okuyobanjwa ngalo lolu khetho lokuchibiyela.

Sikhishwe ngaphansi kweSandla sami eMgungundlovu ngalolu suku lomhla zi-02 kuMandulo, oNyakeni weziNkulungwane eziMbili neShumi nesiShiyagalolunye.

NKK. N DUBE-NCUBE

iLungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali
elibhekele ezoHulumeni baseKhaya

PROVINCIAL NOTICE 130 OF 2019**DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS****NOTICE IN TERMS OF SECTION 25(4) OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: BY-ELECTION IN WARD 6 OF THE UZUMBE MUNICIPALITY**

I, Siphon Emmanuel Hlomuka, Member of the KwaZulu-Natal Executive Council responsible for Local Government and Traditional Affairs, and after consultation with the Electoral Commission, hereby give notice under powers vested in me by section 25(4) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), that I have called a by-election in Ward 6 of the uMzumbe Municipality as a result of the vacancy that has occurred in the said Ward, and that I have set 6 November 2019 as the date for the said by-election.

Given under my hand at Pietermaritzburg this 28th day of August Two thousand and Nineteen.

MR S.E. HLOMUKA, MPL

Member of the Executive Council of the Province of KwaZulu-Natal
responsible for local government

PROVINSIALE KENNISGEWING 130 VAN 2019**DEPARTEMENT VAN SAMEWERKENDE REGERING EN TRADISIONELE SAKE****KENNISGEWING INGEVOLGE ARTIKEL 25(4) VAN DIE WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998: TUSSENVERKIESING IN WYK 6 VAN DIE UMZUMBE MUNISIPALITEIT**

Ek, Siphon Emmanuel Hlomuka, Lid van die Uitvoerende Raad van KwaZulu-Natal verantwoordelik vir Plaaslike Regering en Tradisionele Sake, na oorlegpleging met die Verkiesingskommissie, gee hiermee kragtens die bevoegdheid aan my verleen deur artikel 25(4) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), kennis dat ek 'n tussenverkiesing geroep het in Wyk 6 van die uMzumbe Munisipaliteit na aanleiding van die vakature wat in die vermelde wyk ontstaan het, en dat ek 6 November 2019 as die datum vir die vermelde tussenverkiesing vasgestel het.

Gegee onder my Hand te Pietermaritzburg op hierdie 28ste dag van Augustus, Tweeduisend-en-negentien.

MEV N DUBE-NCUBE, LUR

Lid van die Uitvoerende Raad van die Provinsie van KwaZulu-Natal
verantwoordelik vir Plaaslike Regering

UMNYANGO WEZOKUBUSA NGOKUBAMBISANA NEZOMDABU**ISAZISO NGOKWESIGABA 25(4) SOMTHETHO WEZINHLAKA ZOMASIPALA WOHLUMENI BASEKHAYA, 1998: UKHETHO LOKUCHIBIYELA KUWADI 6 KUMASIPALA WASEMZUMBE**

Mina, Siphon Emmanuel Hlomuka, iLungu loMkhandlu oPhethe KwaZulu-Natali elibhekele ezoHulumeni baseKhaya nezoMdabu, ngemuva kokubonisana neKhomishana yoKhetho, ngalokhu ngikhipha isaziso ngokwamandla engiwanikezwe yisigaba 25(4) soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998), sokuthi kuzoba nokhetho lokuchibiyela kuWadi 6 kuMasipala waseMzumbe ngenxa yokubela kwesikhala kule Wadi, futhi nginguma umhla zi-6 kuLwezi 2019 njengosuku okuyobanjwa ngalo lolu khetho lokuchibiyela.

Sikhishwe ngaphansi kweSandla sami eMgungundlovu ngalolu suku lomhla zi-28 kuNcwaba, oNyakeni weziNkulungwane eziMbili neShumi nesiShiyagalolunye.

NKK. N DUBE-NCUBE

iLungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali
elibhekele ezoHulumeni baseKhaya

PROVINCIAL NOTICE 131 OF 2019**DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS****NOTICE IN TERMS OF SECTION 25(4) OF THE LOCAL GOVERNMENT: MUNICIPAL STRUCTURES ACT, 1998: BY-ELECTIONS IN WARD 33 OF THE MSUNDUZI MUNICIPALITY**

I, Sipho Emmanuel Hlomuka, Member of the KwaZulu-Natal Executive Council responsible for Local Government and Traditional Affairs, and after consultation with the Electoral Commission, hereby give notice under powers vested in me by section 25(4) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), that I have called by-elections in Ward 33 of the Msunduzi Municipality as a result of the vacancy that has occurred in the said Ward, and that I have set 06 November 2019 as the date for the said by-election.

Given under my hand at Pietermaritzburg this 02nd day of September Two thousand and Nineteen.

MR S HLOMUKA, MPL

Member of the Executive Council of the Province of KwaZulu-Natal
responsible for local government

PROVINSIALE KENNISGEWING 131 VAN 2019**DEPARTEMENT VAN SAMEWERKENDE REGERING EN TRADISIONELE SAKE****KENNISGEWING INGEVOLGE ARTIKEL 25(4) VAN DIE WET OP PLAASLIKE REGERING: MUNISIPALE STRUKTURE, 1998: TUSSENVERKIESING IN WYK 33 VAN DIE MSUNDUZI MUNISIPALITEIT**

Ek, Sipho Emmanuel Hlomuka, Lid van die Uitvoerende Raad van KwaZulu-Natal verantwoordelik vir Plaaslike Regering en Tradisionele Sake, na oorlegpleging met die Verkiesingskommissie, gee hiermee kragtens die bevoegdheid aan my verleen deur artikel 25(4) van die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet No. 117 van 1998), kennis dat ek 'n tussenverkiesing geroep het in Wyk 33 van die Msunduzi Munisipaliteit na aanleiding van die vakature wat in die vermeldde wyk ontstaan het, en dat ek 06 November 2019 as die datum vir die vermeldde tussenverkiesing vasgestel het.

Gegee onder my Hand te Durban op hierdie 2de dag van September, Tweeëuisend-en-negentien.

MNR S HLOMUKA, LUR

Lid van die Uitvoerende Raad van die Provinsie van KwaZulu-Natal
verantwoordelik vir Plaaslike Regering

UMNYANGO WEZOKUBUSA NGOKUBAMBISANA NEZOMDABU**ISAZISO NGOKWESIGABA 25(4) SOMTHETHO WEZINHLAKA ZOMASIPALA WOHULUMENI BASEKHAYA, 1998: UKHETHO LOKUCHIBIYELA KUWADI 33 KUMASIPALA WASEMSUNDUZI**

Mina, Sipho Emmanuel Hlomuka, iLungu loMkhandlu oPhethe KwaZulu-Natali elibhekele ezoHulumeni baseKhaya nezoMdabu, ngemuva kokubonisana neKhomishana yoKhetho, ngalokhu ngikhipha isaziso ngokwamandla engiwanikezwe yisigaba 25(4) soMthetho weziNhlaka zoMasipala woHulumeni baseKhaya, 1998 (uMthetho No. 117 ka 1998), sokuthi kuzoba nokhetho lokuchibiyela kuWadi 33 kuMasipala waseMsunduzi ngenxa yokucela kwesikhala kule Wadi, futhi ngingquma umhla zi-06 kuLwezi 2019 njengosuku okuyobanjwa ngalo lolu khetho lokuchibiyela.

Sikhishwe ngaphansi kweSandla sami eGungundlovu ngalolu suku lomhla zi-02 kuMandulo, oNyakeni weziNkulungwane eziMbili neShumi nesiShiyagalolunye.

MNU. S HLOMUKA

iLungu loMkhandlu oPhethe esiFundazweni saKwaZulu-Natali
elibhekele ezoHulumeni baseKhaya

PROVINCIAL NOTICE 132 OF 2019



KWAZULU-NATAL GAMING AND BETTING BOARD

NOTICE OF APPLICATION RECEIVED FOR

1. REMOVAL OF BINGO BUSINESS TO OTHER PREMISES

In terms of Section 34 of the KZN Gaming and Betting Act No. 08 of 2010 read with Regulation 14 of the Regulations published under the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 08 of 2010 as amended), notice is hereby given of the application in terms of Section 44 of the Act aforesaid to remove the below mentioned Bingo Business to other premises:

APPLICANT	CURRENT PREMISES	PROPOSED PREMISES
Galaxy Bingo Midlands (Pty) Ltd	Brookside Shopping Mall, Cnr of Chota Motala & N3 Highway, Pietermaritzburg	Shop 28, Liberty Midlands Mall, 50 Sanctuary Road, Woodlands, Pietermaritzburg

2. Public inspection of application

The above mentioned application will, subject to any ruling by the Board to the contrary in accordance with the provisions of section 34 of the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 08 of 2010 as amended), be open for public inspection at the offices of the Board at the address mentioned below for the period from **03 October 2019 to 25 October 2019**.

**The KZN Gaming & Betting Board
1 George MacFarlane Drive,
Redlands Estate,
Wembley,
Pietermaritzburg, 3201**

3. Invitation to lodge representations

Interested persons are hereby invited to lodge any representations in respect of the application by no later than **16:00 on 25 October 2019**. Representations should be in writing and must contain at least the following information:

- (a) The name of the applicant to whom the representations relate
- (b) The ground(s) on which representations are made.
- (c) The name, address and telephone number of the person submitting the representations.
- (d) An indication as to whether or not the person making the representations wishes to make oral representations when the Board hears the application.

Any representations that do not contain all of the information referred to in paragraph 3 above, will be deemed not to have been lodged with the Board and will not be considered by the Board. Representations should be addressed to:

**The Chief Executive Officer
KwaZulu-Natal Gaming and Betting Board
Private Bag X9102
PIETERMARITZBURG
3200**

or faxed to: (033) 3427853.

PROVINSIALE KENNISGEWING 132 VAN 2019



KWAZULU-NATAL DOBBELARY EN WEDDERY RAAD

1. VERWYDERING VAN BINGO BESIGHEID NA ANDER PREMIES

Ingevolge artikel 34 van die KZN wet op Dobbelary en Weddery No. 08 van 2010 soos gewysig geles met Regulasie 14 van die Regulasies gepubliseer kragtens die KwaZulu-Natal Gaming and Betting Act, 2010 (wet no. 08 van 2010 soos gewysig), word hiermee kennis gegee van die aansoek ingevolge Artikel 44 van die wet voornoemde om die ondergenoemde Bingo besigheid na ander persele te verwyder om 'n ander perseel. Die volgende is die naam en adres van die applikant:

APPLIKAANT	HUIDIGE GEBOU	VOORGESTELDE GEBOU
Galaxy Bingo Midlands (Pty) Ltd	Brookside Shopping Mall, Cnr of Chota Motala & N3 Highway, Pietermaritzburg	Shop 28, Liberty Midlands Mall, 50 Sanctuary Road, Woodlands, Pietermaritzburg

2. Openbare inspeksie van aansoek

Die aansoek lê, behoudens enige teenstrydige reëling deur die raad in ooreenstemming met die bepalings van artikel 34 van die KwaZulu-Natal Dobbelary en Weddery Wet, 2010 (Wet No. 08 van 2010 soos gewysig), vir openbare inspeksie ter insae by die kantoor van die Raad by die ondergemelde adres vir die tydperk van **03 Oktober 2019 tot 25 Oktober 2019**.

Die KZN Gaming & Betting Board
1 George MacFarlane Rylaan,
Redlands Estate,
Wembley,
Pietermaritzburg, 3201

3. Uitnodiging om vertoë te rig

Belanghebbende persone word hierby uitgenooi om enige vertoë ten opsigte van die aansoeker te rig teen nie later as **16:00 op 25 Oktober 2019**. Vertoë moet skriftelik geskied en moet minstens die volgende inligting bevat:

- (a) Die naam van die aansoeker waarop die vertoë betrekking het;
- (b) Die grond(e) waarop die vertoë berus;
- (c) Die naam, adres en telefoonnommer van die persoon wat die vertoë rig en
- (d) 'n Aanduiding of die persoon wat die vertoë rig ook mondelikse vertoë wil rig, aldan nie, wanneer die raad die aansoek aanhoor.

Enige vertoë wat nie al die besonderhede bevat wat in paragraaf 3 vermeld word nie, sal geag word nie by die raad ingedien te wees nie en sal nie deur die raad oorweeg word nie.

Vertoë moet gerig word aan:

Die Hoof- Uitvoerende Beampte
KwaZulu-Natal Dobbelary en Weddery Raad
Private sak 9102
Pietermaritzburg
3200

Of per faks gestuur word na: (033) 342-7853



IBHODI YEZOKUGEMBULA YAKWAZULU-NATALI

ISAZISO NGESICELO ESAMUKELIWE

1. NGOKUSHINTSHWA KWENDAWO YOKUSEBENZELA YEBHIZINISI LEMIDLALO YEBHINGO

Ngokwesigaba 34 somthetho wezokuGembula waKwaZulu-Natali, (uMthetho No. 08 ka 2010 sifundwa nesigaba 14 soMthethonqubo ngaphansi koMthetho wezokuGembula waKwaZulu-Natali, (uMthetho No. 08 ka 2010) obukeziwe, ngalokhu lapha kunikezwa isaziso ngesicelo ngaphansi kwesigaba 44 ngokushintshwa kwendawo yokusebenzela. Ngenzansi igama lenkampani efake isicelo:

MFAKISICELO	INDAWO YOKUSEBENZELA YAMANJE	INDAWO OKUZOTHUTHELWA KUYONA
Galaxy Bingo Midlands (Pty) Ltd	Brookside Shopping Mall, Cnr of Chota Motala & N3 Highway, Pietermaritzburg	Shop 28, Liberty Midlands Mall, 50 Sanctuary Road, Woodlands, Pietermaritzburg

2. Ukuhlolwa kwezicelo ngumphakathi

Lesi sicelo ezibalulwe ngenhla, kuye ngokuhambisana nanoma yisiphi isinqumo seBhodi esiphikisayo ngokwezinhlinzeko zesigaba 34 soMthetho wezokuGembula waKwaZulu-Natali ka2010 (uMthetho No. 08 ka 2010) obukeziwe, izicelo zizokwazi ukubonwa ngumphakathi emahhovisi eBhodi kuleli kheli elibhalwe ngezansi esikhathini esisukela kumhla zingu **03 kuMfumfu** kuya mhla zingu **25 kuMfumfu 2019**.

Ibhodi lezokuGembula nokuBheja lase KZN
1 George MacFarlane Drive,
Redlands Estate,
Wembley,
Pietermaritzburg, 3201

3. Isimemo sokwenza izethulo

Abantu abanentshisekelo bayamenywa ukuba benze izethulo lungakadluli mhla zinga **25 kuMfumfu 2019** ngaphambi **kwehora lesine ntambama**. Izethulo kufanele zibhalwe futhi zibe nalemininingwane elandelayo:

- Igama lomfakisicelo izethulo eziqondene naye;
- Izizathu izethulo ezenziwa ngaphansi kwazo;
- Igama, ikheli kanye nenombolo yocingo yomuntu oletha izethulo; kanye;
- Nokubalula ukuthi umuntu owenza izethulo ufisa ukwenza izethulo ngomlomo uma iBhodi isilalela isicelo.

Noma iziphi izethulo ezingaluqukethe lonke lolu lwazi olubalulwe endimeni 3 ngenhla zizothathwa ngokuthi azikaze zethulwe kwiBhodi futhi iBhodi angeke izicubungule.

Izethulo kufanele zithunyelwe ku:

The Chief Executive Officer
KwaZulu-Natal Gaming and Betting Board
Private Bag X9102
PIETERMARITZBURG
3200

noma zithunyelwe ngesikhahlemezi kule nombolo: (033) 3427853

PROVINCIAL NOTICE 133 OF 2019



KWAZULU-NATAL GAMING AND BETTING BOARD

NOTICE OF APPLICATIONS RECEIVED FOR BOOKMAKER LICENCES IN TERMS OF SECTION 94 OF THE KZN GAMING AND BETTING ACT, NO.08 OF 2010

1. In terms of Section 34, read with Regulation 14 of the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 8 of 2010), notice is hereby given of applications for Bookmaker licences in terms of Section 94 of the Act received from the applicant mentioned below:

APPLICANT	APPLICANT'S ADDRESS
Ezeefun (Pty) Ltd	Shop 7, Bergville Boxer Centre 4 West Street Bergville KwaZulu-Natal
Ezeefun (Pty) Ltd	Kwantu Village 46 Voor Street Side Unit Number 8 Utrecht KwaZulu-Natal

2. Public inspection of application

The above mentioned applications will, subject to any ruling by the Board to the contrary in accordance with the provisions of section 34 of the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 08 of 2010) read with regulation 14, be open for public inspection at the offices of the Board at the address mentioned below for the period from **03 October 2019 to 23 October 2019**.

KwaZulu-Natal Gaming & Betting Board
1 George MacFarlane Drive
Redlands Estate
Wembley
Pietermaritzburg
3201

Or

KwaZulu-Natal Gaming & Betting Board
22 Dorothy Nyembe Road
18th Floor Marine Building
Durban
4000

3. Invitation to lodge representations

Interested persons are hereby invited to lodge any representations in respect of the applications by no later than **16:00** on **23 October 2019**. Representations should be in writing and must contain at least the following information:

- (a) The name of the applicant to whom the representations relate
- (b) The ground(s) on which representations are made.
- (c) The name, address telephone number of the person submitting the representations.
- (d) An indication as to whether or not the person making the representations wishes to make oral representations when the Board hears the application.

Any representations that do not contain all of the information referred to in paragraph 3 above, will be deemed not to have been lodged with the Board and will not be considered by the Board.

Representations should be addressed to:
The Chief Executive Officer
KwaZulu-Natal Gaming and Betting Board
Private Bag X9102
PIETERMARITZBURG
3200

Or faxed to: (033) 3427853.

PROVINSIALE KENNISGEWING 133 VAN 2019



KWAZULU-NATAL DOBBEL EN WEDDERY RAAD

KENNISGEWING VAN AANSOEKE ONTVANG VIR BEROEPSWEDDERSLISENSIES IN TERME VAN ARTIKEL 94 VAN DIE KZN DOBBELARY EN WEDDERY, NO.08 VAN 2010

1. In terme van Artikel 34, gelees met Regulasie 14 van die KwaZulu-Natal Dobbelay en Weddery, 2010 (Wet No 8 van 2010), word hierby kennis gegee van die aansoeke vir Bookmaker lisensies in terme van Artikel 94 van die Wet ontvang van die aansoeker wat hieronder genoem:

AANSOEKER	AANSOEKER ADRES
Ezeefun (Pty) Ltd	Shop 7, Bergville Boxer Centre 4 West Street Bergville KwaZulu-Natal
Ezeefun (Pty) Ltd	Kwantu Village 46 Voor Street Side Unit Number 8 Utrecht KwaZulu-Natal

2. Openbare inspeksie van aansoeke

Die aansoeke lê, behoudens enige teenstrydige reëling deur die raad in ooreenstemming met die bepalings van artikel 34 van die KwaZulu-Natal Dobbelay en Weddery Wet, 2010 (Wet No. 08 van 2010) gelees met Regulasie 14, vir openbare inspeksie by die kantoor van die Raad by die ondergemelde adres vir die tydperk van **3 Oktober 2019 tot 23 Oktober 2019**.

KwaZulu-Natal Dobbelay en Weddery Raad
1 George MacFarlane Drive
Redlands Estate
Wembley
Pietermaritzburg
3200

Of

KwaZulu-Natal Dobbelaar en Weddery Raad
22 Dorothy Nyembe Street
18th Floor, Marine Building
Durban
4300

3. Uitnodiging om vertoë te rig

Belanghebbende persone word hierby uitgenooi om enige vertoë ten opsigte van die aansoeke te rig teen nie later as **16:00** op **23 Oktober 2019**. Vertoë moet skriftelik geskied en moet minstens die volgende inligting bevat:

- (a) Die name van die aansoeker waarop die vertoë betrekking het;
- (b) Die grond(e) waarop die vertoë berus;
- (c) Die naam, adres en telefoonnommer van die persoon wat die vertoë rig en
- (d) 'n Aanduiding of die persoon wat die vertoë rig ook mondelikse vertoë wil rig, aldan nie, wanneer die raad die aansoek aanhoor.

Enige vertoë wat nie al die besonderhede bevat wat in paragraaf 3 vermeld word nie, sal geag word nie by die raad ingedien te wees nie en sal nie deur die raad oorweeg word nie.

Vertoë moet gerig word aan:

Die Hoof- Uitvoerende Beampste
KwaZulu-Natal Dobbelaar en Weddery Raad
Private Sak 9102
Pietermaritzburg
3200

Of per faks gestuur word na: (033) 342-7853



IBHODI YEZOKUGEMBULA YAKWAZULU-NATALI

ISAZISO NGEZICELO EZAMUKELIWE ZAMA LAYISENSI OKUQHUBA AMABHIZINISI EZOKUGEMBULA NGOKOMTHETHO 94 WEZOKUGEMBULA WAKWAZULU-NATALI KA 2010

1. Ngokomthetho 34 wezokuGembula, ufundwe kanye Nomthethonqubo 14 waKwaZulu-Natali, (uMthetho No. 08 ka 2010), ngalokhu lapha kunikezwa isaziso ngezicelo zama layisensi okuqhuba amabhizinisi ezokugembula ngokomthetho 94 wezokuGembula waKwaZulu-Natali ka 2010 (uMthetho No. 08 ka 2010) ezamukelwe kubafakizicelo ababalulwe ngezansi:

UMFAKISICELO	IKHELI LOMFAKI SICELO
Ezeefun (Pty) Ltd	Shop 7, Bergville Boxer Centre 4 West Street Bergville
Ezeefun (Pty) Ltd	Kwantu Village 46 Voor Street Side Unit Number 8 Utrecht KwaZulu-Natal

2. Ukuhlolwa kwesicelo ngumphakathi

Lezi zicelo ezibalulwe ngenhla, kuye ngokuhambisana nanoma yisiphi isinqumo seBhodi esiphikisayo ngokwezinhlinzeko zesigaba 34 soMthetho wezokuGembula waKwaZulu-Natali ka2010 (uMthetho No. 08 ka 2010) ufundwe kanye Nomthethonqubo 14, izicelo zizokwazi ukubonwa ngumphakathi emahhovisi eBhodi kuleli kheli elibhalwe ngezansi esikhathini esisukela kumhla ziye **3 u Mfumfu 2019** kuya mhla zi **23 u Mfumfu 2019**.

iBhodi YokuGembula NokuBheja YaKwa-Zulu Natal
1 George MacFarlane Drive
Redlands Estate
Wembley
ePietermaritzburg
3201

Noma ku

iBhodi YokuGembula NokuBheja YaKwa-Zulu Natal
Ku 22 Dorothy Nyembe Street
Esitezini 18 Esakhiweni iMarine
eThekwini
4000

3. Isimemo sokwenza izethulo

Abantu abanentshisekelo bayamenywa ukuba benze izethulo kungakadluli **mhla zi 23 u Mfumfu 2019** ngaphambi **kwehora lesine ntambama**. Izethulo kufanele zibhalwe futhi zibe nalemininingwane elandelayo:

- (a) Igama lomfakisicelo izethulo eziqondene naye;
- (b) Izizathu izethulo ezenziwa ngaphansi kwazo;
- (c) Igama, ikheli kanye nenombolo yocingo yomuntu oletha izethulo; kanye;
- (d) Nokubalula ukuthi umuntu owenza izethulo ufisa ukwenza izethulo ngomlomo uma iBhodi isilalela isicelo.

Noma iziphi izethulo ezingaluqukethe lonke lolu lwazi olubalulwe endimeni 3 ngenhla zizothathwa ngokuthi azikaze zethulwe kwiBhodi futhi iBhodi angeke izicubungule.

The Chief Executive Officer
KwaZulu-Natal Gaming and Betting Board
Private Bag X9102
PIETERMARITZBURG
3200

Noma zithunyelwe ngesikahhlamezi kule nombolo: (033) 3427853

PROVINCIAL NOTICE 134 OF 2019



KWAZULU-NATAL GAMING AND BETTING BOARD

NOTICE OF APPLICATIONS RECEIVED FOR

1. TYPE "A" SITE OPERATOR LICENCES: BATCH 49

In terms of Section 34 of the KZN Gaming and Betting Act No. 08 of 2010 read with Regulation 14 of the Regulations published under the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 08 of 2010), notice is hereby given of the applications in terms of Section 56 of the said Act for Type "A" Site Operator Licences received from the applicants mentioned below:

ROUTE OPERATOR	TYPE "A" SITE OPERATOR APPLICANT	ADDRESS
Luck At It KZN (Pty) Ltd t/a Luck @ It	1. Sakhele Praisegod Zulu t/a Curry Parlour Restaurant	Shop No 7, The Mews Beacons field Street, Dundee
	2. Rolan Moodley t/a Rolans Sports Bar	23 Kanai Road, Shop 1 Northdale, Pietermaritzburg
	3. Kwazikwakhe Muziwakheni Makhoba t/a City Jokos Tavern	60/ 62 St Georges Street, Collwood Building, Durban
	4. Zanolog (Pty) Ltd t/a Jukebox Bar	47 Helen Joseph Road, Durban
	5. Zanoscape (Pty) Ltd t/a Lagoon Bar	Corner Rosslyn and Beach Road, Amanzimtoti
	6. Lutzavox (Pty) Ltd t/a Roasted Bean Coffee Shop	Unit 8, 131 Nirvana Road, Bluff, Durban
	7. Rajdeep Rooplal t/a The Whistler	295 Chris Hani Road Unit 6, Atlas Part, Briardene, Durban
	8. Partizani (Pty) Ltd t/a Lido Seamans Entertainment Centre	13 Rupee Riff, Office 4 First floor, Richards Bay
	9. Krishna Naicker Arumugam t/a Naickers Sports Bar	Shop 6A Lot 70, Calendula Drive, Cragieburn, Umkomaas
	10. Hadex Trading 32 CC Fishermans Restaurant & Bar	Shop 3 Engen Complex, 61 Mckenzie Street, St Lucia
Grand Gaming KZN Slots (Pty) Ltd t/a KZN Slots	1. Thavaraj Chetty t/a Hilltop Sports Bar	195 Saunders Circle, Tongaat, Durban
	2. Kumarasen Adimoolam Moodley t/a Kaskade Bar Restaurant Lounge	Unit 2 Upstairs Premises 149 Florida Road, Morningside, Durban
	3. Aoraki Trading Pty Ltd t/a Big Ben Restaurant and Sports Bar	Lot 261 47 Bazley Street, Shop 2a Singh Properties Centre, Port Shepstone
	4. Kim Van Lelyveld t/a Colenso Club	25 Club Road, Colenso
	5. Sandile Ndlazi t/a Ekathuleni Tavern	No 1714 Groutville, Stanger
Grand Gaming KZN (Pty) Ltd t/a Kingdom Slots	1. Surendra Singh t/a Vibes Action Bar	23 Stella Road, Newholmes, Pietermaritzburg
	2. Roy Munisami t/a The Spot Bar	First Floor, 18 Groom Street, Verulam, Durban
	3. Ellingovan Aiyer t/a Skamps Action Bar	Shop 12/ 15 Village Plaza Cnr George Sewpersadh Street, Verulam
	4. Ben Obichukwu t/a New Man Must Wack	127 Dr Pixley Kaseme Street, Durban
	5. Aaritsai (Pty) Ltd t/a BL Sports Bar	Shop 12 -13, Route 66 Mall, Erf 820 Gingindlovu
Vukani Gaming KZN (Pty) Ltd t/a V Slots	1. Sthembiso Sibusiso Mbambo t/a KwaBhunu Tavern	Portion 145 of Erf 1486 No 6 Perseverance Road, Grange, Pietermaritzburg
	2. Lynette Moodley t/a Marine Sports Bar	15A Escombe Street, Port Shepstone
	3. Gino Chetty t/a Ginos Tavern	202 Murchison Street, Harding
	4. Owen Mc Luckie t/a Big Os Tavern	Sub 2 of Erf 360 West Street, Shop 2 Walters Building, Bergville
	5. Kubashni Govender t/a The Food Basket	10 A Bhoola Road, Lot 5065, Trurolands, Durban
	6. Silver Horns NA Trading (Pty) Ltd t/a Silvern Horn	A1043 King Bhekezulu Road, Newtown A, Inanda, Durban

7. Xolani Wiseman Dladla t/a Shukushukuma Lounge	Main Road Next to Kingdom Liquor Store, Lot 56 Saunders Street, Hlabisa
8. SK Deme Trading CC t/a Addington Tavern	Shop 1D Section 1 San Francisco, 189 to 191 Prince Street Erf 10095, Point, Durban
9. Montana Entertainment CC t/a Casa Nostra	672B Umngeni Road, Lot 1985, Durban
10. Zanele Gracia Scott t/a Scott Leisure House	Mzomunye Drive, Number 9 Area, KwaXimba Reserve, Cato Ridge, Camperdown

2. ACQUISITION OF CONTROLLING INTEREST OR FINANCIAL INTEREST IN TYPE "A" SITE OPERATOR LICENSEE

In terms of Section 34 of the KZN Gaming and Betting Act, 2010 (No. 08 of 2010) as amended, read with Regulation 14 of the Regulations published under the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 08 of 2010), notice is hereby given of applications in terms of Section 43A of the Act aforesaid for Consent to Acquire a Controlling or Financial Interest in Type "A" Site Operator licensees received from the applicants mentioned below:

APPLICANT	PERCENTAGE INTEREST SOUGHT	LICENSEE	ROUTE OPERATOR
1. Yonga Kakhulu General Trading (Pty) Ltd t/a Bingelesa Tavern 24 Karellandman street, Glencoe	100%	Elizabetha Johanna Magrita Mchattie t/a Bingelesa Tavern: 24 Karellandman street, Glencoe	Luck At It KZN (Pty) Ltd t/a Luck @ It
2. Dheenadayalan Govender t/a Llyod's Lounge and Sports Bar: Bullion Boulevard, Shop 11 & 12, Richards Bay	100%	Eyob Fissehay Kidane t/a Bay Sports Bar: Bullion Boulevard, Shop 11 & 12 Alfa Building, Richards Bay	Luck At It KZN (Pty) Ltd t/a Luck @ It
3. Michelle Bernadette Munthree t/a Phoenix Sports Bar: Shop 1 - 2, 20 Gridham Terrace, Westham, Phoenix	100%	Tmera Lee Emmanuel t/a Phoenix Sports Bar: Shop 1 - 2, 20 Gridham Terrace, Westham, Phoenix	Luck At It KZN (Pty) Ltd t/a Luck @ It
4. Morris Vee (Pty) Ltd t/a The Cove Pub and Restaurant: 289 - 290 Lenny Naidu Drive, Bayview, Chatsworth	100%	Cosmic Gold Trading 430 CC t/a The Cove Pub & Grill: 289 - 290 Lenny Naidu Drive, Bayview, Chatsworth	Vukani Gaming KZN (Pty) Ltd t/a V Slots
5. Vissersberg (Pty) Ltd t/a Schooners Galley Seafood Restaurant: 5 - 7 Spar Centre, Abingdon Road, Umtentweni	100%	Dirk Cornelius Swart t/a Schooners Galley Restaurant: 5 - 7 Spar Centre, Abingdon Road, Umtentweni	Grand Gaming KZN (Pty) Ltd t/a Kingdom Slots
6. Debra Joann Levin T/A Gold Circle Bayview Agency: Shop 1, 294 Lenny Naidu Drive, Bayview, Chatsworth	100%	Uthamlall Magan Ranchod & Delphat Lala Khusal t/a Gold Circle Bayview Agency: Shop 1, 294 Lenny Naidu Drive, Bayview, Chatsworth	Grand Gaming KZN Slots (Pty) Ltd t/a KZN Slots

3. TRANSFER OF TYPE "A" SITE OPERATOR LICENCE

In terms of Section 34 of the KZN Gaming and Betting Act No. 08 of 2010 read with regulation 14 of the Regulations published under the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 08 of 2010), notice is hereby given of the application in terms of Section 43 of the said Act to transfer the Type "A" Site Operator Licence received from the applicant mentioned below:

ROUTE OPERATOR	TRANSFEROR/LICENSEE	TRANSFeree	ADDRESS
Grand Gaming KZN Slots (Pty) Ltd t/a KZN Slots	Freerbuth Seechoonparsadh t/a Gold Circle Howick Tab	Akhil Seechoonparsad t/a Gold Circle Howick Tab	Shop 5, 18 Bell Street, Howick

4. TYPE "B" SITE OPERATOR LICENCES

In terms of Section 34 of the KZN Gaming and Betting Act No. 08 of 2010 read with Regulation 14 of the Regulations published under the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 08 of 2010), notice is hereby given of the applications in terms of Section 56 of the said Act for Type "B" Site Operator Licences received from the applicants mentioned below:

ROUTE OPERATOR	TYPE "B" SITE OPERATOR APPLICANT	ADDRESS	NUMBER OF ADDITIONAL LIMITED PAYOUT MACHINES APPLIED FOR
Grand Gaming KZN Slots (Pty) Ltd t/a KZN Slots	1. Rajendra Nadasen Govender t/a Gold Circle Pietermaritz Street Agency; Authorine Nondumiso Mbhatha and Sinenhlanhla Londiwe Mhlongo	255 Pietermaritz Street, Pietermaritzburg	10 LPMs
	2. Rajendra Nadasen Govender t/a Gold Circle Raisethorpe Agency; Authorine Nondumiso Mbhatha and Sinenhlanhla Londiwe Mhlongo	Part of first floor and part of the second floor (fusion Lounge); Manhattan Building, 686 Old Greytown Road (Chota Motala Road), Pietermaritzburg	5 LPMs
Luck At It KZN (Pty) Ltd	1. Maria Binikos t/a Pub & Punter; K2019380557 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	RS Howe Building, Lot 98, Marine Drive, Shelly Beach	20 LPMs
	2. Opiflo Pty Ltd t/a Horse n Hound; K2019383475 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	Shop 1, Northway Centre, 17D Kenneth Kaunde Road, Durban North	5 LPMs
	3. Demetris Haralambous t/a One Eyed Jack; K2019383475 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	Lot 3147, Marine Drive, Shop 7&8 Continental Court, Marine Drive, Margate	20 LPMs
Vukani Gaming KZN (Pty) Ltd	1. Henry Arthur Trusler t/a Kwagga Pub and Grill; K2019383428 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	94 Marianhill Road, Ashley	15 LPMs
	2. Lionel Ananthan t/a Frosties Pub and Grill; K2019384980 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	Shop 13, 120 Stella Road, Hillary, Durban	15 LPMs
	3. Sip and Nap Lodge CC t/a St Bells Hotel; K2019383513 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	956 Sarnia Road, Bellair, Durban	15 LPMs
	4. Summer Cliffs Trading 49 CC t/a Lazy Lizard; K2019385969 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	Shop 20E and C, Hillcrest Shopping Centre, Hillcrest	15 LPMs
	5. Satodox (Pty) Ltd t/a Muskeers; K201938211 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	Shop 2 Transmed House, 19 Conabor Road, Maiview, Durban	8 LPMs

3. Public inspection of application

The above mentioned applications will, subject to any ruling by the Board to the contrary in accordance with the provisions of section 34 of the KwaZulu-Natal Gaming and Betting Act, 2010 (Act No. 08 of 2010), be open for public inspection at the offices of the Board at the address mentioned below for the period from **03 October 2019 to 25 October 2019**.

The KZN Gaming & Betting Board
Redlands Estate
1 George MacFarlane
Wembley
Pietermaritzburg

5. Invitation to lodge representations

Interested persons are hereby invited to lodge any representations in respect of applications by no later than **16:00 on 25 October 2019**. Representations should be in writing and must contain at least the following information:

- (a) The name of the applicant to whom the representations relate
- (b) The ground(s) on which representations are made.
- (c) The name, address and telephone number of the person submitting the representations.
- (d) An indication as to whether or not the person making the representations wishes to make oral representations when the Board hears the application.

Any representations that do not contain all of the information referred to in paragraph 3 above, will be deemed not to have been lodged with the Board and will not be considered by the Board.

Representations should be addressed to:

By Post: The Chief Executive Officer, KwaZulu-Natal Gaming and Betting Board, Private Bag X9102,
PIETERMARITZBURG, 3200

Hand delivered: The Chief Executive Officer, The KZN Gaming & Betting Board, Redlands Estate, 1 George MacFarlane,
Wembley, Pietermaritzburg

PROVINSIALE KENNISGEWING 134 VAN 2019



KWAZULU-NATAL DOBBELARY EN WEDDERY RAAD

1. KENNISGEWING VAN AANSOEKE ONTVANG OM TIPE "A" PERSEELOPERATEURS LISENSIES TE VERKRY: GROEP 49

In terme van Artikel 34 van die KZN Dobbeldary en Weddery (Wet No. 08 van 2010) saamgelees met regulasie 14 van die KwaZulu-Natal Wet op Dobbeldary en Weddery, 2010 (Wet No. 08 van 2010), word hierby kennis gegee van die aansoeke in terme van Artikel 56 van die genoemde Wet vir Tipe "A" Perseeloperateurslisensie ontvang van die onderstaande aansoekers: Die volgende is die name en adresse van die applikante:

ROETE OPERATEUR	TIPE "A" OPERATEUR APPLIKANT	ADRES
Luck At It KZN (Edms) Bpk h/a Luck @ It	1. Sakhele Praisegod Zulu t/a Curry Parlour Restaurant	Shop No 7, The Mews Beacons field Street, Dundee
	2. Rolan Moodley t/a Rolans Sports Bar	23 Kanai Road, Shop 1 Northdale, Pietermaritzburg
	3. Kwazikwakhe Muziwakheni Makhoba t/a City Jokos Tavern	60/ 62 St Georges Street, Collwood Building, Durban
	4. Zanollog (Pty) Ltd t/a Jukebox Bar	47 Helen Joseph Road, Durban
	5. Zanoscape (Pty) Ltd t/a Lagoon Bar	Corner Rosslyn and Beach Road, Amanzimtoti
	6. Lutzavox (Pty) Ltd t/a Roasted Bean Coffee Shop	Unit 8, 131 Nirvana Road, Bluff, Durban
	7. Rajdeep Rooplal t/a The Whistler	295 Chris Hani Road Unit 6, Atlas Part, Briardene, Durban
	8. Partizani (Pty) Ltd t/a Lido Seamans Entertainment Centre	13 Rupee Riff, Office 4 First floor, Richards Bay
	9. Krishna Naicker Arumugam t/a Naickers Sports Bar	Shop 6A Lot 70, Calendula Drive, Cragieburn, Umkomaas
	10. Hadex Trading 32 CC Fishermans Restaurant & Bar	Shop 3 Engen Complex, 61 Mckenzie Street, St Lucia
Grand Gaming KZN Slots (Edms) Bpk h/a KZN Slots	1. Thavaraj Chetty t/a Hilltop Sports Bar	195 Saunders Circle, Tongaat, Durban
	2. Kumarasen Adimoolam Moodley t/a Kaskade Bar Restaurant Lounge	Unit 2 Upstairs Premises 149 Florida Road, Morningside, Durban
	3. Aoraki Trading Pty Ltd t/a Big Ben Restaurant And Sports Bar	Lot 261 47 Bazley Street, Shop 2a Singh Properties Centre, Port Shepstone
	4. Kim Van Lelyveld t/a Colenso Club	25 Club Road, Colenso
	5. Sandile Ndlazi t/a Ekathuleni Tavern	No 1714 Groutville, Stanger
Grand Gaming KZN (Edms) Bpk h/a Kingdom Slots	1. Surendra Singh t/a Vibes Action Bar	23 Stella Road, Newholmes, Pietermaritzburg
	2. Roy Munisami t/a The Spot Bar	First Floor, 18 Groom Street, Verulam, Durban
	3. Ellingovan Aiyer t/a Skamps Action Bar	Shop 12/ 15 Village Plaza Cnr George Sewpersadh Street, Verulam
	4. Ben Obichukwu t/a New Man Must Wack	127 Dr Pixley Kaseme Street, Durban
	5. Aaritsai (Pty) Ltd t/a BL Sports Bar	Shop 12 -13, Route 66 Mall, Erf 820 Gingindlovu
Vukani Gaming KZN (Edms) Bpk h/a V Slots	1. Sthembiso Sibusiso Mbambo t/a KwaBhunu Tavern	Portion 145 of Erf 1486 No 6 Perseverance Road, Grange, Pietermaritzburg
	2. Lynette Moodley t/a Marine Sports Bar	15A Escombe Street, Port Shepstone
	3. Gino Chetty t/a Ginos Tavern	202 Murchison Street, Harding
	4. Owen Mc Luckie t/a Big Os Tavern	Sub 2 of Erf 360 West Street, Shop 2 Walters Building, Bergville
	5. Kubashni Govender t/a The Food Basket	10 A Bhoola Road, Lot 5065, Trurolands, Durban

6.	Silver Horns NA Trading (Pty) Ltd t/a Silvern Horn	A1043 King Bhekezulu Road, Newtown A, Inanda, Durban
7.	Xolani Wiseman Dlodla t/a Shukushukuma Lounge	Main Road Next to Kingdom Liquor Store, Lot 56 Saunders Street, Hlabisa
8.	SK Deme Trading CC t/a Addington Tavern	Shop 1D Section 1 San Francisco, 189 to 191 Prince Street Erf 10095, Point, Durban
9.	Montana Entertainment CC t/a Casa Nostra	672B Umngeni Road, Lot 1985, Durban
10.	Zanele Gracia Scott t/a Scott Leisure House	Mzomunye Drive, Number 9 Area, KwaXimba Reserve, Cato Ridge, Camperdown

2. KENNSIGEWING VAN AANSOEK ONTVANG OM BEHERENDE BELANG OF FINANSIELE BELANGSTELLING IN 'N LISENSIE TE VERKRY

In terme van Artikel 34 van die KZN Dobbelaar en Weddery Wet No. 08 van 2010 soos gewysig, saamgelees met regulasie 14 van die regulasies afgekondig kragtens die KwaZulu-Natal Dobbelaar en Weddery, 2010 (Wet No. 08 van 2010) Regulasies, word hierby kennis gegee van die aansoek in terme van Artikel 43A van die genoemde Wet te Tipe oordra "A" Perseeloperateurs lisensie ontvang van die ondergenoemde aansoeker:

APPLIKAANT	PERSENTASIE BELANG GEVRAAGDE	LISENSIE	ROUTE OPERATOR
7. Yonga Kakhulu General Trading (Pty) Ltd t/a Bingelela Tavern 24 Karellandman street, Glencoe	100%	Elizabetha Johanna Magrita Mchattie t/a Bingelela Tavern: 24 Karellandman street, Glencoe	Luck At It KZN (Edms) Bpk h/a Luck @ It
8. Dheenadayalan Govender t/a Llyod's Lounge and Sports Bar: Bullion Boulevard, Shop 11 & 12, Richards Bay	100%	Eyob Fissehay Kidane t/a Bay Sports Bar: Bullion Boulevard, Shop 11 & 12 Alfa Building, Richards Bay	Luck At It KZN (Edms) Bpk h/a Luck @ It
9. Michelle Bernadette Munthree t/a Phoenix Sports Bar: Shop 1 - 2, 20 Gridham Terrace, Westham, Phoenix	100%	Tmera Lee Emmanuel t/a Phoenix Sports Bar: Shop 1 - 2, 20 Gridham Terrace, Westham, Phoenix	Luck At It KZN (Edms) Bpk h/a Luck @ It
10. Morris Vee (Pty) Ltd t/a The Cove Pub and Restaurant: : 289 - 290 Lenny Naidu Drive, Bayview, Chatsworth	100%	Cosmic Gold Trading 430 CC t/a The Cove Pub & Grill: 289 - 290 Lenny Naidu Drive, Bayview, Chatsworth	Vukani Gaming KZN (Edms) Bpk h/a V Slots
11. Vissersberg (Pty) Ltd t/a Schooners Galley Seafood Restaurant: 5 - 7 Spar Centre, Abingdon Road, Umtentweni	100%	Dirk Cornelius Swart t/a Schooners Galley Restaurant: 5 - 7 Spar Centre, Abingdon Road, Umtentweni	Grand Gaming KZN (Edms) Bpk h/a Kingdom Slots
12. Debra Joann Levin t/a Gold Circle Bayview Agency: Shop 1, 294 Lenny Naidu Drive, Bayview, Chatsworth	100%	Uthamlall Magan Ranchod & Delphat Lala Khusal t/a Gold Circle Bayview Agency: Shop 1, 294 Lenny Naidu Drive, Bayview, Chatsworth	Grand Gaming KZN Slots (Pty) Ltd t/a KZN Slots

3. OORDRAG VAN TIPE "A" PERSEELOPERATEURS LISENSIE

In terme van Artikel 34 van die KZN Dobbelaar en Weddery (Wet No. 08 van 2010) saamgelees met regulasie 14 van die onder die KwaZulu-Natal Wet op Dobbelaar en Weddery, 2010 (Wet No. 08 van 2010) gepubliseer Regulasies, word hierby kennis gegee van die aansoek vir die oordrag van die lisensie in terme van Artikel 43 van die genoemde Wet vir Tipe "A" Perseeloperateurslisensie ontvang van die onderstaande aansoekers: Die volgende is die name en adresse van die applikant:

ROETE OPERATEUR	OORDRAGNEMER	OORDRAGGEWER	ADRES
Grand Gaming KZN Slots (Pty) Ltd t/a KZN Slots	Freerbuth Seechoonparsadh t/a Gold Circle Howick Tab	Akhil Seechoonparsad t/a Gold Circle Howick Tab	Shop 5, 18 Bell Street, Howick

4. KENNISGEWING VAN AANSOEKE ONTVANG OM TIPE "B" PERSELOPERATEURS LISENSIES TE VERKRY

In terme van Artikel 34 van die KZN Dobbelaar en Weddery (Wet No. 08 van 2010) saamgelees met regulasie 14 van die KwaZulu-Natal Wet op Dobbelaar en Weddery, 2010 (Wet No. 08 van 2010), word hierby kennis gegee van die aansoeke in terme van Artikel 56 van die genoemde Wet vir Tipe "B" Perseeloperateurslisensie ontvang van die onderstaande aansoekers: Die volgende is die name en adresse van die applikante:

ROETE OPERATEUR	TIPE "B" OPERATEUR APPLIKANT	ADRES	AANTAL BEPERKTE BETALINGSMASJIENE AANSOEKE WAAROM AANVULLENDE
Grand Gaming KZN Slots (Pty) Ltd t/a KZN Slots	1. Rajendra Nadasen Govender t/a Gold Circle Pietermaritz Street Agency; Authorine Nondumiso Mbhatha and Sinenhlanhla Londiwe Mhlongo	255 Pietermaritz Street, Pietermaritzburg	10 LPMs
	2. Rajendra Nadasen Govender t/a Gold Circle Raisethorpe Agency; Authorine Nondumiso Mbhatha and Sinenhlanhla Londiwe Mhlongo	Part of first floor and part of the second floor (fusion Lounge); Manhattan Building, 686 Old Greytown Road (Chota Motala Road), Pietermaritzburg	5 LPMs
Luck At It KZN (Pty) Ltd	1. Maria Binikos t/a Pub & Punter; K2019380557 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	RS Howe Building, Lot 98, Marine Drive, Shelly Beach	20 LPMs
	2. Opiflo Pty Ltd t/a Horse n Hound; K2019383475 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	Shop 1, Northway Centre, 17D Kenneth Kaunde Road, Durban North	5 LPMs
	3. Demetris Haralambous t/a One Eyed Jack; K2019383475 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	Lot 3147, Marine Drive, Shop 7&8 Continental Court, Marine Drive, Margate	20 LPMs
Vukani Gaming KZN (Pty) Ltd	1. Henry Arthur Trusler t/a Kwagga Pub and Grill; K2019383428 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	94 Marianhill Road, Ashley	15 LPMs
	2. Lionel Ananthan t/a Frosties Pub and Grill; K2019384980 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	Shop 13, 120 Stella Road, Hillary, Durban	15 LPMs
	3. Sip and Nap Lodge CC t/a St Bells Hotel; K2019383513 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	956 Samia Road, Bellair, Durban	15 LPMs
	4. Summer Cliffs Trading 49 CC t/a Lazy Lizard; K2019385969 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	Shop 20E and C, Hilcrest Shopping Centre, Hillcrest	15 LPMs
	5. Satodox (Pty) Ltd t/a Muskeers; K201938211 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	Shop 2 Transmed House, 19 Conabor Road, Maiview, Durban	8 LPMs

3. Openbare inspeksie van aansoek

Die aansoek lê, behoudens enige teenstrydige reëling deur die raad in ooreenstemming met die bepalings van artikel 34 van die KwaZulu-Natal Dobbelaar en Weddery Wet, 2010 (Wet No. 08 van 2010), vir openbare inspeksie ter insae by die kantoor van die Raad by die ondergemelde adres vir die tydperk van **03 Oktober 2019 tot 25 Oktober 2019**.

KwaZulu-Natal Dobbelaar en Weddery Raad
Redlands Estate
1 George MacFarlane
Wembley
Pietermaritzburg

5. Uitnodiging om vertoë te rig

Belanghebbende persone word hierby uitgenooi om enige vertoë ten opsigte van die aansoeker te rig teen nie later as **16:00 op 25 Oktober 2019**. Vertoë moet skriftelik geskied en moet minstens die volgende inligting bevat:

- (a) Die name van die aansoeker waarop die vertoë betrekking het;
- (b) Die grond(e) waarop die vertoë berus;
- (c) Die naam, adres en telefoonnommer van die persoon wat die vertoë rig en
- (d) 'n Aanduiding of die persoon wat die vertoë rig ook mondelikse vertoë wil rig, aldan nie, wanneer die raad die aansoek aanhoor.

Enige vertoë wat nie al die besonderhede bevat wat in paragraaf 3 vermeld word nie, sal geag word nie by die raad ingedien te wees nie en sal nie deur die raad oorweeg word nie.

Vertoë moet gerig word aan:

Per Pos: Die Hoof- Uitvoerende Beampte, KwaZulu-Natal Dobbelaar en Weddery Raad, Private sak 9102, Pietermaritzburg 3200

handaftlewings: Die Hoof- Uitvoerende Beampte, KZN Gaming & Betting Board, Redlands Estate, 1 George MacFarlane Wembley, Pietermaritzburg



IBHODI YEZOKUGEMBULA YAKWAZULU-NATALI

ISAZISO NGEZICELO EZAMUKELIWE

1. ZEZINDAWO EZINGU "A" YOHLOBO LWAMALAYISENSI: UMTHAMO WE 49

Ngokwesigaba 34 somthetho wezokuGembula waKwaZulu-Natali, (uMthetho No. 08 ka 2010 sifundwa nesigaba 14 soMthethonqubo ngaphansi koMthetho wezokuGembula waKwaZulu-Natali, (uMthetho No. 08 ka 2010), ngalokhu lapha kunikezwa isaziso ngezicelo ngaphansi kwesigaba 56 zeNdawo engu "A" yohlobo lwamaLayisensi okuqhuba ibhizinisi lokugembula ezimukelwe kubafakizicelo ababalulwe ngenzansi. Ngenzansi amagama ezinkampani ezifake izicelo kanye namakheli azo:

UMNIKAZI WEMISHINI OGUNYAZIWE	UMFAKISICELO WOHLOBO "A" LWAMALAYISENSI	INDAWO YOKUSEBENZELA
Luck At It KZN (Pty) Ltd t/a Luck @ It	1. Sakhele Praisegod Zulu t/a Curry Parlour Restaurant	Shop No 7, The Mews Beacons field Street, Dundee
	2. Rolan Moodley t/a Rolans Sports Bar	23 Kanai Road, Shop 1 Northdale, Pietermaritzburg
	3. Kwazikwakhe Muziwakheni Makhoba t/a City Jokos Tavern	60/ 62 St Georges Street, Collwood Building, Durban
	4. Zanolog (Pty) Ltd t/a Jukebox Bar	47 Helen Joseph Road, Durban
	5. Zanoscape (Pty) Ltd t/a Lagoon Bar	Corner Rosslyn and Beach Road, Amanzimtoti
	6. Lutzavox (Pty) Ltd t/a Roasted Bean Coffee Shop	Unit 8, 131 Nirvana Road, Bluff, Durban
	7. Rajdeep Rooplal t/a The Whistler	295 Chris Hani Road Unit 6, Atlas Part, Briardene, Durban
	8. Partizani (Pty) Ltd t/a Lido Seamans Entertainment Centre	13 Rupee Riff, Office 4 First floor, Richards Bay
	9. Krishna Naicker Arumugam t/a Naickers Sports Bar	Shop 6A Lot 70, Calendula Drive, Cragieburn, Umkomaas
	10. Hadex Trading 32 CC Fishermans Restaurant & Bar	Shop 3 Engen Complex, 61 Mckenzie Street, St Lucia
Grand Gaming KZN Slots (Pty) Ltd t/a KZN Slots	1. Thavaraj Chetty t/a Hilltop Sports Bar	195 Saunders Circle, Tongaat, Durban
	2. Kumarasen Adimoolam Moodley t/a Kaskade Bar Restaurant Lounge	Unit 2 Upstairs Premises 149 Florida Road, Morningside, Durban
	3. Aoraki Trading Pty Ltd t/a Big Ben Restaurant And Sports Bar	Lot 261 47 Bazley Street, Shop 2a Singh Properties Centre, Port Shepstone
	4. Kim Van Lelyveld t/a Colenso Club	25 Club Road, Colenso
	5. Sandile Ndlazi t/a Ekathuleni Tavern	No 1714 Groutville, Stanger
Grand Gaming KZN (Pty) Ltd t/a Kingdom Slots	6. Surendra Singh t/a Vides Action Bar	23 Stella Road, Newholmes, Pietermaritzburg
	7. Roy Munisami t/a The Spot Bar	First Floor, 18 Groom Street, Verulam, Durban
	8. Ellingovan Aiyer t/a Skamps Action Bar	Shop 12/ 15 Village Plaza Cnr George Sewpersadh Street, Verulam
	9. Ben Obichukwu t/a New Man Must Wack	127 Dr Pixley Kaseme Street, Durban
	10. Aaritsai (Pty) Ltd t/a BL Sports Bar	Shop 12 -13, Route 66 Mall, Erf 820 Gingindlovu
Vukani Gaming KZN (Pty) Ltd t/a V Slots	1. Sthembiso Sibusiso Mbambo t/a KwaBhunu Tavern	Portion 145 of Erf 1486 No 6 Perseverance Road, Grange, Pietermaritzburg
	2. Lynette Moodley t/a Marine Sports Bar	15A Escombe Street, Port Shepstone
	3. Gino Chetty t/a Ginos Tavern	202 Murchison Street, Harding
	4. Owen Mc Luckie t/a Big Os Tavern	Sub 2 of Erf 360 West Street, Shop 2 Walters Building, Bergville
	5. Kubashni Govender t/a The Food Basket	10 A Bhoola Road, Lot 5065, Trurolands, Durban

6.	Silver Horns NA Trading (Pty) Ltd t/a Silvern Horn	A1043 King Bhekezulu Road, Newtown A, Inanda, Durban
7.	Xolani Wiseman Dladla t/a Shukushukuma Lounge	Main Road Next to Kingdom Liquor Store, Lot 56 Saunders Street, Hlabisa
8.	SK Deme Trading CC t/a Addington Tavern	Shop 1D Section 1 San Francisco, 189 to 191 Prince Street Erf 10095, Point, Durban
9.	Montana Entertainment CC t/a Casa Nostra	672B Umngeni Road, Lot 1985, Durban
10.	Zanele Gracia Scott t/a Scott Leisure House	Mzomunye Drive, Number 9 Area, KwaXimba Reserve, Cato Ridge, Camperdown

2. ZELUNGELO LOKULAWULA NOMA LOKUHLUMULA NGOKWEZIMALI KUZINDAWO ENGU "A" ZOHLOBO LWAMALAYISENSI OKUQHUBA AMBHZINISI OKUGEMBULA

Ngokwesigaba 34 somthetho wezokuGembula waKwaZulu-Natali, (uMthetho No. 08 ka 2010 osuchitshiyelwe, sifundwa nesigaba 14 soMthethonqubo ngaphansi koMthetho wezokuGembula waKwaZulu-Natali, (uMthetho No. 08 ka 2010), ngalokhu lapha kunikezwa isaziso ngezicelo ngaphansi kwesigaba 43A somthetho obalulwe ngenhla zelungelo lokulawula noma lokuhlomula ngokwezimali endaweni engu "A" wohlobo lwamalayisensi okuqhuba amabhizinisi okugembula. Ngenzansi amagama ezinkampani ezifake izicelo kanye namakheli azo:

UMFAKISICELO	ISILINGANISO SOMHLOMULO	UMNINI WELAYISENSI	UMNIKAZI WEMISHINI OGUNYAZIWE
1. Yonga Kakhulu General Trading (Pty) Ltd t/a Bingelela Tavern 24 Karellandman street, Glencoe	100%	Elizabetha Johanna Magrita Mchattie t/a Bingelela Tavern: 24 Karellandman street, Glencoe	Luck At It KZN (Pty) Ltd t/a Luck @ It
2. Dheenadayalan Govender t/a Llyod's Lounge and Sports Bar: Bullion Boulevard, Shop 11 & 12, Richards Bay	100%	Eyob Fissehayo Kidane t/a Bay Sports Bar: Bullion Boulevard, Shop 11 & 12 Alfa Building, Richards Bay	Luck At It KZN (Pty) Ltd t/a Luck @ It
3. Michelle Bernadette Munthree t/a Phoenix Sports Bar: Shop 1 - 2, 20 Gridham Terrace, Westham, Phoenix	100%	Tmera Lee Emmanuel t/a Phoenix Sports Bar: Shop 1 - 2, 20 Gridham Terrace, Westham, Phoenix	Luck At It KZN (Pty) Ltd t/a Luck @ It
4. Morris Vee (Pty) Ltd t/a The Cove Pub and Restaurant: 289 - 290 Lenny Naidu Drive, Bayview, Chatsworth	100%	Cosmic Gold Trading 430 CC t/a The Cove Pub & Grill: 289 - 290 Lenny Naidu Drive, Bayview, Chatsworth	Vukani Gaming KZN (Pty) Ltd t/a V Slots
5. Vissersberg (Pty) Ltd t/a Schooners Galley Seafood Restaurant: 5 - 7 Spar Centre, Abingdon Road, Umtentweni	100%	Dirk Cornelius Swart t/a Schooners Galley Restaurant: 5 - 7 Spar Centre, Abingdon Road, Umtentweni	Grand Gaming KZN (Pty) Ltd t/a Kingdom Slots
6. Debra Joann Levin t/a Gold Circle Bayview Agency: Shop 1, 294 Lenny Naidu Drive, Bayview, Chatsworth	100%	Uthamlall Magan Ranchod & Delphat Lala Khusal t/a Gold Circle Bayview Agency: Shop 1, 294 Lenny Naidu Drive, Bayview, Chatsworth	Grand Gaming KZN Slots (Pty) Ltd t/a KZN Slots

3. UKUDLULISWA KWAMALAYISENSI OHLOBO LWEZINDAWO EZINGU "A"

Ngokwesigaba 34 somthetho wezokuGembula waKwaZulu-Natali, (uMthetho No. 08 ka 2010 osuchitshiyelwe, sifundwa nesigaba 14 soMthethonqubo ngaphansi koMthetho wezokuGembula waKwaZulu-Natali, (uMthetho No. 08 ka 2010), ngalokhu lapha kunikezwa isaziso ngesicelo ngaphansi kwesigaba 43 somthetho obalulwe ngenhla sokudluliswa kwelasisenzi endaweni engu "A" wohlobo lwamalayisensi okuqhuba amabhizinisi okugembula. Ngenzansi amagama ezinkampani ezifake izicelo kanye namakheli azo:

UMNIKAZI WEMISHINI OGUNYAZIWE	UMUNTU OKUDLULISEWA KUYE ILAYISENSI	UMUNTU ODLULISA ILAYISENSI	IKHELI
Grand Gaming KZN Slots (Pty) Ltd t/a KZN Slots	Freerboth Seechoonparsadh t/a Gold Circle Howick Tab	Akhil Seechoonparsad t/a Gold Circle Howick Tab	Shop 5, 18 Bell Street, Howick

4. ZEZINDAWO EZINGU "B" YOHLOBO LWAMALAYISENSI

Ngokwesigaba 34 somthetho wezokuGembula waKwaZulu-Natali, (uMthetho No. 08 ka 2010) sifundwa nesigaba 14 soMthethonqubo ngaphansi koMthetho wezokuGembula waKwaZulu-Natali, (uMthetho No. 08 ka 2010), ngalokhu lapha kunikezwa isaziso ngezicelo ngaphansi kwesigaba 56 zeNdawo engu "b" yohlobo lwamaLayisensi okuqhuba ibhizinisi lokugembula ezimukelwe kubafakizicelo ababalulwe ngenzansi. Ngenzansi amagama ezinkampani ezifake izicelo kanye namakheli azo:

UMNIKAZI WEMISHINI OGUNYAZIWE	UMFAKISICELO WOHLOBO "B" LWAMALAYISENSI	INDAWO YOKUSEBENZELA	INANI LEMISHI
Grand Gaming KZN Slots (Pty) Ltd t/a KZN Slots	1. Rajendra Nadasen Govender t/a Gold Circle Pietermaritz Street Agency; Authorine Nondumiso Mbhatha and Sinenhlanhla Londiwe Mhlongo	255 Pietermaritz Street, Pietermaritzburg	10 LPMs
	2. Rajendra Nadasen Govender t/a Gold Circle Raisethorpe Agency; Authorine Nondumiso Mbhatha and Sinenhlanhla Londiwe Mhlongo	Part of first floor and part of the second floor (fusion Lounge); Manhattan Building, 686 Old Greytown Road (Chota Motala Road), Pietermaritzburg	5 LPMs
Luck At It KZN (Pty) Ltd	1. Maria Binikos t/a Pub & Punter; K2019380557 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	RS Howe Building, Lot 98, Marine Drive, Shelly Beach	20 LPMs
	2. Opifio Pty Ltd t/a Horse n Hound; K2019383475 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	Shop 1, Northway Centre, 17D Kenneth Kaunde Road, Durban North	5 LPMs
	3. Demetris Haralambous t/a One Eyed Jack; K2019383475 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	Lot 3147, Marine Drive, Shop 7&8 Continental Court, Marine Drive, Margate	20 LPMs
Vukani Gaming KZN (Pty) Ltd	1. Henry Arthur Trusler t/a Kwagga Pub and Grill; K2019383428 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	94 Marianhill Road, Ashley	15 LPMs
	2. Lionel Ananthan t/a Frosties Pub and Grill; K2019384980 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	Shop 13, 120 Stella Road, Hillary, Durban	15 LPMs
	3. Sip and Nap Lodge CC t/a St Bells Hotel; K2019383513 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	956 Sarnia Road, Bellair, Durban	15 LPMs

	4. Summer Cliffs Trading 49 CC t/a Lazy Lizard; K2019385969(South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	Shop 20E and C, Hillcrest Shopping Centre, Hillcrest	15 LPMs
	5. Satodox (Pty) Ltd t/a Muskeers; K201938211 (South Africa) (Pty) Ltd and Destiny Bets (Pty) Ltd	Shop 2 Transmed House, 19 Conabor Road, Maiview, Durban	8 LPMs

3. Ukuhlolwa kwezicelo ngumphakathi

Lezi zicelo ezibalulwe ngenhla, kuye ngokuhambisana nanoma yisiphi isinqumo seBhodi esiphikisayo ngokwezinhlinzeko zesigaba **34** soMthetho wezokuGembula waKwaZulu-Natali ka2010 (uMthetho No. 08 ka 2010), izicelo zizokwazi ukubonwa ngumphakathi emahhovisi eBhodi kuleli kheli elibhalwe ngezansi esikhathini esisukela kumhla zingu **03 kuMfumfu 2019** kuya mhla zingu **25 kuMfumfu 2019**.

The KZN Gaming & Betting Board
Redlands Estate
1 George MacFarlane
Wembley
Pietermaritzburg

3. Isimemo sokwenza izethulo

Abantu abanentshisekelo bayamenywa ukuba benze izethulo lungakadluli mhla zinga **25 kuMfumfu 2019** ngaphambi **kwehora lesine ntambama**. Izethulo kufanele zibhalwe futhi zibe nalemininingwane elandelayo:

- (a) Igama lomfakisisicelo izethulo eziqondene naye;
- (b) Izizathu izethulo ezenziwa ngaphansi kwazo;
- (c) Igama, ikheli kanye nenombolo yocingo yomuntu oletha izethulo; kanye;
- (d) Nokubalula ukuthi umuntu owenza izethulo ufisa ukwenza izethulo ngomlomo uma iBhodi isilalela isicelo.

Noma iziphi izethulo ezingalukukethe lonke lolu lwazi olubalulwe endimeni 3 ngenhla zizothathwa ngokuthi azikaze zethulwe kwiBhodi futhi iBhodi angeke izicubungule.

Izethulo kufanele zithunyelwe ku:

Ngeposi: The Chief Executive Officer, KwaZulu-Natal Gaming and Betting Board, Private Bag X9102, PIETERMARITZBURG 3200

Ngesandla: The Chief Executive Officer, The KZN Gaming & Betting Board, Redlands Estate, 1 George MacFarlane, Wembley Pietermaritzburg

MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS

MUNICIPAL NOTICE 119 OF 2019**uMLALAZI MUNICIPALITY****CALLING FOR INSPECTION OF THE SUPPLEMENTARY VALUATION
ROLL AND LODGING OF OBJECTIONS**

Notice is hereby given in terms of Section 49(1) (a) (i) of the Local Government Municipal Property Rates Act 06 of 2004 that the Supplementary Valuation Roll No. 5 is open for public inspection at the **uMlalazi Municipal Offices and Libraries situated in Eshowe, Mtunzini and Gingindlovu from 30 September 2019 to 07 October 2019 during normal office hours (Monday - Thursday 07h30 - 15h30, Friday 07h30 - 14h30)**. In addition the Supplementary Valuation Roll No. 5 is available on the uMlalazi Municipal website at **www.umlalazi.gov.za**

Any owner of property who wishes to lodge an objection in respect of any matter in, or omitted from the roll may do so to the Municipal Manager, uMlalazi Municipality, P O Box 37, Eshowe, 3815 or deliver by hand to the Municipal Offices, Hutchinson Street, Eshowe clearly marked “**Supplementary Valuation Roll No. 5**” within the specified period.

An objection must be in relation to a specific individual property and not against the valuation roll as such. **For further information please contact:** The Council’s Valuer, Mr Charl Jacobs on tel. (034) 212 3195 during normal office hours.

MR R.P. MNGUNI: MUNICIPAL MANAGER**NOTICE NO. 24/19/20**

MUNICIPAL NOTICE 120 OF 2019**GREATER KOKSTAD MUNICIPALITY****CREDIT CONTROL AND DEBT COLLECTION BY-LAW**

The Municipal Manager hereby publishes, in terms of section 162 of the Constitution of the Republic of South Africa Act [Act No. 108 of 1996], read with section 13 of the Local Government Municipal Systems Act [Act No. 32 of 2000], The Credit Control and Debt Collection By-law:

PURPOSE OF BY-LAW

The purpose of the By-law is to give effect to the Municipality's Credit Control and Debt Collection Policy and the implementation and enforcement thereof.

ARRANGMENT OF SECTIONS

1. Definitions
2. Area of application
3. Application for services and service agreements
4. Deposits and guarantees
5. Access to property to read meters
6. Indigents
7. Accounts, billing and payment
8. Interest on arrears and other penalty charges
9. Agreement and arrangements for payment of arrear accounts
10. Allocation of payments and part payments
11. Queries in respect of accounts
12. Disconnection/ restrictions of services
13. Reconnection/ reinstatement of terminated/ restricted services
14. Period for reconnection or reinstatement
15. Procedure for debt collection
16. Recovery of overdue rates
17. Tampering with/ or theft of services
18. Audit of services of properties
19. Water leaks
20. Enforcement of other legislation
21. Repeals
22. Short title and commencement

1. Definitions

In these By-laws, unless the context indicates otherwise, the word or expression has the following meaning:

1.1 "Accounting Officer" means the Municipal Manager appointed in terms of section 82 (1)(a) or (b) of the Municipal Structures Act, 1998 (Act No. 117 of 1998); of the Greater Kokstad Municipality.

1.2 "account holder" includes a customer/consumer and refers to any occupier of any premises to which Council has agreed to supply or is actually supplying services, or if there is no occupier, then the owner of the premises and includes any debtor of the Municipality.

1.3 "actual consumption" means the measured consumption of a consumer of a municipal service during a specified period.

1.4 "advance warning" means a warning communicated by the consumer to the Chief Financial Officer in the form of an e-mail, fax or telephone call and advising the Chief Financial Officer of the consumers inability to provide a reading at least ten (10) working days before the seventh (7th) day of the month following the most recent month during which services were rendered to the consumer, provided that the Chief Financial Officer may, on written motivation by the consumer exempt the consumer from failing to give such advance warning where the consumer submits evidence of exceptional circumstances that prevented the consumer from having communicated such advance warning timeously to the Chief Financial Officer.

1.5 "arrangements" means a formal written agreement entered into between the Council and a debtor where specific repayment parameters are agreed to.

1.6 "arrears" means any amount due, owing and payable by a customer in respect of a municipal account not paid on the due date.

1.7 "average consumption" means the deemed consumption of a customer of a municipal service during a specific period, which consumption is calculated by adding the recorded monthly average consumption and the current actual consumption and dividing the total by 2.

1.8 "bank guarantee" refers to an undertaking by a registered financial institution whereby it guarantees a specified maximum amount to be paid if the principal debtor ("the consumer") fails to pay.

1.9 "calculated amounts" refers to the amounts calculated by the Chief Financial Officer, in consultation with the relevant technical departments, to be due to the Council by a consumer in respect of the supply of the applicable municipal services for any period during which the exact quantity of the supply cannot be determined accurately for reasons beyond the control of the Chief Financial Officer. This shall normally be based on the average consumption figures, if available, for the service rendered to the customer or, failing the availability of such data, on the average consumption figures applicable to one or more properties of similar size and nature in the area in which the customer resides or carries on business.

1.10 "Chief Financial Officer" refers to the person so designated in terms of section 80 (2)(a) of the Municipal Finance Management Act, 2003 (Act No. 56 of 2003) or any person duly authorized to act on behalf of such person.

1.11 "consolidated account" refers to one combined account for all municipal services, housing rents and installments, rates and basic charges payable, and "consolidated bill" has a corresponding meaning.

1.12 "C D U" shall mean the Central Distribution Unit that distributes electricity from a central point to an account holder.

1.13 "consumption" means the ordinary use of municipal services, including water, sanitation, refuse removal, and electricity services for all categories of consumers.

1.14 "Credit Control and Debt Collection Policy" shall mean the policy adopted by the Municipality in accordance with the provisions of section 96 of the Local Government Municipal Systems Act 32 of 2000.

1.15 "electricity and water meters" means electricity and/or water meters, (including prepaid meters), which are used to determine the supply of electricity and water and which are normally read on a monthly or other basis.

1.16 "Electricity Supply By-laws" shall mean the Electricity Supply By-laws to be promulgated in 2018, provided that in the event that such By-laws have not been promulgated at the time of promulgation of these By-laws, the Electricity Supply By-laws that are in existence at the time of promulgation of these By-laws.

1.17 "Council" refers to the Greater Kokstad Municipality and its successors in law and includes the Council of the Municipality or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any official to whom Council has delegated any powers and duties with regard to these By-laws.

1.18 "councilor" refers to any member of a Municipal Council.

1.19 "deposit" refers to a minimum sum of money specified by the Chief Financial Officer and payable by the consumer to the Municipality prior to occupation of the property or prior to the date on which services to the property are required.

1.20 "final date" in the absence of any express agreement in relation thereto between the Council and the customer, refers to the date stipulated on the account and determined from time to time as the last date on which the account must be paid.

1.21 "final demand" means a notice sent to an account holder calling for settlement of any municipal debt that has not been paid by due date and where legal action may be taken after giving due consideration to the notice period specified in the notice.

1.22 "estimated consumption" arises when no actual reading can be taken and is equivalent to the average consumption providing that this is done in accordance with the relevant provisions of the water and electricity By-laws.

1.23 "financial year" refers to the period starting from 1 July in a year to 30 June the next year.

1.24 "interest" is a charge levied on arrears, and calculated by the Chief Financial Officer in accordance with relevant legislation.

1.25 "MCB" means Mini Circuit Breaker.

1.26 "meter audits" refers to a verification by the Municipality of the correctness of the consumption and supply of electricity and water.

1.27 "Municipality" shall mean the Greater Kokstad Municipality established in terms of the provisions of section 12 of the Local Government Municipal Structures Act No 117 of 1998.

1.28 "Municipal Manager" shall mean the Accounting Officer.

1.29 "municipal offices" shall mean municipal offices located within the area of jurisdiction of the Municipality.

1.30 "municipal services" means a municipal service as defined in section 1 of the Local Government Municipal Systems Act No. 32 of 2000.

1.31 "new service connection" means an installation of service connections to a property in respect of which municipal services have never been provided before.

1.32 "official", in relation to the Greater Kokstad Municipality, and for the purposes of these By-laws, means,

- a) an employee of the Greater Kokstad Municipality;
- b) a person seconded to the Greater Kokstad Municipality to work as a member of the staff of the Greater Kokstad Municipality; or
- c) a person contracted by the Greater Kokstad Municipality to work as a member of the staff of The Greater Kokstad Municipality otherwise than as an employee.

1.33 "occupier" in relation to a property, means a person in actual occupation of a property, whether or not that person has a right to occupy the property.

1.34 "owner" means;

- a) in relation to property referred to in paragraph (a) of the definition of "property", means a person in whose name ownership of the property is registered;
- b) in relation to a right referred to in paragraph (b) of the definition of "property", means a person in whose name the right is registered;
- c) in relation to a land tenure right referred to in paragraph (c) of the definition of "property", means a person in whose name the right is registered or to whom it was granted in terms of legislation or;
- d) in relation to public service infrastructure referred to in paragraph (d) of the definition of "property", means the organ of state which owns or controls that public service infrastructure as envisaged in the definition of "publicly controlled", provided that a person mentioned below may

for the purposes of this Act be regarded by a Municipality as the owner of a property in the following cases -

A trustee in the case of a property in a trust excluding state trust land;

(ii) a executor or administrator, in the case of a property in a deceased estate;

(iii) a trustee or liquidator, in the case of a property in an insolvent estate or in liquidation;

(iv) a judicial manager, in the case of a property in the estate of a person under judicial management;

(v) a curator, in the case of a property in the estate of a person under curatorship;

(vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;

(vii) a lessee, in the case of a property that is registered in the name of a Municipality and is leased by it; or

(viii) a buyer, in the case of a property that was sold by a Municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer;

(ix) legal occupiers of State Trust Land.

1.35 "property" means -

a) immovable property registered in the name of a person, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person;

b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against a property;

c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or

d) public service infrastructure.

1.36 "rate" means a municipal rate on property envisaged in section 229

(1)(a) of the Constitution.

1.37 "service agreement" refers to a written agreement for the consumption of electricity and/or water and other services.

1.38 "technical department" shall mean any department located within the Greater Kokstad Municipality which renders a municipal service.

1.39 "variable flow-restricting device" refers to a device that restricts or closes water supply to the account holder.

1.40 "visitation fee" refers to the fee charged for attendance and/or disconnection/reconnection of an electricity/water supply when the supply is been disconnected/reconnected due to non-payment and/or tampering, or where access to disconnect/restrict has not been gained, which fee shall be determined from time to time by the Council.

1.41 "garnishee order/emoluments order" refers to a Court order for the deduction of an amount of money from the salary or other income of an account holder.

1.42 "municipal pay-point" shall mean all Municipal Cash Offices and third party vendors who are authorized to collect monies on behalf of Municipality.

1.43 "Water Services By-laws" - means the Water Services By-laws published under notice no 58 of 24 June 2014.

2. Area of application

These By-laws shall apply to the entire area of jurisdiction of the Greater Kokstad Municipality and to account holders residing outside the jurisdiction of the Greater Kokstad Municipality.

3. Application for services and service agreements

- (1) Only the owner shall enter into a service agreement for the provision of services, provided that the Chief Financial Officer may accept the power of attorney where the owner is not resident within the jurisdictional area of the Greater Kokstad Municipality, provided further that the purchaser of an immovable property in whose name registration of ownership has not yet taken place and in respect of which the necessary documents for the transfer of the property in question to the purchaser have been lodged in the Deeds Office, shall for the purpose of this By-law be authorized to apply for services and be empowered to conclude such a service agreement.
- (2) Directors of companies, members of close corporations and trustees of trusts shall sign personal deeds of surety with the Municipality when opening services accounts.
- (3) A new service agreement shall only be entered into in respect of a property, once all outstanding amounts owed in respect of the property are settled in full.
- (4) The owner of the property shall be responsible for the payment of rates and all municipal service charges applicable to the property notwithstanding the owner not having concluded a service agreement with the Greater Kokstad Municipality.
- (5) The Municipality shall make application forms available for the rendering of services at its municipal offices and such completed application forms shall be submitted to the Municipality at least 10 days prior to the intended occupation of the property failing which the applicant for services shall not be entitled to supply and provided further that this By-law shall not be interpreted to apply for new service connections.
- (6) The Municipality shall render the first account after the first meter reading cycle following the date of signing the service agreement or as soon as is reasonably possible.

- (7) Any occupier who illegally consumes services without a valid service agreement shall be subject to disconnection and/or removal of the service and may be prosecuted in terms of these By-laws or any other relevant legislation.
- (8) The service agreement shall set out the conditions under which the services are provided and shall require the signatories thereto to agree to abide by the provisions of the Municipalities Credit Control Policy and these By-laws.
- (9) The owner of the property shall be jointly and severally liable with the consumer in respect of all amounts due for the municipal services provided to the property notwithstanding any other provisions of these By-laws

4. Deposits and guarantees

- (1) Deposits shall be payable on all new applications for municipal services at the time of application and prior to the rendering of any services.
- (2) No interest shall accrue to the benefit of the applicant on any deposit.
- (3) Council shall, subject to the provisions of the Promotion of Administrative Justice Act No 3 of 2000, have the power to increase the deposit payable by the account holder based on the consumption and payment patterns of the account holder and in the event of any contraventions of these By-laws, including but not limited to the theft, tampering or interference with any services.

5. Access to property to read meters

- (1) The Municipality shall estimate the consumption of the service and thereafter bill the account holder for the monetary value of such estimated consumption, where the meter is inaccessible or unreadable. Such estimation shall be in accordance with the provisions of the Water Services By-laws and the Electricity Supply By-laws of the Municipality.
- (2) Where the Council is unsuccessful in obtaining access to the property or meter for

a period of 3 months, the Chief Financial Officer may disconnect the supply of services.

- (3) The consumer may supply readings of consumption on the electricity and water meters to the Municipality, subject to the following conditions -
 - (a) The Municipality is timeously provided with a final reading should the consumer move to another supply address;
 - (b) Should the consumer not provide the Municipality with advance warning of their fee determined in terms of section 75 (A) of the Local Government: Municipal Systems Act 32 of 2000 to cover the costs of obtaining a reading;
 - (c) The Municipality shall undertake an audit of the readings supplied at least once every six months provided that where additional readings are required during the six month period, the costs thereof shall be borne by the consumer; and
 - (d) Where the consumer fails to render readings on two or more consecutive occasions, the Chief Financial Officer may terminate this arrangement to supply voluntary readings subject to compliance with this policy and By-laws.
- (4) The account holder shall notify the Municipality of a final reading prior to moving premises and should the account holder fail to do so, the account holder shall be liable for the extra costs accrued as determined by the Chief Financial Officer.
- (5) The Municipality shall audit all readings supplied by the account holder atleast once in six months.

6. Indigents

A debtor who can provide proof of indigence, will be dealt with as prescribed in the Municipality's Indigent Support Policy.

7. Accounts, billing and payment

- (1) The Council shall provide the account holder with a consolidated monthly bill for rates and service charges.

- (2) The Municipality shall furnish the consolidated account to the consumer address, in South Africa, as specified by each consumer in the services agreement. Non-receipt of an account shall not negate the responsibility of the customer to pay the amount owing by final date nor prevent interest charges and debt collection procedures. In the event of non-receipt of an account, the onus shall be on the account holder to obtain a free copy of the most recent account, before the final date.
- (3) The account holder shall notify the Municipality in writing of any change of address, including an e-mail address, and contact details.
- (4) Accounts must be paid in full on or the final date as indicated on the account, failure to comply with this section shall result in credit control measures being instituted against the account holder. Interest on capital arrears will accrue after the final date if the account remains unpaid.
- (5) The Chief Financial Officer shall determine the manner and place of payment of any accounts, provided that only bank guaranteed or attorneys' trust cheques shall be acceptable and be paid at the Greater Kokstad Municipality and provided further that where payment is made through or at third party agencies payment by cheque shall not be accepted.

8. Interest on arrears and other penalty charges

- (1) Interest shall be charged on all arrear capital amounts for full month irrespective of when payment is made.
- (2) The Municipality shall be entitled to raise the following charges in addition to the interest charge contemplated in By-law 8.1:
 - (a) a collection charge equal to 10% shall be raised sixty (60) days after the date of the final instalment on the capital rates amount in arrears;
 - (b) charges for disconnection or reconnection of electrical services;
 - (c) charges for restriction or removal of water services;
 - (d) charges for reconnection or reinstatement of water services;

- (e) charges for notices of default and other correspondence;
- (f) surcharges and charges for contraventions of these By-laws, the Water Services By-laws and Electricity By-laws including but not limited to illegal connections and tampering; and
- (g) penalty charges for dishonoured cheques.

9. Agreements and arrangements for payment of arrear accounts

- (1) The Municipality may enter into agreements with account holders in arrears and to grant account holders extensions of time for settlement of any amount due in accordance with its Credit Control and Debt Collection Policy. Any breach of the aforesaid agreement shall be dealt with in accordance with the aforesaid policy.
- (2) Any arrangement entered into between the account holder and Municipality as contemplated above shall have no force and effect unless the owner of the property consents to such arrangement in writing. In such instances, the owner shall acknowledge that the Municipality does not waive its rights as contemplated in section 118 (i) of the Local Government: Municipal Systems Act (Act 32 of 2000).
- (3) Where consumers using prepaid meters have arrear amounts in respect of other rates and/or services rendered by the Municipality the Council shall be entitled to allocate an amount up to a maximum of 40% of every purchase of prepaid electricity to arrear amounts until such time as the arrears have been brought up to date.

10. Allocation of payments and part-payments

Where an account holder pays only part of any amount due, the Municipality shall allocate such payment in the order as provided for in the Credit Control and Debt Collection Policy of the Greater Kokstad Municipality.

11. Queries in respect of accounts

An account holder who has lodged an enquiry on an account is not relieved of the responsibility to maintain regular payment on the account. Where an account

holder provides reasonable grounds as a basis for a query on any item or items on the monthly municipal account, no action shall be taken against the account holder provided the account holder has paid, by due date, an amount equal to the monthly average of the three most recent undisputed accounts in respect of the service in dispute, as well as all undisputed balances on such account. When an enquiry has been investigated and finalised, the amount due determined by the Chief Financial Officer shall immediately become payable in full.

12. Disconnections/reconnections of services

The Municipality shall disconnect and restrict the services of account holders who are in arrears in accordance with the provisions of the Promotion of Administrative Justice Act, 2000 (Act No.3 of 2000) and in terms of its Credit Control and Debt Collection Policy.

13. Reconnection/reinstatement of terminated/restricted services

Services which have been terminated or restricted shall only be reconnected or reinstated by the Municipality when all the conditions that are outlined in the Credit Control and Debt Collection Policy for such reconnection and reinstatement have been met.

14. Period for reconnection or reinstatement

Where it is practically and reasonably possible, the Municipality shall reconnect or reinstate terminated or restricted services within 3 (three) working days after the date on which the conditions set out in the Credit Control and Debt Collection Policy relating to reconnection have been complied with or met.

15. Procedures for debt collection

Where accounts are in arrears, the Municipality may institute any action available in law for the purposes of recovering such debt in accordance with the procedure outlined in the Credit Control and Debt Collection Policy.

16. Recovery of overdue rates

Where accounts are in arrears, the Municipality may institute any action available in law for the purposes of recovering such debt in accordance with the procedure outlined in the Credit Control and Debt Collection Policy.

17. Tampering with and/or theft of services

- (1) With regard to electricity and water services, if tampering of any nature or theft of such services is identified, the electricity supply to the property may be discontinued by the removal of the meter and the cable and the water supply may be restricted and/or discontinued subject to the provisions of the Promotion of Administrative Justice Act, 3 of 2000.
- (2) Water and electricity metering and connection equipment remain the property of the Municipality and anyone involved in instances of tampering, damaging or theft thereof will be liable for criminal prosecution shall be guilty of an offence and upon conviction be liable to a fine or imprisonment in accordance with the penalties as provided for in the Water Services and Electricity Supply By-laws.
- (3) No person shall connect to the Municipality's services without the consent of the Municipality, or in any way tamper or interfere with its services.
- (4) Where there is evidence of an illegal connection or services are found to have been tampered with, the owner or occupier of the property, on or in which such illegal connection or tampering has taken place, shall be presumed to have tampered with or illegally connected the services unless such owner or occupier proves otherwise.
- (5) Where the restricted water supply or any variable flow-restricting device is tampered with the water supply shall be discontinued and the meter shall be removed.

18. Audit of services on properties

The Municipality may audit all services on properties in accordance with the provisions of the Credit Control and Debt Collection Policy.

19. Water leaks

Any water leak will be dealt with in terms of the relevant Water Supply By-laws.

20. Enforcement of other legislation

- (1) These By-laws shall not detract from the provisions of any other relevant legislation.
- (2) The provisions of these By-laws shall prevail in the event of any conflict between these By-laws and other By-laws of the Municipality.

21. Repeal of By-law

Any By-laws promulgated by the Municipality pertaining to any matter regulated in this By-law, shall be repealed from the date of promulgation of this By-law.

22. Short title and commencement

This By-law is called the Credit Control and Debt Collection By-law, 2019, and takes effect on a date determined by the Municipality by proclamation in the Official Gazette.

MUNICIPAL NOTICE 121 OF 2019**GREATER KOKSTAD MUNICIPALITY****BY-LAW RELATING TO ELECTRICITY SUPPLY**

The Municipal Manager hereby publishes, in terms of section 162 of the Constitution of the Republic of South Africa Act [Act No. 108 of 1996], read with section 13 of the Local Government Municipal Systems Act [Act No. of 32 of 2000], the By-law Relating to Electricity Supply.

PURPOSE OF BY-LAW

The purpose of this By-law is to adopt a framework for the supply of electricity to consumers within the municipal area, either by the Municipality or in terms of service delivery agreements.

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CHAPTER 1 INTERPRETATION

1. Definitions

(1) In this By-law, unless inconsistent with the context -

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

1.2 "applicable standard specification" means the standard specifications generally accepted by electrical practitioners as standard in the electricity environment;

1.3 "certificate of compliance" means a certificate in the form prescribed in the Installation Regulations, issued by an accredited person in respect of an electrical installation or part of an electrical installation;

1.4 "consumer" in relation to premises means -

- (a) any occupier thereof or any other person with whom the Service Provider has contracted to supply or is actually supplying electricity;
- (b) if such premises are not occupied, any person who has a valid existing agreement with the Service Provider for the supply of electricity to such premises; or
- (c) if there is no such person or occupier, the owner of the premises;

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

1.6 "electrical contractor" means a person who undertakes to perform electrical installation work on behalf of any other person, but excludes an employee of such first-mentioned person;

1.7 "Electrical Engineer" means the person appointed as the Head of Electricity of the Service Provider, any other person lawfully acting in that capacity and any employee of the Service Provider duly authorised thereto by such Head or person so acting;

1.8 "electrical installation" means any machinery, in or on any premises, used for the transmission of electricity from a point of control to a point of consumption anywhere on the premises, including any article forming part of such an installation irrespective of whether or not it is part of the electrical circuit, but excluding -

- (a) any machinery of the Service Provider related to the supply of electricity on the premises;
- (b) any machinery used for the transmission of electricity of which the voltage shall not exceed 50 V where such electricity is not derived from the main supply of the Service Provider;
- (c) any machinery which transmits electrical energy in telecommunication, television or radio circuits; or
- (d) an electrical installation on a vehicle, vessel, train or aircraft.

1.9 "electricity supply" means the supply of electricity by the Service Provider to a consumer by connecting the electrical installation to the point of supply;

1.10 "high voltage" means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of 44kV Un = 220kV in accordance with SANS 1019;

1.11 "indigent consumer" means the head of an indigent household -

- (a) who has applied to the Service Provider for the provision of electricity;
- (b) who has made application for, and is accorded, indigent support in terms of the Municipality's indigent support policy; and
- (c) who shall be regarded as the representative of all members of his or her household, including all dependents;

1.12 "Indigent Support Policy" means the Indigent Support Policy approved and adopted by the municipal council of the Municipality;

1.13 "Installation Regulations" mean the Electrical Installation Regulations published in Government Gazette No R2920 of 23 October 1992;

1.14 "low voltage" means the set of nominal voltage levels that are used for the distribution of electricity and the upper limit is generally accepted to be an actual voltage of 1000 V (or a direct current voltage of 1500 V) in accordance with SANS 1019;

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

1.16 "medium voltage" means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of $1 \text{ kV} < U_n \leq 44 \text{ kV}$ in accordance with SANS 1019;

1.17 "meter" means a device, owned by the Service Provider, which records the demand and the electrical energy consumed and includes conventional and pre-payment meters;

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

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

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

1.21 "Municipality" means the Greater Kokstad Municipality, established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 [Act No. 117 of 1998], and includes any political structure, political office bearer, Councillor, duly authorised agent thereof or any employee thereof acting in connection with this By-law by virtue of a power vested in the Municipality;

1.22 "NER" means the National Energy Regulator established in terms of the National Energy Regulator Act, 2004 (Act No. 40 of 2004);

1.23 "NRS 047" means the National Rationalised Specification NRS 047-1:1999 - Electricity supply - Quality of service Part 1: Minimum standards, as amended from time to time;

1.24 "NRS 048" means the National Rationalised Specifications NRS 048-1:1996 - Electricity supply - Quality of supply Part 1, NRS 048-2:1996 - Electricity supply - Quality of supply Part 2, NRS 048-3:1998 - Electricity supply - Quality of supply Part 3, NRS 048-4:1999 - Electricity supply - Quality of supply Part 4, NRS 048-5:1998 - Electricity supply - Quality of supply Part 5, as amended from time to time;

1.25 "NRS 057" means the National Rationalised Specification NRS 057-2:2000 - Electricity metering Part 2: Minimum requirements, as amended from time to time;

1.26 "occupier" in relation to any premises means -

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

1.27 "owner" in relation to premises means the person in whom is vested the legal title thereto, provided that -

(a) in the case of immovable property -

- (i) leased for a period of not less than 30 years, whether the lease is registered or not, the lessee thereof, or
- (ii) beneficially occupied under a servitude or right analogous thereto, the occupier thereof;

(b) if the owner as herein before defined -

- (i) is deceased or insolvent, has assigned his or her estate for the benefit of his or her creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be, or
 - (ii) is absent from the Republic of South Africa, or if his or her address is unknown to the Service Provider, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property, and
- (b) if the Service Provider is unable to determine who such person is, the person who is entitled to the beneficial use of such property, shall be deemed to be the owner thereof to the exclusion of the person in whom is vested the legal title thereto;

1.28 "point of consumption" means any point of outlet or the supply terminals of machinery which is not connected to a point of outlet and which converts electrical energy to another form of energy, provided that in the case of machinery which has been installed for any specific purpose as a complete unit, the point of consumption shall be the supply terminals which have been provided on the unit of machinery for that purpose;

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

1.30 "point of supply" means the point determined by the Service Provider or any duly authorised official of the Service Provider at which electricity is supplied to any premises by the Service Provider;

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

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

1.33 "SANS 10142 -1" means the Code of Practice SANS 10142-1/SABS 0142-1:2003 - The wiring of premises Part 1: Low-voltage installations, as issued by Standards South Africa of the South African Bureau of Standards, and as incorporated in the regulations and amended from time to time;

1.34 "SANS 1019" means the Specification SANS 1019/SABS 1019:2001 – Standard Voltages, Currents and Insulation Levels for Electricity Supply, as issued by Standards South Africa of the South African Bureau of Standards and as amended from time to time;

1.35 "SANS 1507" means the Specification SANS 1507/SABS 1507:2002 – Electric cables with extruded solid dielectric insulation for fixed installations (300/500 V to 1900/3 300 V), as issued by Standards South Africa of the South African Bureau of Standards and as amended from time to time;

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

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

1.38 "Service Provider" means the Municipality, its legal successors in title and its delegates, or in the event that the Municipality has concluded a service delivery agreement with another person or institution which provides the right to such person or institution to supply electricity on behalf of the Municipality, then it means that person or institution;

1.39 "Service Authority" means the Greater Kokstad Municipality established in terms of the Local Government: Municipal Structures Act, Act 117 of 1998;

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

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

1.42 "tariff" means the Service Provider's tariff of charges for the supply of electricity as determined from time to time by means of resolution;

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

1.44 "voltage" means

- (1) the difference in electrical potential between any two conductors or between a conductor and the earth.
- (2) In this By-law, unless the context indicates otherwise, words and expressions denoting the singular shall include the plural and vice versa, words and expressions denoting the male sex shall include the female sex and vice versa and reference to a natural person shall include a legal person and vice versa.
- (3) The headings and titles in this By-law shall not affect the construction thereof.

CHAPTER 2

GENERAL CONDITIONS OF SUPPLY OF ELECTRICITY

2. Electricity supply

- (1) Only the Service Provider shall supply or contract for the supply of electricity within the jurisdiction of the Service Authority. A third party may supply or contract for the supply of electricity within the jurisdiction of the Service Authority, subject to the consent of the Service Authority and the requirements of the Electricity Regulation Act.
- (2) The Service Provider may permit the retail wheeling of electricity through its network by another electricity supplier that is licensed for the trading of electricity in terms of the Electricity Regulation Act to the customers of this electricity supplier.
- (3) The Electrical Engineer and the Chief Finance Officer shall have the power to stipulate written terms or conditions in relation to and in respect of the supply of electricity by the Service Provider to any person who has applied for an electricity supply, including but not limited to the service connection, the point of supply or the point of metering, any any such terms or condition shall be deemed to form part and be incorporated into the written supply agreement concluded with such person as contemplated in By-law 3 below.
- (4) The Service Provider shall not be obliged to provide any electricity to a person who has failed to comply with the terms or conditions in terms of this By-law.

3. Supply by agreement, excluding prepaid meters

- (1) No person shall use or be entitled to use electricity, unless or until such person has entered into an agreement in writing with the Service Provider for the supply of electricity, and such agreement together with the provisions of this By-law shall in all respects govern such supply, provided that persons using pre-payment electricity will not be required to complete the agreement stipulated in this section, but shall comply with the stipulations of section 23 of this By-law.
- (2) If electricity is consumed without the existence of a supply agreement, the owner of the premises on which the electricity is being used shall be liable for the cost of electricity used as stated in section 45 of this By-law, provided that this By-law shall not be interpreted to detract from the right of the Service Provider to disconnect the supply of electricity in terms of By-law 9.
- (3) If a consumer, including a consumer with a pre-payment meter, tampers or interferes with the devices stipulated in section 4, then the electricity supply may be disconnected without prior notice on the terms referred to in the supply agreement.
- (4) Should the Service Authority appoint a different Service Provider at any date in the future, supply agreements with consumers of the Service Provider shall be deemed to be agreements with this new Service Provider.

4. Application for supply

- (1) Application for the supply of electricity or for the increase in the capacity of an existing electrical supply, or for a prepayment arrangement shall be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Service Provider, and the notified maximum demand, in kVA, required for the installation, shall be stated therein. Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Service Provider.
- (2) Applicants for the supply of electricity or for the increase in the capacity of an existing electrical supply, or for a pre-payment arrangement shall submit the following documents with their application -
 - (a) an identity document or passport, and, in the case of a business, a letter of resolution delegating the authority to the applicant;
 - (b) the consumer shall provide a Deed of Sale or other proof of ownership of the premises for which a supply of electricity is required;
 - (c). other documents required by the Electrical Engineer or the Chief Finance Officer.
- (3) Applicants for a supply of electricity shall be subject to a credit clearance check as far as debt to the Service Authority is concerned.
- (4) An application for a new temporary supply of electricity shall be considered at the discretion of the Electrical Engineer, who may specify any special conditions to be satisfied in such case.

5. Processing of requests for supply

Applications for the supply of electricity will be processed and finalized as soon as possible and in any event within a reasonable time as stipulated in NRS 047.

6. Wayleaves

- (1) The Service Provider may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the Service Provider or on any private property, unless and until the prospective consumer has obtained and deposited, with the Service Provider, written permission granted by the owner of the said private property or by the person in whom is vested the legal title to the land or thoroughfare as aforesaid, authorising the laying or erection of a service connection thereon.
- (2) If the permission referred to in sub-section (1) is withdrawn at anytime or if the property or land changes ownership and the new owner refuses to grant or uphold the permission, then the consumer to whose premises the supply is required to be continued must bear the cost of -
 - (a) any alteration of the electricity service connection or supply mains that may become necessary in order that the supply may be continued; and
 - (b) any removal of an electricity service connection or supply mains that may become necessary in order that the supply may be continued.
- (3) The Municipality may remove any object or rectify any activity that may endanger the integrity of the distribution system of the Municipality.
- (4) The Service Provider may enforce the requirements for wayleaves and servitude as determined by the Electrical Engineer.

CHAPTER 3**RIGHTS AND OBLIGATIONS OF THE SERVICE PROVIDER****7. Statutory servitude**

- (1) Subject to the provisions of sub-section (3), the Service Provider may within the municipal area:
 - (a) provide, establish and maintain electricity services;
 - (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;
 - (c) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the Service Provider; and
 - (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).
- (2) If the Service Provider constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the Service Authority or under the control of or management of the Service Authority, the Service Provider shall determine the restrictions to be imposed on the use of the property under a servitude agreement.
- (3) The Service Authority and the owner of such street or property shall enter into a servitude agreement which may include an agreed amount for compensation, or, in the absence of agreement, as determined either by arbitration or a court of law.
- (4) The Service Provider shall, before commencing any work other than repairs or

maintenance on or in connection with any electricity supply main on immovable property not owned by the Service Authority or under the control or management of the Service Authority, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

8. Right of admittance to inspect, test and do maintenance work

- (1) The Service Provider shall, through its employees, contractors and their assistants and advisers, have access to or over any property for the purposes of -
 - (a) doing anything authorised or required to be done by the Service Provider under this By-law;
 - (b) inspecting and examining any service mains and anything connected therewith including but not limited to periodic installation audits which will include assessment of appliances used to confirm the usage of electricity as per meter readings;
 - (c) enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the Service Provider and making any necessary survey in connection therewith;
 - (d) ascertaining whether there is or has been a contravention of the provisions of this By-law; and
 - (e) enforcing compliance with the provisions of this By-law.
- (2) The Service Provider shall pay to any person suffering damage as a result of the exercise of the right of access contemplated by sub-section (1), except where the Service Provider is authorised to execute on the property concerned any work at the cost of such person or some other person or to execute on such property any

work and recover the cost thereof from such person or some other person, compensation in such amount as may be agreed upon by the Service Provider and such person or, in the absence of agreement, as may be determined by arbitration or court of law.

- (3) The Electrical Engineer may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to a person and for a purpose referred to in sub-section (1).

9. Right to disconnect supply

- (1) The Service Provider may, subject to sub-section (2), disconnect the supply of electricity to any premises, which could include the restricting and/or allocation of credit purchases for pre-payment meters as set out in the Service Authority's Credit Control and Debt Collection Policy -
- (a) where the person liable to pay for such supply fails to pay any charge due to the Service Provider in connection with any supply of electricity which he or she may at any time have received from the Service Provider in respect of such premises;
 - (b) where the Service Authority has requested the Service Provider to disconnect the supply of electricity where there are outstanding municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties;
 - (c) where tampering with the service connection or supply mains has occurred;
 - (d) where no supply agreement has been concluded;
 - (e) where the terms and conditions of the supply agreement have not been complied with; or
 - (f) where the applicant for supply of electricity intentionally or negligently misrepresented or otherwise incorrectly presented the facts or information in an application for supply;
 - (g) where the Service Provider has reasonable grounds for believing that the consumer has interfered in an improper or unsafe manner or was found to have interfered in an improper or unsafe manner with the efficient supply of electricity

- to any other consumer, in accordance with By-law 15; or
 - (h) where the provisions of these By-laws have otherwise not been complied with or been contravened.
- (2) The Service Provider must provide a consumer, in the circumstances described in sub-sections (1)(a) to (h) above, notice of -
- (a) the intention to disconnect electricity supply to the premises of such person;
 - (b) a reasonable opportunity for such person to make representations in respect of the intended disconnection; and
 - (c) all the relevant information including reasons for the intended disconnection and the notice period on or after which the disconnection will be effected.
- (3) The Service Provider may disconnect the supply of electricity to any premises without notice under the following circumstances -
- (a) where there is a case of grave risk to any person or property; or
 - (b) for reasons of community safety or the safety of emergency personnel or other employees of the Service Provider.
- (4) For circumstances other than those listed in sub-section (3) the Service Provider shall give the person concerned fourteen (14) days notice to remedy his or her default prior to disconnection.
- (5) After the disconnection contemplated in sub-section (1), the fees or surcharges as prescribed by the Service Provider for such disconnection or the reconnection of the service shall be paid by the person concerned.
- (6) In the case where an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the Service Provider, or in the case where the Service Provider's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from the premises.

10. Leakage of electricity

Under no circumstances shall any rebate be allowed on the account for electricity supplied and metered in respect of electricity wasted owing to leakage or any other fault in the electrical installation of the consumer.

11. Failure of supply

- (1) The Service Provider does not undertake to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the Service Provider.
- (2) When any failure of supply of electricity is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the Service Provider shall have the right to charge the consumer the fee as prescribed by the Service Provider, for each restoration of the supply of electricity, in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation.

12. Seals of the Service Provider

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

13. Tampering with service connection or supply mains.

- (1) No person shall in any manner or for any reason whatsoever tamper with, interfere with, vandalize, fix an advertising medium to, or deface any meter or metering

equipment, tariff mcb, protection device, seal or lock any other electrical equipment belonging to the Service Provider.

- (2) No person shall tap or attempt to tap or cause or permit to be tapped any supply other than or in excess of that contracted for, might be lawfully obtained, abstracted or diverted.
- (3) If the Electrical Engineer has reasonable grounds for believing that the Service Provider has sustained any loss due to tampering or interference with any supply mains, service connection, meter, tariff mcb, protective devices, seal, lock or other electrical equipment in contravention of sub By-law (1) hereof the Service Provider may estimate such loss and such loss will be payable by the consumer.
- (4) In addition, such consumer shall pay to the Service Provider any cost which it may incur in repairing or reinstating the equipment concerned, together with the prescribed fee or surcharges for resealing or relocking.
- (5) Where prima facie evidence exists of a consumer and /or any person having contravened sub-section (1), the Service Provider may disconnect the supply of electricity to the consumer, and that person shall be liable for all fees and charges levied by the Service Provider for such disconnection.
- (6) Where interference or damage is caused by any individual, having contravened sub-section (1), legal action may be instituted against such individual.
- (7) Where a consumer and /or any person has contravened sub-section (1) and such contravention has resulted in the meter recording less than the true consumption, the Service Provider shall have the right to recover from the consumer the full cost of his estimated consumption.
- (8) The determination by the Service Provider shall be prima facie evidence of such consumption.

14. Protection of service provider's supply mains

- (1) No person shall, without having in his possession on site a wayleave and a civil work permit issued by the Service Provider and subject to such conditions as may be imposed-
 - (a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the supply mains;
 - (b) excavate, open up, remove the ground or alter the ground level, above, next to, under or near any part of the supply mains, or in any area falling under the jurisdiction of the Supply Authority;
 - (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains;
 - (d) make any unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity therefrom.
- (2) The owner or occupier shall limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the Service Provider will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down.
- (3) Should the owner fail to observe this provision the Service Provider shall have the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose. The owner shall, in such event, be liable for all cost incurred by the Service Provider which costs may be recovered from the owner by adding same to the owner's rates account.
- (4) The Service Provider may subject to obtaining an order of court demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with this By-law.

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

15. Unauthorised connections

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

16. Unauthorised reconnections

- (1) No person other than a person specifically authorised thereto by the Electrical Engineer in writing shall reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service connection any electrical installation or installations which has or have been disconnected by the Service Provider.
- (2) Where the supply of electricity that has previously been disconnected is found to have been reconnected, the consumer using the supply of electricity shall be liable for all charges for electricity consumed between the date of disconnection and the date the electricity supply was found to be reconnected and any other charges raised in this regard.
- (3) Furthermore, the Service Provider reserves the right to remove part or all of the supply equipment until such time as payment has been received in full. In addition, the consumer will be responsible for all the costs associated with the reinstatement of such supply equipment.

17. Temporary disconnection and reconnection

- (1) The Service Provider shall, at the request of the consumer, temporarily disconnect and reconnect the supply of electricity to the consumer's electrical installation

upon payment of the fee as prescribed by the Service Provider for each such disconnection and subsequent reconnection.

- (2) The Service Provider may inspect the service connection and /or require a Certificate of Compliance to be submitted before reconnecting the supply.
- (3) In the event of the necessity arising for the Service Provider to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the Service Provider shall waive payment of the fee herein before referred to.
- (4) The Service Provider may temporarily disconnect any installation for the purpose of repairs, test or overhaul without notice at any time

18. Temporary supplies

It shall be a condition of the provision of any temporary supply of electricity that if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the Service Provider shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time, and the service provider shall not be liable for any loss or damage suffered by the consumer through such termination.

19. Temporary work

- (1) Electrical installations requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with the prior written approval of the Service Provider.
- (2) Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid permission, and the Electrical Engineer may refuse such permission or may grant the same upon such terms and conditions as it may appear desirable and necessary.

20. Load reduction

- (1) At times of peak load, or an emergency, or when, in the reasonable opinion of the Service Provider, it is necessary for any reason to reduce the load on the electricity supply system of the Service Provider, it may without notice interrupt and, for such period as the Service Provider may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation.
- (2) The Service Authority or Service Provider shall not be liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity supply.
- (3) The Service Provider may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of sub-section (1), and any duly authorised official of the Service Provider may at any reasonable time enter any premises for the purpose of installing, inspecting, testing, adjusting or changing such apparatus and equipment.
- (4) Notwithstanding the provisions of sub-section (3), the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the Service Provider may decide so as to permit the effective installation of the apparatus and equipment referred to in sub-section (3).

21. Medium and low voltage switchgear and equipment

- (1) In cases where a supply of electricity is given at either high, medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved by the Service Provider or any duly authorised official of the Service Provider, be paid for by the consumer.

- (2) All such equipment installed on the consumer's premises shall be compatible with the Service Provider's electrical performance standards.
- (3) No person shall open, close, isolate, link or earth high or medium voltage switchgear or equipment without giving reasonable prior notice to the Service Provider's System Control Centre.
- (4) In the case of a high or medium voltage supply of electricity, where the consumer has high or medium voltage switchgear installed, the Service Provider shall be advised of the competent person appointed by the consumer in terms of the Regulations, and of any changes made to such appointments.
- (5) In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch and /or any other equipment required by the Service Provider or any duly authorised official of the Service Provider.

22. Substation accommodation

- (1) The Service Provider may, on such conditions as may be deemed fit by the Electrical Engineer, require the owner to provide and maintain accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing high voltage cables and switchgear, medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant.
- (2) The Service Provider shall have the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the Service Provider, such additional accommodation shall be provided by the applicant at the cost of the Service Provider.

- (3) The substation accommodation shall comply with specified requirements and dimensions determined by the Service Provider and shall incorporate adequate lighting, ventilation, fire prevention and fire extinguishing measures.
- (4) The substation accommodation shall be situated on ground floor level at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.
- (5) Vehicular access to the substation entrance door shall be provided from the adjacent road or driveway.
- (6) Where in the opinion of the Electrical Engineer the position of the substation accommodation is no longer readily accessible or has become a danger to life or property or has for justifiable reasons become unsuitable, the consumer shall remove it to a new position to the satisfaction of the Electrical Engineer, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.

23. Circular letters

The Service Provider may, from time to time, issue circulars detailing the requirements of the Service Provider regarding matters not specifically covered in this By-law, but which are necessary for the safe and efficient operation and management of the supply of electricity.

24. Metering

- (1) The Service Provider shall, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.
- (2) Except in the case of pre-payment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the Service Provider and read at the

end of such period, except where the metering equipment is found to be defective, or the Service Provider invokes the provisions of section 22(2) of this By-law, in which case the consumption for the period shall be estimated.

- (3) Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.
- (4) The Service Provider reserves the right to meter the supply to any premises, blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.
- (5) No alterations, repairs or additions of electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the Service Provider or any duly authorised official of the Service Provider.

25. Accuracy of metering

- (1) A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in sub-section (5) hereof, is found to be within the limits of error as provided for in the applicable standard specifications.
- (2) The Service Provider shall have the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, then the Service Provider shall –
 - (a) in the case of a credit meter, adjust the account rendered; and
 - (b) in the case of pre-payment meters, render an account where the meter has been under-registering, or issue a free token where the meter has been over-registering, in accordance with the provisions of sub-section (6).
- (3) The consumer shall be entitled to have the metering equipment tested by the Service Provider on payment of the prescribed fee. If the metering equipment is

found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, then an adjustment in accordance with the provisions of sub-sections (2) and (6) shall be made and the aforesaid fee shall be refunded.

- (4)(a) In case of a dispute the Service Provider shall have the right, at the consumer's cost to have the metering equipment under dispute tested by an approved independent testing authority, and the result of such test shall be final and binding on both parties.
- (b) If the metering equipment is found not to comply with the system accuracy requirements, then the aforesaid fee shall be refunded.
- (5) Meters shall be tested in the manner as provided for in the applicable standard specifications.
- (6)(a) When an adjustment is made to the electricity consumption registered on a meter in terms of sub-section (2) or (3), such adjustment shall either be based on the percentage error of the meter, as determined by the test referred to in sub-section (5), or upon a calculation by the Service Provider from consumption data in its possession.
- (b) Where applicable, due allowance shall be made for seasonal or other variations which may affect the consumption of electricity.
- (7) When an adjustment is made as contemplated in sub-section (6), the adjustment may not exceed a period of three (3) years preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.
- (8) Where the actual load of a consumer differs from the initial estimated load, provided for under section 4(1), to the extent that the service provider deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.

- (9)(a) Prior to the Service Provider making any upward adjustment to an account in terms of sub-section (6), the Service Provider shall –
- (i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefor;
 - (ii) in such notification provide sufficient particulars to enable the consumer to submit representations thereon, and
 - (iii) call upon the consumer, in such notice, to provide it with reasons in writing, if any, within 21 (twenty one) days or such longer period as the Service Provider may permit why the account should not be adjusted as notified.
- (b) Should the consumer fail to make any representations during the period referred to in sub-section 9(a)(iii), the Service Provider shall be entitled to adjust the account as notified in sub-section 9(a)(i).
- (c) The Service Provider shall consider any reasons provided by the consumer in terms of sub-section (9)(a) and shall, if satisfied that a case has been made out therefor, adjust the account appropriately.
- (d) If a duly authorized official of the Service Provider decides, after having considered the representations made by the consumer, that such representations do not establish a case warranting an amendment to the monetary value established in terms of sub-section (6), then the Service Provider shall be entitled to adjust the account as notified in terms of sub-section 9(a)(i), subject to the consumer's right to appeal the decision of the official in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000).

26. Reading of credit meters

- (1) Unless otherwise prescribed, credit meters shall normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly. The Service Provider shall not be obliged to effect any adjustments to such charges.
- (2) If for any reason the credit meter cannot be read, then the Service Provider may render an estimated account. The electrical energy consumed shall be adjusted in a subsequent account in accordance with the electrical energy actually consumed.
- (3) When a consumer vacates a property and a final reading of the meter is not possible, an estimate of the consumption may be made and the final account rendered accordingly.
- (4) If a special reading of the meter is desired by a consumer, then this may be obtained upon payment of the prescribed fee.
- (5)(a) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, then the error shall be corrected in subsequent accounts.
- (b) Any such correction shall only apply in respect of accounts for a period of three years, preceding the date on which the error in the accounts was discovered, and shall be based on the actual tariffs applicable during the period.
- (c) The application of this section does not prevent a consumer from claiming back overpayment for a period of up to three years where the consumer is able to prove the claim in the normal legal manner.

27. Prepayment metering

- (1) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.
- (2) Persons wishing to have a pre-payment meter installed on their property shall apply for such an installation, in writing, on the prescribed form obtainable at the office of the Service Provider.
- (3) Copies of previously issued tokens for the transfer of credit to the pre-payment meter may be issued at the request of the consumer.
- (4) When a consumer vacates any premises where a pre-payment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer by the Service Provider.
- (5) The Service Provider shall not be liable for the reinstatement of credit that has been lost due to tampering with, the incorrect use of, or the abuse of a pre-payment meter. Where a consumer is indebted to the Service Provider for electricity consumed or to the Service Authority for any other service supplied by the Service Authority (including rates) or for any charges previously raised against him or her in connection with any service rendered, the Service Provider may deduct a percentage from the amount tendered to offset the amount owing to the Service Authority and /or the Service Provider, as set out in the section 5 agreement for the supply of electricity.
- (6) The Service Provider may, at its discretion, appoint vendors for the sale of credit for pre-payment meters and shall not guarantee the continued operation of any vendor.
- (7) If a person uses pre-payment electricity supply without completing the prescribed forms, then he or she shall still be liable for the cost of electricity used.

- (8) The Service Provider shall be competent to require that any or all of its existing consumers whose consumption is measured by credit meters be replaced with a system of pre-payment metering or other method of measuring consumption or that any or all of its new consumers utilise a pre-payment or other method of measuring consumption. The Service Provider shall be entitled to consider its operational requirements when acting in terms of this By-law and shall, inter alia, be entitled to phase such replacement in over any period it deems fit. It shall also be permissible for the Service Provider to differentiate between consumers based on the use of their properties, the geographic allocation of consumers or any other basis provided that such differentiation does not amount to unfair discrimination. The Service Provider shall be entitled to levy the necessary fees and tariffs to give effect to the replacement of the credit metering system and consumers shall be obliged to pay such fees and tariffs.

28. Electrical contractors

- (1) Where an application for a new or increased supply of electricity has been made to the Service Provider, any duly authorised official of the Service Provider may at his or her discretion accept notification of the completion of any part of an electrical installation.
- (2) The circuit arrangements must permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of any duly authorised official of the Service Provider, be inspected, tested and connected to the supply mains as though it were a complete installation.
- (3) The examination, test and inspection carried out at the discretion of the Service Provider, or any duly authorised official of the Service Provider, in no way relieves the electrical contractor or accredited person or the user or lessor, as the case may be, from responsibility for any defect in the installation.
- (4) Such examination, test and inspection shall not be taken under any circumstances

(even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently, with the most suitable materials for the purpose, or that it is in accordance with this By-law or the safety standard, and the Service Provider shall not be held responsible for any defect or fault in such electrical installation.

- (5)(a) The Service Provider shall not be held responsible for any work done by an electrical contractor or a credited person on the consumer's premises.
- (b) The Service Provider shall further not be in any way responsible for any loss or damage which may arise from an act or omission in respect of the work done on a consumer's premises by an electrical contractor or a credited person.

29. Cost of repair of damages

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

30. Non-liability of the Service Provider

- (1) The Service Provider shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or any other abnormality of the supply of electricity, unless caused by negligence on the part of the Service Provider.
- (2) The Service Provider accepts no responsibility for any damages or loss originating from or in connection with the installation of an electrical installation or any alteration or addition thereto, or which originates from the condition of the electrical installation.

CHAPTER 4**RIGHTS AND OBLIGATIONS OF THE CONSUMER****31. Improper use of electricity**

- (1) If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the Service Provider, on reasonable grounds, believes interferes in an improper or unsafe manner, or is calculated to interfere in an improper or unsafe manner, with the efficient supply of electricity to any other consumer, then the Service Provider may, with or without notice, disconnect the electricity supply, but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed.
- (2) The fee as prescribed by the Service Provider for the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored, unless it can be shown that the consumer did not use or deal with the electricity in an improper or unsafe manner.

32. Wiring diagrams and specifications

- (1) When more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification shall be supplied to the Service Provider, in duplicate, for approval before the work commences.
- (2) Where an electrical installation is to be supplied from a substation on the same premises from which the current is transformed from high voltage, or from one of the substations of the Service Provider through mains separate from the general distribution system, a complete specification and drawings for the plant to be installed by the consumer shall, be forwarded to the Service Provider for approval before any material in connection therewith is ordered.

33. Standby supply

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

34. Consumer's emergency standby supply equipment

- (1)(a) no emergency standby equipment provided by a consumer for his/her own operational requirements, shall be connected to any electrical installation without the prior written approval of the Service Provider.
 - (b) application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram.
 - (c) the standby equipment shall be so designed and installed that it is impossible for the Service Provider's supply mains to be energized by means of a back-feed from such equipment.
 - (d) the consumer shall be responsible for providing and installing all such protective equipment and for obtaining a Certificate of Compliance issued in terms of the Regulations for the work carried out.
- (2) Under normal operating conditions, any export of surplus energy from the consumer to the Service Provider's network shall be subject to special agreement with the Service Provider.
 - (3) In the event of a general power failure on the Service Provider's network protection equipment shall be installed by the consumer, subject to the Electrical Engineer's approval, so as to ensure that the consumer's installation is isolated from the Service Providers network until normal operating conditions are restored.

The cost of any specialized metering equipment will be for the consumer's account.

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

35. Consumer to erect and maintain electrical installation

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

36. Fault in electrical installation

- (1) If any fault develops in the electrical installation, which constitutes a hazard or danger to persons, livestock or property, then the consumer shall immediately disconnect the electricity supply.
- (2) The consumer shall, without delay, give notice thereof to the Service Provider and shall immediately take steps to remedy the fault.
- (3) The Service Provider may require the consumer to reimburse it for any expense to which it may be put in connection with a fault in the electrical installation.

37. Discontinuance of the use of electricity supply

In the event of a consumer desiring to discontinue using the electricity supply, he or she shall give at least three full working days' notice in writing of such intended discontinuance to the Service Provider, failing which he or she shall remain liable for all

payments due in terms of the tariff for the supply of electricity until the expiration of three full working days after such notice has been given.

38. Change of occupier

- (1) Three full working days' notice in writing shall be given to the Service Provider of the intention to discontinue using the electricity supply, failing which the owner shall remain liable for such supply.
- (2) If the person taking over occupation of the premises desires to continue using the electricity supply, the owner of such premises shall make application in accordance with the provisions of section 5 of this By-law, and if the owner fails to make application for an electricity supply within ten working days of the person taking occupation of the premises, the supply of electricity shall be disconnected, and the owner shall be liable to the Service Provider for the electricity supply from the date of occupation until such time as the supply is so disconnected.
- (3) Where premises are fitted with pre-payment meters and there is no existing electricity supply agreement, until such time as an application is made by the owner for a supply of electricity, in terms of section 5 of this By-law, the owner shall be liable for all charges and fees owed to the Service Provider for that metering point as well as any outstanding charges and fees which have accrued to that metering point.
- (4) The Electrical Engineer may impose conditions, which may include the withholding of the electricity supply to premises, in cases where the previous consumer's electricity account at that premises is in arrears.

39. Service apparatus

- (1) The consumer shall be liable for all costs to the service provider arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is

shown to have been occasioned by an Act of God, or an act or omission of an employee of the service provider, or caused by an abnormality in the supply of electricity to the premises.

- (2) If, during a period of disconnection of an electrical installation from the supply mains, property of the Service Provider, such as the service main, metering equipment or any other service apparatus, that had been removed without permission or that was damaged so as to render reconnection dangerous, then the owner or occupier of the premises, during the specified period, shall bear the cost of overhauling or replacing such equipment.
- (3) Where there is a common metering position, the liability detailed in sub-section (1) shall devolve on the owner of the premises.
- (4) The amount due in terms of sub-section (1) shall be proved by a certificate from the Service Provider, which shall be final and binding.

40. Service connection

- (1) The consumer shall bear the cost of the service connection, as approved by the Service Provider.
- (2) (a) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection, laid or erected by the Service Provider, shall vest in it and the Service Provider shall be responsible for the maintenance of such service connection up to the point of supply.

(b) The consumer shall not be entitled to any compensation from the service provider in respect of such service connection.
- (3) The work to be carried out by the Service Provider, at the cost of the consumer, for a service connection to the consumer's premises shall be determined by the Service Provider or any duly authorised official of the Service Provider.

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- (4) A service connection shall be laid underground, irrespective of whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the Service Provider.
 - (5) The consumer shall provide, fix and maintain on his or premises such ducts, wire ways, trenches, fastenings and clearances to overhead supply mains as may be required by the Service Provider for the installation of the service connection.
 - (6) Unless otherwise approved by the Electrical Engineer each registered erf shall only be provided with one service connection.
 - (7) Any covers of a wireway carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the Service Provider.
 - (8) Within the meterbox, the service conductor or cable, as the case may be, shall terminate in an unobscured position and the conductors shall be visible throughout their length when cover plates, if present, are removed.
 - (9) In the case of blocks of buildings occupied by a number of individual consumers, separate wireways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks of buildings. Alternatively, if trunking is used, the conductors of the individual circuits shall be clearly identified and tied together every 1,5 m throughout their length.
 - (10) In the case of normal domestic and business premises a single phase service connection with a maximum capacity of 80A will be provided upon pre-payment of the sum prescribed in the Service Provider 's tariff charges.
 - (11) In all other cases the connection fees are as prescribed in the Service Provider 's tariff of charges.
 - (12) Whether a service is erected in, on or over public or private property, and notwithstanding any payments which have been made by a consumer by way

of fees therefore, ownership of any service line, pole, cable or other apparatus installed by the Service Provider shall remain vested in the Service Provider, and the Service Provider and its servants shall have rights of access at all times to the service for its proper maintenance, replacement or alteration, and the Service Provider shall retain the right to use the whole or any portion of such service for the purpose of supplying any other consumer.

- (13) Where a supply is given to a property situated outside the area of jurisdiction of the Service Provider or to any property in a remote or sparsely developed area within its area of jurisdiction, and where the City Electrical Engineer may consider such a display necessary, the consumer shall display his name and the street number of his property clearly and legibly in a conspicuous position at the entrance to his property.

41. Metering accommodation

- (1) The consumer shall, if required by the Service Provider or any duly authorised official of the Service Provider, provide accommodation in an approved position for the meter board and adequate conductors for the Service Provider's metering equipment, service apparatus and protective devices.
- (2) (a) such accommodation and protection shall be provided and maintained, to the satisfaction of the Service Provider, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of credit meters, at a point to which free and unrestricted access shall be had at all reasonable hours for the reading of meters and for purposes connected with the operation and maintenance of the service equipment.
- (b) access at all reasonable hours shall be afforded for the inspection of prepayment meters.
- (3) Where sub-metering equipment is installed, accommodation separate from the service provider's metering equipment shall be provided.

- (4) The consumer or, in the case of a common meter position, the owner of the premises shall provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.
- (5) Where, in the reasonable opinion of the Service Provider, the position of the meter, service connection or protective devices is no longer readily accessible or becomes a danger to person or property or in any way becomes unsuitable, the Service Provider shall remove it to a new position, and the cost of such removal shall be borne by the consumer.
- (6)(a) the accommodation for the Service Provider's metering equipment shall only include its own equipment.
- (b) no apparatus other than that used in connection with the supply of electricity and use of electricity shall be installed or stored in such accommodation.

42. Load requirements

Alternating current supplies shall be given as prescribed by the Electricity Regulation Act, 2006 (Act No. 4 of 2006), and in the absence of a quality of supply agreement, as set out in the applicable standard specification.

43. Load limitations

- (1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15 KVA, the electrical installation shall be arranged for a two-wire single-phase supply of electricity, unless otherwise approved by the Service Provider or any duly authorised official of the Service Provider.
- (2) Where a three-phase four-wire supply of electricity is provided, the load shall be approximately balanced over the three phases but the maximum out-of-balance load shall not exceed 15kVA, unless otherwise approved by the Service Provider or any duly authorised official of the Service Provider.

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

44. Interference with other persons' electrical equipment

- (1) No person shall operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the applicable standard specification.
- (2) The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling.
- (3) Should it be established that undue interference is in fact occurring, the consumer shall, at his or her own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

45. Supplies to motors

Unless otherwise approved by the Service Provider or any duly authorised official of the Service Provider, the rating of motors shall be limited as follows -

- (a) in respect of limited size for low voltage motors -
 - (i) the rating of a low voltage single-phase motor shall be limited to 2kW, alternatively the starting current shall not exceed 70A and all motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required; and
- (b) in respect of maximum starting and accelerating currents of three-phase alternating current motors -
 - (i) the starting current of three-phase low voltage motors permitted shall be related to the capacity of the consumer's

service connection as follows:

Insulated service cable, size in mm ² , copper equivalent mm ²	Maximum permissible starting current A	Maximum motor rating in kW		
		Direct on line (6x full-load current)	Star/Delta (2,5 x full-load current)	Other means (1,5 x full-load current)
		kW	kW	kW
16	72	6	13,5	23
25	95	7,5	18	30
35	115	9	22	36,5
50	135	10	25	45
70	165	13	31	55
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

(c) Consumers supplied at medium voltage-

In an installation supplied at medium voltage the starting current of a low voltage motor shall be limited to 1,5 times the rated full-load current of the transformer supplying such a motor. The starting arrangement for medium voltage motors shall be subject to the approval of the Electrical Engineer.

46. Power factor

- (1) If required by the Electrical Engineer, the power factor of any load shall be maintained within the limits 0,85 lagging and 0,9 leading.
- (2) Where, for the purpose of complying with sub-section (1), it is necessary to install power factor corrective devices, such corrective devices shall be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.
- (3) The consumer shall, at his or her own cost, install such corrective devices.

47. Protection

Electrical protective devices for motors shall be of such a design as effectively to prevent sustained over current and single phasing, where applicable, in accordance with SANS 10142-1/.

CHAPTER 5: MISCELLANEOUS**48. Penalties**

- (1) Any person who contravenes any of the provisions of these Bylaws shall be guilty of an offence.
- (2) Any person who continues to commit an offence after notice has been served on him or her to cease committing such offence or after he or she has been convicted of such offence shall be guilty of a continuing offence.
- (3) Any person who knows or has reason to suspect or should reasonably have known or suspected that any electrical installation or apparatus or any radio aerial or support thereof on or over any premises owned or occupied by him is in a condition likely to be dangerous to himself or to any other person, or to cause

damage to the service connection or supply mains shall be guilty of an offence unless he shall immediately either report the same to the Service Provider.

- (4) Any person convicted of an offence under this By-law shall be liable to a fine or to imprisonment imposed by a competent court, or in the case of a continuing offence, to an additional fine or additional imprisonment determined by such a court or to both such additional fine and imprisonment for each day on which such offence is continued.
- (5) Every person committing a breach of the provisions of this By-law shall be liable to recompense the Service Authority and /or the Service Provider for any loss or damage suffered or sustained by it in consequence of such breach.

49. Estimation of consumption

- (1) The Service Provider may estimate the quantity of electricity provided in respect of a period or periods within the interval between successive measurements which may not be more than 90 days apart, and may render an account to a consumer for the services so estimated, which estimate shall, for the purposes of these By - laws, be regarded as an accurate measurement until the contrary is proved.
- (2) For purposes of assessing the quantity of electricity supplied to a consumer during any period and measured by a measuring device installed by the Service Provider over a specific period, for the purposes of these By -laws it will be deemed that-
 - (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
 - (b) the measuring device was accurate during such period; and
 - (c) the entries in the records of the Service Provider were correctly made.
- (3) If electricity is supplied to, or taken by, a consumer without its passing through a measuring device, or where tampering or interference with such measuring device has taken place, the estimate by the Service Provider of the quantity of such electricity shall be deemed to be correct.

- (4) Where electricity supplied by the Service Provider to any premises is in any way taken by the consumer without such electricity passing through any measuring device provided by the Service Provider, the Service Provider may for the purpose of rendering an account, make an estimate, in accordance with sub-section (5), of the quantity of electricity supplied to the consumer during the period that electricity is so taken by the consumer.
- (5) For the purposes of sub-section (4), an estimate of the quantity of electricity supplied to a consumer shall be based on -
 - (a) the average monthly consumption of electricity on the premises registered over three succeeding measuring periods taken over not more than 180 days in total, after the date on which the irregularity referred to in sub-section (2) was discovered and rectified; and /or
 - (b) the period preceding the date referred to in subsection (2) but not exceeding 36 months.
- (6) Nothing in these By-laws may be construed as imposing on the Service Provider an obligation to cause any measuring device installed on any premises to be measured at the end of any fixed period, and the Service Provider may estimate the quantity of electricity supplied over any period during the interval between successive measurements of the measuring device, which may not be more than 90 days apart, and render an account to a consumer for the quantity of electricity so estimated.
- (7) The Service Provider shall, on receipt from the consumer of written notice of not less than seven days and subject to payment of the prescribed fees, measure the quantity of electricity supplied to such consumer at a time or on a day other than that upon which it would normally be measured..
- (8) If a contravention of section 26 occurs, the consumer shall pay to the Service Provider the cost of such quantity of electricity estimated by the Service Provider to have been supplied to the consumer.

- (9) Where electricity supply services are provided through a communal electricity services work, the amount due and payable by consumers gaining access to electricity supply services through that communal electricity services work, will be based on the estimated average consumption of electricity supplied to that electricity services work, and the decision of the Service Provider in arriving at that amount is final and binding on each consumer affected thereby, unless legally set aside.
- (10) Failure by the Service Provider to comply with the periods of 90 and 180 days referred to above will not disentitle the Service Provider from recovering any monies due to it by a consumer.

50. Miscellaneous

- (1) All electrical installations shall be maintained and kept in good order by the Consumer, and the Service Provider will not be responsible for the efficient and proper execution of any work on the consumer's premises other than that done by the Service Provider's own workmen, the inspection, insulation, test and service fuses being for the requirements of the Service Provider only.
- (2) Every facility must be given to authorised officials of the Service Provider to inspect any part or parts of any installation connected to or intended to be connected to the Service Provider's mains, and suitable trap doors in floors and ceilings must be provided for this purpose where necessary.
- (3) Only one service connection to any one premise will be made or permitted to be retained except with the consent, in writing, of the Electrical Engineer, which consent will only be granted when, in his opinion, special technical considerations render such additional connection necessary or desirable. The consumer shall pay the entire cost of any service connection made, in addition to the first connection, and shall be liable for payments under the tariff of charges for electricity as if each such connection were made to separate premises.

- (4) The Service Provider will supply any number of consumers in one building and may lay services direct to each consumer, but the Service Provider reserves the right to supply the building at a central point. Each separate consumer's installation must be wired at his own expense. Owners of buildings may fix meters and measure current consumed by tenants in their buildings, but the Service Provider will accept no responsibility for any meters other than those supplied and fixed by the Department.
- (5) These By-laws apply to the supply of electricity by the Service Provider within its licensed supply area irrespective of whether or not the place of consumption falls within the boundaries of the Municipality.

51. Repeal of By-laws

Any By-laws promulgated by the Municipality pertaining to any matter regulated in this By-law, shall be repealed from the date of promulgation of this By-law.

52. Short Title and Commencement

This By-law is called the Electricity Supply By-law, 2019, and takes effect on a date determined by the Municipality by proclamation in the Official Gazette.

MUNICIPAL NOTICE 122 OF 2019**GREATER KOKSTAD MUNICIPALITY****CEMETERY & CREMATORIA BY-LAW**

The Municipal Manager hereby publishes, in terms of section 162 of the Constitution of the Republic of South Africa Act [Act No. 108 of 1996], read with section 13 of the Local Government Municipal Systems Act [Act No. of 32 of 2000], The Cemetery and Crematoria By-law:

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CHAPTER 1: GENERAL

1. Definitions

In these By-laws, unless the context otherwise indicates:-

- 1.1 “**adult**” means a deceased person over the age of 12 years and any deceased person the dimensions of whose coffin cannot be accommodated in an excavation of 1,40meters in length and 400mm in width;
- 1.2 “**ashes**” means the cremated remains of a body;
- 1.3 “**Births and Deaths Registration Act**” means the Births and Deaths Registration Act, 1992 (Act No.51 of 1992);
- 1.4 “**body**” means any dead human body, including the body of a stillborn child;
- 1.5 “**burial order**” means an order issued in terms of the Births and Deaths Registration Act;
- 1.6 “**burial**” means burial or inhumation into earth or any other form of burial and includes a tomb and any other mode of disposal of a body;
- 1.7 “**cemetery**” means any land or part thereof within the municipal area set aside by the Council or approved by the Council as a cemetery;
- 1.8 “**child**” means a deceased person who is not an adult;
- 1.9 “**Commonwealth war grave**” means any grave, tombstone, monument or memorial connected with a Commonwealth war burial in terms of the Commonwealth War Graves Act, 1992 (Act No. 8 of 1992);
- 1.10 “**Council**” means the Greater Kokstad Municipal Council;
- 1.11 “**cremation**” means the process of disposing of a human body by fire;

- 1.12 “**cremated remains**” means all recoverable ashes after the cremation process;
- 1.13 “**exhumation**” means the removal of a body from its grave;
- 1.14 “**garden of remembrance**” means a section of a cemetery or crematorium set aside for the erection of memorial work , placing or scattering of ashes, but does not include a columbarium;
- 1.15 “**grave**” means any piece of land excavated for the burial of a body within a cemetery and includes the contents, headstone or other marker of such place and any other structure on or associated with such place
- 1.16 “**hero**” means a person who performed a heroic act for the country and is given the status of a, hero by the Council;
- 1.17 “**memorial wall**” means a wall in a cemetery or crematorium section provided for the placement of inscribed tablets commemorating deceased persons;
- 1.18 “**memorial work**” means any headstone, monument, plaque, or other work, or object, erected or intended to be erected in any cemetery or crematorium to commemorate a deceased person, and includes a kerb demarcating a grave, and a slab covering a grave;
- 1.19 “**municipal area**” means the area under the control and jurisdiction of the Council;
- 1.20 “**niche**” means a compartment in a columbarium or garden of remembrance for the placing of ashes;
- 1.21 “**officer-in-charge**” means the person in the employ of the Council who, from time to time, is in control of any cemetery.
- 1.22 “**prescribed**” means prescribed by the Council;

- 1.23 “prescribed fee”** means a fee determined by the Council by resolution of that Council or its successor.

CHAPTER 2: ESTABLISHMENT AND MANAGEMENT OF CEMETERIES

2. Establishment of cemeteries

- (1) The Council may from time to time set aside and reserve suitable municipal land within the municipality for the establishment and management of a public cemetery. The Council may consider and approve an application for the establishment and maintaining of a private cemetery or a private columbarium on private land on the conditions that the Council may deem necessary.
- (2) The Council may set aside, reserve and demarcate within a cemetery, in accordance with an approved layout plan, such areas as the Council may deem necessary for exclusive use by the members of a particular religion or denomination, or for the burial of adults, children, security forces or war heroes, or any other relevant category (excluding racial groupings).
- (3) No human remains shall be:-
 - (a) buried except in a cemetery; or
 - (b) cremated except at a crematorium subject to legislation.
- (4) No cemetery or crematorium shall be operated in the absence of the council's permission and a valid certificate of registration.
- (5) No body may be interred without the permission of the officer -in- charge. Such permission shall not be given unless a written order signed by the Registrar of Deaths has been produced along with notice of interment. In cases where a post-mortem or inquest into the cause of death has been held a Magistrate's warrant shall be given to the officer -in- charge together with such order.

3. Official hours and prohibitions

- (1) Every cemetery shall be open every day of the week. The official opening and closing hours of the cemetery shall be determined by the Council.
- (2) Burials shall take place on the days and during the hours as determined by the Council.
- (3) The Council has the right to close a cemetery or any portion thereof to the public for such periods and for such reasons as the Council may deem fit and no burial or cremation of human remains shall take place thereafter.
- (4) No person shall be or remain in a cemetery or part thereof before or after the official hours as determined by the Council or during any period when it is closed for the public, without the permission of the caretaker.
- (5) No person under 12 years of age may enter a cemetery unless such person is under care of a responsible person.
- (6) No person shall solicit any business or exhibit, distribute or leave any tract, business card or advertisement within any cemetery or use same for conveyance of goods, parcels or other material, except such as are intended for use in such cemetery.
- (7) No person shall sit, stand or climb upon or over any memorial work, gate, wall, fence or building in any cemetery.
- (8) No person shall commit any nuisance or breach of the peace, nor use threatening, abusive or insulting language in any cemetery.
- (9) No person shall bring or allow any dog, cat, fowl or other animal to wander inside any cemetery. Any animal found in any cemetery may be confiscated by the Council without any compensation to the owner thereof.
- (10) No person shall ride any animal, motor cycle or cycle within any cemetery in which such riding is not expressly permitted by the Council.

- (11) All vehicles within the cemetery shall proceed at a walking pace therein and no vehicle shall pass within close proximity to any point where a funeral service is being conducted; and
- (12) No person shall hold or take part in any demonstration in any cemetery without the consent of Council.

4. Register

- (1) A register of graves and burials shall be kept by the caretaker;
- (2) Such register shall be completed as far as possible immediately after a burial has taken place, with reference to the prescribed particulars contained in the burial order concerned; and
- (3) Any written permission, notice or document issued by the Council under these by-laws shall be signed by the officer -in- charge.

5. Numbering of graves

- (1) All graves in a cemetery that are occupied or for which a burial has been authorised in terms of the provisions of this by-law shall be numbered by the Council.
- (2) The number shall be affixed to the grave and indicated on a plan to be kept available in the caretaker's office.

6. Reservation of graves

- (1) No reservation of a grave in a cemetery shall be allowed, except for a public purpose or upon application and approval by the Council; and
- (2) Reservation of graves made and recorded in the official records of the Council in terms of any previous by-laws shall still be valid and the Council shall honour such reserved rights.

7. Transfer of reserved rights

- (1) A reserved right as contemplated in section 6(2) may not be transferred without the prior approval of the Council.
- (2) Application to transfer such right shall be made to the officer-in—charge in writing by completing and submitting a prescribed application form.
- (3) If the application is granted, a certificate will be issued in favour of the transferee who will become the holder.
- (4) The reserved right may be cancelled on request of the holder and if the request is approved by the Council, the amount paid by the holder (if any) minus 10% administration fees, will be refunded to the holder.

8. Number of corpses in a grave

- (1) Only one corpse may be buried in a grave, other than a grave with a depth as contemplated in section 15(4).
- (2) Only two corpses may be buried in a grave with measurements as set out in sub-section 15(4): Provided that application for the burial of two corpses has been made to the caretaker in writing by completing and submitting the required application form before the first corpse is buried.
- (3) After the re-opening of a grave for the purpose of the burial of a second corpse as mentioned in subsection 9(2) in that grave, a concrete layer of not less than 25 mm thick shall be cast above the coffin previously buried.
- (4) If on re- opening any grave, the soil is found by the manager: environmental health to be offensive or dangerous to the general health of people, the situation will be handled in consultation with the manager: environmental health.

9. Number of Corpses in a coffin

- (1) A deceased stillborn child and his or her deceased mother may be buried in the same coffin at the fee for a single interment of an adult.
- (2) Stillborn twin babies may be buried in the same coffin at the fee for a single interment of a stillborn child.

CHAPTER 3: BURIALS

10. Application for a burial

- (1) Application for permission for a burial in a cemetery shall be made to the officer-in-charge in writing by completing and submitting a prescribed application form. An application shall be accompanied by:
 - (a) the prescribed burial order;
 - (b) the prescribed fees; and
 - (c) a reservation certificate, if applicable;
- (2) No person shall, without the prior written approval of the Council, execute, cause, or allow a burial in any other place in the municipality than in a cemetery established and managed by the Council. This includes the burial of a corpse, of ashes and of a cadaver. Council shall adopt a formal policy within six months of date of promulgation with regard to burial of corpses, ashes and cadavers in places that are not within an established cemetery
- (3) An application for permission for a burial:
 - (a) must be submitted to the caretaker at least 24 working hours prior to the planned burial, failing which the caretaker may refuse the application;

- (b) No person shall execute a burial or cause or allow a burial to be executed in a cemetery, unless written permission for the burial has been obtained, a specific grave has been allocated for the purpose of the burial and a date, and time for the burial has been arranged with the caretaker.
- (5) In allocating a date and time for a burial, the caretaker shall have regard to the customs of the deceased's relatives and their religion or church affiliation.
- (6) In allocating a grave the officer-in-charge shall as far as is practically possible allow the responsible person access to a plan of the cemetery showing the various sections, and allow him or her to select the section of his or her choice, but not the individual grave of his or her choice. The allocation of a specific grave is the sole responsibility and discretion of the officer in charge. The allocation of a specific grave is the sole responsibility and discretion of the officer in charge and a burial shall be executed only in a grave allocated by him or her.
- (7) The Council may allow in its discretion a burial without payment of the prescribed fees in a part of a cemetery set aside for such purposes and in such manner as it may deem fit.
- (8) Notice of cancellation or postponement of a burial must be submitted to the caretaker at least 4 working hours before the time set for the burial.
- (9) The granting of permission for a burial and the allocation of a specific grave in a cemetery, does not give the applicant, the responsible person or any other person any right in respect of such grave other than to bury a corpse in the grave.
- (10) Except with the permission of the Council, no person shall place or cause any coffin constructed of any material other than natural wood or other perishable material to be placed in any grave.

11. Burial of a corpse

- (1) All graves shall be provided by the caretaker with the exception of brick-lined or concrete-lined graves, in which cases the brickwork or concrete work shall be carried out by the undertaker under the supervision of the caretaker and in conformity with the specifications applicable to ordinary graves.
- (2) There shall be at least 1, 4 meters of soil between the top of an adult coffin and the ground surface, and at least 900 mm of soil between the top of a child coffin and the ground surface.
- (3) All corpses shall be placed in a coffin for the burial thereof, except as provided for religious reasons community.
- (4) No person shall without the prior permission of the caretaker conduct any religious ceremony or service according to the rites of one denomination in any portion of a cemetery reserved by the Council in terms of the provisions of this by-law, for the use of some other denomination.
- (5) No person shall permit any hearse in a cemetery to leave the roads provided, and every hearse shall leave the cemetery as soon as possible after the funeral for which it was engaged.
- (6) Every person taking part in any funeral procession or ceremony shall comply with the directions of the caretaker as to the route to be taken within the cemetery.
- (7) No person shall convey or expose a corpse or any part thereof in an unseemly manner in any street, cemetery or public space.
- (8) Every application and every document relating to any burial shall be marked with a number corresponding to the number in the register referred to in section 4 and shall be filed and preserved by the Council for a period of not less than ten years.
- (9) Every coffin or body upon being placed in any grave shall, at once, be covered with 1,4m of earth.
- (10) No person shall disturb any human remains or any soil adjacent thereto in any cemetery, except where such disturbance is expressly permitted by this By-law or by an order of court

12. Burial of ashes

- (1) Ashes may be buried in a coffin and only two such coffins containing ashes may be buried in an extra deep grave; provided that a coffin does not exceed the average body weight of 70 kilograms, and furthermore that the grave is re-adjusted to the prescribed depth and measurements.
- (2) No person shall execute a burial or cause a burial of ashes to be executed in a cemetery, unless written permission for the burial has been obtained, a specific grave or niche has been allocated for the purposes of the burial and a date, and time for the burial has been arranged with the caretaker.
- (3) Application for the burial of ashes for definite periods or in perpetuity, or for the provision of memorial tablets of approved material to be fixed on the building, columbarium or other facility shall be made to the caretaker in writing by completing and submitting a prescribed application form.
- (4) Niches will be allocated by the caretaker strictly in the order in which the applications therefore are received and no reservations for future use will be made.
- (5) An application for permission for a burial must be submitted at least 24 working hours prior to the planned burial, failing which the caretaker may refuse the application.
- (6) An urn or casket containing ashes that has been deposited in a building, columbarium, or other facility shall not be removed without the caretaker's prior written consent.
- (7) Every niche containing ashes shall be sealed by a tablet approved by the Council and shall only be opened for the purpose of withdrawing an urn or casket contained therein for disposal will once again be sealed elsewhere, or for the purpose of depositing an additional urn or casket therein where after it
- (8) Application for the opening of a niche shall be made to the caretaker in writing by completing and submitting a prescribed application form.

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- (9) No person shall introduce any material into the columbarium for the purpose of constructing or erecting any memorial work therein unless and until:
- (a) approval for the burial has been obtained from Council;
 - (b) approval for the erection of the memorial work has been obtained from Council; and,
 - (c) the prescribed fees have been paid which shall be determined by Council from time to time.
- (10) Any person engaged upon any work on the columbarium, shall execute such work to the satisfaction of the caretaker, and such work shall be undertaken during the official office hours of the cemetery.
- (11) No permanent wreaths, sprays, flowers, or floral tributes may be placed in or on a columbarium.
- (12) The columbarium may be visited daily during the official cemetery hours as determined by Council.
- (13) Plaques shall be made of material approved by the Council and shall be affixed simultaneously with the placing of the ashes and within 30 days of the obtaining of the consent.

13. Burial of a cadaver

The remains of a corpse used at an educational institution for the education of students, generally known as a cadaver, may be buried in one coffin and two such coffins containing cadavers may be buried in an extra deep grave as contemplated in sub—section 15(4) : Provided that a coffin does not exceed the average body weight of 70 kg, and furthermore that the grave is re-adjusted to the not exceed the average body weight of 70 kg, and furthermore that the grave is re-adjusted to the prescribed depth and measurements.

14. Persons dying outside the municipal area

The provisions of these By-laws shall apply to any burial in a cemetery of a person who has died outside the municipality

15. Grave measurements

- (1) The excavation of a grave for an adult shall be at least 1820 mm deep, 2300 mm long, and 760 mm wide.
- (2) The excavation of a grave for a child shall be at least 1370 mm deep, 1520 mm long, and 610 mm wide.
- (3) In the event that a grave of a greater depth, length or width than those specified above is required, application in respect thereof, together with extra prescribed fees that are due, shall be made to the caretaker together with the application to obtain permission for a burial.
- (4) The excavation of an extra deep grave for the burial of two corpses shall be at least 2400 mm deep 2300 mm long and 760 mm wide.
- (5) Deviations from measurements of graves shall be as follows:
 - (a) Extra wide: 2300 mm long: 840 mm wide
 - (b) Extra-long: 2530 mm long: 760 mm wide
 - (c) Rectangular small: 2300 mm long: 900 mm wide
 - (d) Brick-nogging: 2600 mm long: 1050 mm wide
- (6) The area of a rectangular grave for an adult shall be 1500 mm wide by 2600 mm long.
- (7) The area of a grave for an adult shall be 1210 mm wide by 2430 mm long.

- (8) The area of a grave for a child shall be 1210 mm wide by 1520 mm long. If a coffin is too large, an adult grave shall be used.

CHAPTER 4: RE - OPENING OF GRAVES AND EXHUMATIONS

16. Conditions of exhumations

- (1) Save as otherwise provided for By-law, no person may exhume or cause to be exhumed a body without the written consent of the –
- (a) The Minister and the Council or
 - (b) by an order of a court having jurisdiction over such matters;
 - (c) the provincial Department of Health; or
 - (d) by an order of a court having jurisdiction over such matters.
- (2) Whenever an exhumation is to take place, the officer-in-charge must inform the Provincial Commissioner of the South African Police Services.
- (3) A member of the South African Police Services and an environmental health practitioner must always be present when an exhumation is being conducted.
- (4) An exhumation must not take place when the cemetery is open to the public and must take place under the supervision of the officer-in-charge.
- (5) If remains are to be exhumed from any grave, only the undertaker under the supervision of the officer in charge, may cause the grave to be excavated for such exhumation;
- (6) If a grave is to be excavated for exhumation;
- (a) the officer-in-charge must be given 48 hours written notice before the time of exhumation, and

- (b) the authority referred to in paragraph (1) (d) of this section and the prescribed fee must accompany such notice.
- (7) A person who wishes to exhume the remains of an indigent person must pay the costs incurred by the Council at the time of burial.
- (8) The person carrying out the exhumation must ensure that the body and grave are properly disinfected and deodorized.
- (9) The South African Police Services must -
 - (a) if there is proof of illegal burial immediately exhume the body; and
 - (b) take it to a government mortuary for investigation.
- (10) A grave of victims of conflict and a grave which is older than 60 years may only be exhumed with the permission of the South African Heritage Resources Agency.
- (11) A Commonwealth war grave may only be exhumed in accordance with the provisions of section 3 of the Commonwealth War Graves Act, 1992.

17. Exhumation and reburial

- (1) The Council may, if a body has been buried in contravention of these By-laws, cause the body to be exhumed and reburied in another grave.
- (2) The relatives of the deceased must be -
 - (a) notified of the intended exhumation and reburial; and
 - (b) allowed to attend.
- (3) An application contemplated in subsection (1) above shall be made by or with the written consent of the next -of -kin of the deceased person whose human remains are sought to be exhumed, provided that the Minister or the Council may dispense with such consent: -
 - (a) in circumstances where such consent is not readily obtainable; or
 - (b) where in the opinion of the Minister or the Council the exhumation of any

human remains is in the public interest and the consent of the next -of -kin is unreasonably withheld.

- (4) The application referred to in subsection (1) above shall contain or be accompanied by:-
 - (a) such particulars concerning the deceased person as may be prescribed, including: -
 - (i) the place and cause of death;
 - (ii) the reasons for the proposed exhumation and removal of the human remains, including, where applicable, details of the efforts made to obtain the written consent of the next -of -kin;
 - (iii) the methods to be adopted in enclosing and removing the human remains, the precautions to be undertaken to prevent any danger to health or offence which may be caused;
 - (iv) the proposed place of re- interment;
 - (b) a medical certificate of the cause of death or duly certified copy thereof, or if such certificate or copy is not reasonably obtainable, other evidence of the cause of death to the satisfaction of the Minister and the Council ; and
 - (c) the written permission of council of the cemeteries in which the human remains were interred and are to re- interred.
- (5) Save where it is desired to remove human remains from one grave to another in the same cemetery or to return them to the same grave, the Minister and the Council shall not, except in circumstances of a special nature, give consent for the exhumation of human remains until at least two years after interment and in the case of a person who died of an infectious disease until at least four years after interment.
- (6) Where an approval is granted in terms of this section, the applicant shall make proper and adequate provision, at his or her own expense, for: -
 - (a) the exhumation, conveyance to the new place of burial, if applicable and reinternment of the exhumed human remains; and
 - (b) where the human remains are to be re- interred in a different place, for the removal, conveyance and re- erection on the new grave site of any memorial stones and kerbing which may have been erected on the existing grave site.

- (7) Where the consent of the next -of -kin has been dispensed with in terms of sub-section (3) above, the applicant shall take all reasonable steps to inform the next -of -kin of the deceased person whose remains were exhumed of the fact that the human remains were exhumed and of the place where such human remains have been re- interred.

18. Re -use of graves

- (1) A grave may be opened and excavated where such is for the purpose of interring therein the human remains of a different deceased person, provided that:
- (a) the next -of -kin of the deceased person whose human remains were the most recent interment in that grave indicates in writing that he or she does not object; to such excavation and re -use or where no next -of -kin can be traced and the date contemplated in paragraph(b)(aa) or ten years, whichever is the later, has elapsed since the most recent interment in that grave, the operator has advertised, in the manner prescribed by regulation in terms of the Act, its intention to re -open and re - use such grave, and no objection to such re- opening and re –use has been received from the next -of -kin;
 - (b) the operator has obtained and complied with a written directive from: -
 - (i) the Council's manager: environmental health,in which directive the manager: environmental health: -
 - (aa) shall, after taking into account all relevant factors, state the earliest date on which, in his or her opinion, a particular grave or identified group of graves may be re-opened without any potential hazard to public health; and
 - (bb) may prescribe health -related procedures to be observed on such re- opening;
 - (c) prior to any grave being re- opened for the purposes of such re -use, all reasonable steps are taken to ascertain whether or not any human remains, other than skeletal bones, are present in such grave;
 - (d) in the event of human remains other than skeletal bones being present in a grave which is being re- opened for the purposes of reuse, such re- opening shall cease and the grave shall be re- filled forthwith;
 - (e) any skeletal bones found in a grave which has been re- opened for the purposes of re -use shall be re- interred in the same grave; and
 - (f) any re- opening of a grave, re- interment of any skeletal bones found in such grave, and the interment of the human remains of a different deceased person in such grave shall be effected by or under the supervision of:-

- (i) a practicing professional funeral undertaker; or
 - (ii) a committee of the body controlling that cemetery, where such committee has been established for the specific purpose of controlling and supervising burials and exhumations in such cemetery; or
 - (iii) a person authorised thereto by the operator.
- (2) Any person aggrieved by a directive contemplated in paragraph (b) of sub-section
- (1) shall have a right of appeal to the Minister in the manner prescribed.
- (3) The Minister may, when considering an appeal contemplated in subsection (2), in his or her sole discretion:-
- (a) confirm, alter or set aside such directive;
 - (b) remit the matter to the manager: environmental health with instructions to deal with any question or matter in such manner as the Minister may deem necessary; or
 - (c) call for such further evidence as he or she deems necessary, and thereafter act in terms of paragraphs (a) or (b).

CHAPTER 5: CREMATORIA

19. Conditions regarding permission to use or control crematoria

- (1) The Council may permit any cremation authority to use and control any crematorium which has been erected within a cemetery owned and /or controlled by the Council.
- (2) Such permission shall be given in writing and shall be subject to conditions as to the use and control thereof as the Council may impose. The following conditions inter alia shall apply to such permission:
- (a) The cremation authority shall comply with provincial legislation in this regard;
 - (b) In the event of the cremation authority being a society or trust, a copy of the constitution or the trust deed, duly certified, shall be lodged with the officer -incharge
 - (c) No cremation of a human body shall be undertaken except between the hours as determined by the Council.

- (d) The cremation authority or its duly authorised representatives shall be required to notify the officer -in- charge of the intention to cremate any human remains, giving the name, gender, age, nationality and the late residence of the deceased: and at least two hours' notice of the time for the proposed cremation shall be given;
- (e) No cremation of human remains shall be undertaken except in the crematorium itself; and
- (f) Times set by the officer -in- charge shall be strictly observed and every service or ceremony in connection with a cremation shall be subject to the general control of such officer.
- (g) Any corpse which contains a cardiac pacemaker or radio -active implant of any kind or any other material which may result in an explosion or harmful emissions when incinerated may not be cremated unless it is removed.
- (h) When cremated a corpse must be contained within a coffin.
- (i) A coffin in which a corpse is cremated must be made of wood or other nontoxic material.
- (j) Non -toxic varnish, paint or glue must be utilised in the manufacturing of the coffin in which a corpse is cremated.
- (k) When cremated, a coffin may only contain combustible material, including clothing, shoes and other adornments of whatsoever nature, and the Council will have the right to remove non -combustible material from the coffin.
- (l) Before a cremation is permitted to take place, the applicant or his or her representative will be obliged to produce a certificate certifying that the coffin complies with subsections (i) and (j) above.
- (m) No corpse may be removed from any coffin for the purpose of incineration and a coffin may not be opened in the crematorium except with the permission of the Council, which must not be unreasonably withheld.

20. Withdrawal of permission

In the event of the cremation authority failing to carry out any of the above conditions, the Council may withdraw permission for the use of the crematorium.

CHAPTER 6: MISCELLANEOUS

21. Special Conditions

-
- (1) No person may -
- (a) commit or cause a nuisance within a cemetery or crematorium
 - (b) ride an animal, cycle, or skateboard for recreational purposes or partake in any other form of recreational or sporting activity within any cemetery or crematorium, unless otherwise determined by the Council.
 - (c) with the exception of a blind person, bring into or allow an animal to wander inside any cemetery or crematorium, provided that dogs on leashes will be permitted unless otherwise determined by the Council;
 - (d) plant, cut, pick or remove a tree, plant, shrub or flower without the permission of the Council;
 - (e) hold or take part in a protest in any cemetery or crematorium
 - (f) interrupt or disrupt -
 - (i) the performance of duties of an authorised official or workman employed by the Council
 - (ii) a funeral undertaken in a cemetery
 - (g) obstruct, resist or oppose the officer in charge on the course of his or her duty, or refuse to comply with an order or request which the officer in charge is entitled under this By-law to make;
 - (h) mark, draw, scribble, paint or place an object on a wall, building, fence, gate, memorial work or other erection within any cemetery other than for official purposes;
 - (i) use water for any form of gardening without the permission of the Council;
 - (j) leave any rubbish, soil, stone, debris, garbage or litter within any cemetery;
 - (k) in any way damage, deface or desecrate any part of a cemetery or anything therein;
 - (l) enter or leave a cemetery, except by an entrance or exit provided for these purposes;
 - (m) solicit or conduct any business, order, exhibit, distribute or leave a tract, business card or advertisement within a cemetery, other than in the area designated for such purposes by the Council and with the prior permission of the Council;
 - (n) treat a grave or memorial work with disrespect, such as climbing or sitting on a grave or memorial work;
 - (o) enter an office, building or fenced place in a cemetery except in connection with lawful business;
 - (p) expose a corpse or part thereof in a cemetery;
 - (q) exceed the prescribed limit of 20 km per hour in a cemetery;

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KwAZULU-NATAL PROVINCE

KwAZULU-NATAL PROVINSIE

ISIFUNDAZWE SA KwAZULU-NATALI

Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe

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No. 2123

- (r) use any cemetery as thoroughfare
 - (s) allow or cause any animal to enter any cemetery with the exception of an officer in charge, living on site and who is keeping pets with the prior approval of the Council
 - (t) bring any alcohol into or consume any alcohol in a cemetery or discharge any firearms in a cemetery except in the case of the police, state or military funeral;
 - (u) make or ignite a fire in a cemetery without the prior permission of the Council;
 - (v) hunt or harm any animals or birds;
 - (w) graze domestic animals in unused areas amongst the graves or;
 - (x) bring into a cemetery excavation equipment, saws or metal detecting equipment, other than with the permission of the Council; and
 - (y) conduct driving lessons in a cemetery.
- (2) An authorised official of the Council working in any cemetery may not enter into an agreement with a member of the public for the purpose of undertaking work in a cemetery on behalf of such a person, such as maintaining or digging a grave or any other related work.
- (3) The Council may impound an animal found in any cemetery.
- (4) Gazebos larger than two metres by three metres may not be erected in a cemetery without the prior permission of the Council.

22. Screening of exhumation

- (1) A grave from which a body is to be exhumed must be screened from the view of the public during the exhumation.
- (2) The person carrying out the exhumation must provide a suitable receptacle for each body or remains.

23. Injuries and damages

- (1) A person using a cemetery or crematorium does so at his own risk, and the Council accepts no liability whatsoever for any personal injuries sustained by such person or for

any loss of or damage to such person's property relating to or resulting from the aforementioned usage of the cemetery.

- (2) A person using a cemetery or crematorium accepts full responsibility for any incident, damages or injuries that may be caused by or that may result from the aforementioned use of the cemetery or crematorium and accordingly the Council, its members, employees or agents, whether in personal or official capacity, are indemnified against liability for all claims from whichever nature by himself, or herself, his or her dependents or third parties in respect of any patrimonial loss, consequential damages, injuries or personal prejudice that may be suffered or sustained in connection with or resulting from such a person's use of a cemetery or crematorium.

24. Fire-arms and traditional weapons

No fire-arms and traditional weapons shall be allowed in a cemetery.

25. Offences and penalties

- (1) Any person contravening or failing to comply with any of the provisions of these By-laws; or
- (2) Wilfully making any false declaration or representation or signing any false certificate in connection with or for the purpose of procuring the burial, exhumation or cremation of any human remains, or
- (3) Threatens, resist, interferes with or obstructs an authorised officer or employee of the council in the performance of their duties or functions under these By-laws, shall be guilty of an offence and shall upon conviction by a court be liable to a fine not exceeding R 60 000, or imprisonment for a period not exceeding three years or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 92 of the Magistrate's Courts Act. 1944 (Act No 32 of 1944).
- (4) Any expenses incurred by the Council as a result of a contravention of these By-laws or in the doing of anything which a person was directed to do under these By-laws and which he or she failed to do, may be recovered by the Council from the

person who committed the contravention or who failed to do such thing.

26. Complaints

Any person wishing to lodge a complaint regarding any cemetery shall lodge such complaint in writing with the Municipal Manager.

27. Charges

The Council shall be entitled to determine, raise and collect tariffs, charges and other fees in respect as contemplated in section 75A of the Local Government: Municipal Systems Act. The tariffs, charges and fees shall, unless otherwise determined, be payable in advance to the Council.

28. Rights to Graves

No person shall acquire any right to or interest in any ground or grave in any cemetery save as expressly provided for in these bylaws.

29. Consents, Notices and Orders

Any written consent, notice or other order issued by the Council in terms of these by-laws, shall be *prima facie* evidence of the contents of such a signed consent, notice or other order.

30. Consent Required for Interment

- (1) No person may dispose of a corpse in any manner other than the manner prescribed by the Greater Kokstad Municipality in these bylaws, and a person who wishes to dispose of a corpse must obtain the written consent of the Council before he or she disposes of the corpse, and must comply with the requirements of the Council.
- (2) A person who wishes to obtain the consent as contemplated in subsection (1)

must submit to the officer in charge an application in writing together with-

- (a) the proof of payment of the prescribed fee;
 - (b) the death certificate of the corpse;
 - (c) a burial order issued in terms of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);
 - (d) in case of a funeral undertaker, the certificate of competence issued in terms of these By-laws and in the case where the burial order has been issued by a funeral undertaker, proof of authorisation in terms of section 4 of the Births and Deaths Registration Act, 1992(Act No. 51 of 1992);
 - (e) an affidavit by the next of kin of the deceased, or where not practicable, other close relative, consenting to the disposal of the corpse when such corpse is to be buried in the manner requested;
 - (f) in the instance where a person -
 - (i) who at the time of his or her death was suffering from a communicable disease, this must be indicated in the application;
 - (ii) who at the time of his or her death had a pacemaker, this must be indicated in the application.
 - (g) details of cultural or religious practices that need to be adhered to.
- (3) The officer in charge may approve the application subject to the conditions set out in the approval, or refuse the application.
- (4) An application for interment must be submitted to the Council not later than 15:00 on the day before the intended interment or, where the grave exceeds the standard size, not later than 15:00 two days before the intended interment.
- (5) Should any alteration be made in respect of the day or hour previously fixed for an interment, or interment be cancelled, in the instance where the Council is responsible for the digging of a grave, notice of the alteration must be given to the officer in charge at the cemetery at least eight hours before the time fixed for the interment.
- (6) No refund will be made on monies paid in respect of the opening of an existing grave.
- (7) The Council reserves the right to inspect the contents of a coffin before interment.
- (8) The Council may refuse a person, including a funeral undertaker, permission to

inter a corpse if relevant documentation required by the Council has not been submitted to the Council prior to the interment.

- (9) A person who inter a corpse without the written consent of the Council commits an offence.

31. Religious Ceremonies

- (1) The members of any religious denomination may conduct ceremonies, whether of a religious nature or otherwise, in connection with any internment, memorial service or erection, dedication or unveiling of any memorial work, subject to any regulations made by the council.
- (2) No animal may be slaughtered on the premises of the cemetery regardless of any religious ceremony which may require an animal to be slaughtered.

32. Hearses and vehicles at Cemeteries

- (1) No person shall cause any hearse or vehicle while within a cemetery to depart from the carriage drives every hearse or vehicle shall leave the cemetery by the route indicated by the caretaker.
- (2) The cemetery is a public place and all laws applicable to the driving of a vehicle and the use of a public road will be applicable inside the premises of the cemetery.

33. Exposure of Bodies

No person shall convey a dead body which is not covered in any street, cemetery or public place.

34. Instruction of Caretaker

Every person taking part in any funeral procession or ceremony shall comply with the directions of the caretaker while such person is within a cemetery.

35. Music Inside Cemetery

Only sacred singing shall be allowed in any cemetery, except in the case of police and military funerals or as otherwise approved by the caretaker.

36. Internments Attended by large Numbers of People

In any case where it is probable that an unusually large number of persons will be present at any burial, the person applying for permission for such burial shall notify the caretaker the day before the funeral.

37. Indigent Persons

- (1) A person making application for the burial of an indigent person, must make a declaration to that effect and further provide written proof from the relevant ward Councillor confirming the financial status of the indigent person.
- (2) An indigent person may be interred according to the policy of the Council applicable to indigent persons.

38. Pauper Burials

The regulation of pauper burials shall be determined in a policy adopted by the Council.

CHAPTER 7: FUNERAL UNDERTAKERS**39. Preparation of corpses**

Unless otherwise provided for in this By-law, no person may prepare and /or store any corpse except on a funeral undertaker's premises in respect of which a certificate of

competence has been issued and is in effect.

40. Application for the issue or transfer of a certificate of competence

- (1) Any person wishing to apply for a certificate of competence in respect of new funeral undertaker's premises will;
 - (a) not less than 21 days before submitting his application to the Council cause a notice of his intention to be published in English and Zulu, in a newspaper that circulates in the area in which such premises will be or is situated.
 - (b) Such notice must contain information to the effect that an application for the issue of a certificate of competence in terms of this By-law and other applicable legislation is to be submitted to the Council and that any person who wishes to object to such use may lodge his or her objection, together with substantiated representations, with the Council in writing within 21 days of the date of publication of such notice.

- (2) An application for the issue of a certificate of competence must be made to the Council in writing on the prescribed form and must be accompanied by –
 - (a) a description of the premises and the location thereof; including equipment, storage facilities, preparation areas and toilet facilities.
 - (b) a complete ground plan of the proposed construction or of existing buildings on a scale of 1:100 including the effluent disposal system
 - (c) a plan of the premises on which north is shown indicating adjacent premises already occupied by the applicant or other persons and the purpose for which such premises are being utilized or are to be utilized;
 - (d) Particulars of any person other than the applicant or any of his or her employees who prepares or will prepare corpses on the premises;
 - (e) a contingency plan for the storage of corpses in the event of a refrigeration or cold room breakdown; and
 - (f) a cleansing and disinfection programme.
 - (g) details of registered health care waste remover, transporter and disposer.

- (3) The Council, when considering issuing a certificate of competence, may request from the applicant or any other person any such further information required.
- (4) The Council will not issue or transfer a certificate of competence unless a complete inspection of the premises concerned has been carried out by an environmental health practitioner appointed by the Council and the environmental health practitioner's report on such inspection, including recommendation on such issue or transfer, is in possession of the Council.

41. Issue or transfer of certificate of competence

- (1) When the Council is satisfied that the premises concerned -
 - (a) complies with all requirements laid down in this By-laws and any other applicable legislation;
 - (b) are in all respects suitable for the preparation of corpses; and
 - (c) will not be offensive to any occupants of premises in the immediate vicinity of such premises, it will, on conditions as it may determine in respect of the funeral undertaker's premises concerned, issue a certificate of competence in the name of the applicant in such form as it may determine or will, by endorsement, transfer an existing certificate of competence to a new holder, as the case may be.

42. Validity and transfer of certificate of competence

A certificate of competence, excluding a provisional certificate of competence, is, on endorsement by the Council, be transferable from one holder to a new holder and such certificate is, if so endorsed, be valid from the date of which it was issued until it is revoked or suspended in terms of this By-law.

43. Issue of provisional certificate of competence

- (1) Notwithstanding the fact that the Council is not satisfied as contemplated in section 40 with regard to funeral undertaker's premises in respect of which a certificate of competence has been applied for, the Council may, in the case of existing funeral

undertaker's premises and subject to such conditions as Council may determine, issue a provisional certificate of competence in respect of such premises.

- (2) A certificate referred to in subsection (1) will only be issued if the Council is satisfied that the use of such funeral undertaker's premises does not and will not create a nuisance, and will be issued for a maximum period of six months to enable the applicant to alter such premises in order to comply with the provisions of this By-law.
- (3) If, after the period referred to in subsection (2), the premises does not comply with the provisions of this By-law, the Council may revoke the provisional certificate of competence.

44. Duties of holder

- (1) The holder must immediately inform the Council in writing if there are any changes in the particulars or circumstances supplied to the Council in the application for certificate of competence.
- (2) A funeral undertaker must not dispose of a body in any place or premises other than a cemetery or crematoria registered in terms of the KwaZulu-Natal Cemeteries and Crematoria Act, 1996 (Act No. of 1996).
- (3) The holder must comply with the provisions of this By-law, applicable legislation and any conditions imposed by the Council.

45. Suspension or revocation of a certificate of competence or provisional certificate of competence.

-
- (1) If the Council is of the opinion, on the strength of an inspection report and /or recommendation by the manager: environmental health or an environmental health practitioner, that there are reasonable grounds to suspect that -
 - (a) the funeral undertaker's premises concerned are utilized in such a way as to create a nuisance or that conditions constituting a nuisance have been or are being created on the funeral undertaker's premises concerned; or
 - (b) the premises concerned are utilized in contravention of the provisions of the Health Act, 2003 (Act No. 61 of 2003), this By-law or other applicable legislation or any conditions imposed by the certificate of competence or provisional certificate of competence, the Council may in its discretion -
 - (i) revoke certificate of competence or provisional certificate of competent concerned;
 - (ii) suspend the certificate of competence or provisional certificate of competence concerned for such period as the Council may determine, to enable the holder to comply with the applicable legislation and /or conditions imposed; provided that the holder fails to comply within the period stipulated in the notice of suspension, the Council may revoke the relevant certificate without further notice
 - (2) A notice issued by the Council in terms of section 71(b)(ii) must be issued in writing, and then served on the holder.
 - (3) The suspension or revocation of a certificate of competence or provisional certificate of competence in terms of this By-law will have the effect that, from the date of the notice of suspension or revocation -
 - (a) no preparation of any corpse must be performed on the premises concerned;
 - (b) no corpse must be received for preparation on the premises concerned; and
 - (c) no corpse must be preserved on the premises concerned and every corpse must immediately be removed to a mortuary under the control of the State, a provincial administration or the Councillor any other funeral undertaker's premises, provided that this By-law will not be applicable and the said notice must not be so construed as to restrict any other business activity relating to the funeral undertaking profession including the sale of coffins and policies.
 - (4) Where the Council is of the opinion that a condition that gave rise to the

revocation of a certificate as contemplated in this By-law was corrected after such revocation, it may, on written application made by or on behalf of the holder, repeal such revocation by endorsement on the certificate concerned.

46. Requirements relating to funeral undertaker's premises

- (1) Provision for the following must be made on a funeral undertaker's premises -
 - (a) a preparation room for the preparation of corpses;
 - (b) change- rooms, separate for each sex, for the use of the employees employed at such premises;
 - (c) refrigeration facilities for the refrigeration of corpses;
 - (d) facilities for washing and cleaning of utensils and equipment inside the building;
 - (e) facilities for cleaning of vehicles on the premises; and
 - (f) facilities for loading and unloading corpses as contemplated in clause 72(6).
- (2) No room on a funeral undertaker's premises must be used for any purpose other than the purpose for which it is intended.
- (3) The preparation room -
 - (a) must be so designed as to -
 - (i) be separate from all other rooms on the premises and so as not to be directly accessible from or in view of any office or salesroom: Provided that, where a preparation room on existing funeral undertaker's premises is so situated, the entrance thereto must be so concealed that the interior of the preparation room is completely out of sight of any person in any adjoining office or salesroom;
 - (ii) enable obnoxious odours and vapours to be adequately treated; and
 - (iii) be sufficiently ventilated and lighted.
 - (b) must have a floor- covering an area of not less than 6 m² for the first table of the kind referred to in section 72(3)(e) and 8m² for each additional table; constructed of concrete or similar waterproof material with a smooth non -slippery surface that is easy to clean, and sloped at an angle to ensure that any run -off will drain into a disposal system approved by the Council; and which, if it is replaced or laid after the date of commencement of this By-laws, will be provided with half round filling where it meets the walls -

- (i) must have walls the inner surfaces of which have a smooth finish and are covered with a light- coloured washable paint or other suitable, smooth, waterproof, light - coloured and washable material;
 - (ii) must be provided with a ceiling not less than 2, 4 m above the floor level, which ceiling must be dust proof and painted with a light- coloured washable paint;
 - (iii) must contain not less than one table of stainless steel or glazed earthenware or other suitable material, equipped with a raised rim on the outside, a tap with cold running water to which a flexible pipe can be connected and a drainage opening connected to an approved disposal system;
 - (iv) must contain not less than one wash basin for each table, made of stainless steel or other suitable material, with a working surface of the same material, taps with hot and cold running water and a drainage opening permanently connected to an approved disposal system, and provided with disposable towels, a nailbrush and soap;
 - (v) must have not less than one tap with running water to which a flexible pipe, long enough to reach all corners of such room, can be connected for cleaning the interior surfaces; and
 - (vi) must have door openings that are not less than 0, 82 m in width and 2, 00 m in height so that corpses can be taken into and out of such room without any difficulty.
- (4) Each change -room must contain at least the following -
- (a) one hand -basin with hot and cold running water for every six employees or part thereof;
 - (b) disposable towels, soap, nailbrushes and disinfectant; and
 - (c) not less than one toilet for every 15 male employees or part thereof and not less than one toilet for every 15 female employees or part thereof employed at the funeral undertaker's premises concerned, provided that, where a separate urinal for men forms part of such facilities, one toilet plus one separate urinal must be permissible for every 30 men or part thereof.
- (5) Refrigeration facilities such as refrigeration or cold chambers for the keeping of

corpses, must be installed in or close proximity of such preparation room and –

- (a) where refrigerators are used, it must be constructed of a material that does not absorb moisture, must be provided with removable trays and must be so designed as to drain into an approved drainage system and be easy to clean;
 - (b) be of such nature that the surface temperature of any corpse must be no higher than 5 °C during preparation. An accurate thermometer must be provided at the refrigerator or cold chamber and must be operational at all times.
 - (c) In instances where cold chambers are used, it must comply with sections 10(3)(a)(ii), (b)(ii), (c), (d) and (h) and must be provided with shelves manufactured from a material that does not absorb moisture and that is easy to clean; and
 - (d) Corpses are not be to be stored on top of each other and must be stored individually on the trays or shelves.
- (6) The cleansing, loading and unloading facilities must consist of a paved area, screened from public view, with a drainage system into a gulley connected to a sewer system approved by the Council.
- (7) The loading and unloading of corpses and the cleansing of vehicles must not take place anywhere except in the area contemplated in section 72(6).
- (8) The funeral undertaker's premises must be rodent -proof.

47. Conveyance of Mortal Remains

No person may convey any mortal remains –

- (a) unless the mortal remains have been sealed in an airtight container and placed in a non -transparent, sturdy, sealed coffin; or
- (b) no coffin container in which the mortal remains have been placed may be conveyed unless -
 - (i) the outer surface of such coffin or container is free from any leakages or any other secretion matter emanating from such mortal remains; and
 - (ii) offensive odours are absent.

48. Hygiene

- (1) All health care waste generated must be stored, removed, transported and disposed of in accordance with Council's Public Health By-laws or other applicable legislation.
- (2) Every holder of a certificate of competence relating to funeral undertaker's premises must -
 - (a) provide clean protective clothing consisting of surgical gloves, gumboots, plastic aprons so designed that the front hangs over the top of the gumboots, face masks and overcoats /overalls to all employees and all other persons involved in the preparation of corpses or post -mortems, and each such employee or other person must, at all times when so involved, wear such clothing;
 - (b) keep such premises free of pests and insects at all times;
 - (c) clean immediately after the preparation of any corpse, all working areas or surfaces at such premises where corpses are prepared;
 - (d) wash and disinfect all equipment used for the preparation of corpses immediately after use;
 - (e) wash, clean and disinfect all protective clothing that has been used on the premises on a daily basis;
 - (f) keep such premises clean and tidy at all times; and
 - (g) if a corpse has been transported without a moisture -proof covering, wash and disinfect the loading space of the vehicle concerned after such corpse has been removed.

CHAPTER 8: CLOSURE OF CEMETERIES

49. Closure of cemeteries

- (1) Despite any provision of this By-law and subject to the provisions of subsection (f) the Council may use any cemetery or portion thereof, of which it is the cemetery authority, which has been disused for a period of not less than 20 years for such a purpose as will not desecrate the ground and any human remains or any memorials in such a cemetery.
- (2) Despite any provision of this By-law, and subject to the provisions of subsection (f), the Council may close any cemetery or any part thereof, of which it is the cemetery authority, which has been disused for a period of not less than 20 years, or if good

closure for such closure exists.

- (3) Despite any provision in this By-law, and subject to the provisions of subsection (f), the Council may use a cemetery or portion thereof, which has been used for another purpose in terms of subsection (a), or reopen any cemetery or portion thereof, which has been closed in terms of subsection (b).
- (4) The Council may, subject to the provisions of subsection (f), remove to another cemetery the human remains, memorials and other structures from a cemetery of which it is the cemetery authority, which has been closed or disused for a period of not less than 20 years and which has been approved for other usage by the competent authority or authorities as the case may be.
- (5) All rights possessed or enjoyed by any person in respect of a cemetery contemplated in subsection (a) and (b) will thereupon cease.
- (6) Before acting in terms of subsection (a), (b), (c) and (d) the Council must give notice of its intention to do so.

CHAPTER 9: GENERAL

50. Regulations

The municipality may make regulations not inconsistent with this By-law, prescribing -

- (a) any matter that may or must be prescribed in terms of this By-law; and
- (b) any matter that may facilitate the application of this By-law.

51. Repeal of By-laws

Any By-laws promulgated by the Municipality pertaining to any matter regulated in this By-law, shall be repealed from the date of promulgation of this By-law.

52. Short title & Commencement

This By-law is called the Cemeteries and Crematoria By-law, 2019, and takes effect on a date determined by the Municipality by proclamation in the Official Gazette.

MUNICIPAL NOTICE 123 OF 2019**GREATER KOKSTAD MUNICIPALITY****KEEPING OF ANIMALS BY-LAW**

The Municipal Manager hereby publishes in terms of section 162 of the Constitution of the Republic of South Africa Act [Act No. 108 of 1996], read with section 13 of the Local Government: Municipal Systems Act [Act No. 32 of 2000], The Keeping of Animals By-law:

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CHAPTER 1: DEFINITIONS

1. Definitions

In these By-laws, unless the context indicates otherwise -

- 1.1** “**authorised officer**” means an authorised officer appointed under section 32;
- 1.2** “**aviary**” means an enclosure used for the keeping of birds, other than poultry but does not include a portable cage;
- 1.3** “**battery system**” means the method of keeping poultry or rabbits in cages in either single rows or tier formation within a building or structure;
- 1.4** “**cattery**” means premises in or upon which -
- (a) boarding facilities for cats are provided; or
 - (b) cats are bred for commercial purposes;
- 1.5** “**Council**” shall mean the council of Municipality
- 1.6** “**enclosure**” in relation to animals, means any kraal, pen, paddock, cage or other fenced or enclosed area erected to confine an animal from escaping or roaming freely on the remainder of the premises;
- 1.7** “**keeper**” means -
- (a) in relation to any animal, the owner of the animal or any other person responsible for feeding and caring for the animal; and
 - (b) in relation to a battery system, cattery, kennels, pet parlour or pet shop means the person who owns the business which it forms part of or the person in charge of the premises in which the animals are kept;
- 1.8** “**kennels**” means premises in or upon which —

- (a) boarding facilities for dogs are provided;
 - (b) dogs are bred for commercial purposes;
 - (c) dogs are kept for the purposes of being trained or hired out with or without handlers; or
 - (d) dogs are kept for commercial security purposes;
- 1.7 **“livestock”** means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;
- 1.8 **“Municipality”** shall mean Greater Kokstad Municipality;
- 1.9 **“pet”** means a tame animal kept in a household for companionship or amusement;
- 1.10 **“pet parlour”** means any premises where beauty treatment is given to pets by washing, drying, brushing, clipping, trimming or by attending to their nails or teeth;
- 1.11 **“pet shop”** means any premises where the business of keeping and selling pets is carried out;
- 1.12 **“poultry”** means fowls, ducks, muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowls;
- 1.13 **“poultry house”** means any roofed-over building or structure in which poultry is kept, other than one in which a battery system is operated;
- 1.14 **“poultry run”** means any unroofed wire mesh or other enclosure in which poultry is kept, whether or not it is attached to a poultry house;
- 1.15 **“rabbit hutch”** means any roofed—over building or structure in which rabbits are kept, other than one in which a battery system is operated;
- 1.16 **“rabbit run”** means any unroofed wire mesh or other enclosure in which rabbits are kept, whether or not it is attached to a rabbit hutch;
- 1.17 **“stable”** means any building or structure used to accommodate livestock other than poultry; and
- 1.18 **“wild animal”** means an animal of a species that is not generally domesticated and

without limitation includes all animals indigenous to South Africa other than domesticated guinea-fowls.

CHAPTER 2: GENERAL PROVISIONS RELATING TO THE KEEPING OF ANIMALS

2. Application of By-laws

(1) The provisions of these By-laws must not apply to –

- (a) the keeping of cows for commercial milk production;
- (b) any agricultural show where animals, poultry or birds are kept on a temporary basis;
- (c) any laboratory where animals, poultry or birds are kept for research purposes,

but the health officer may, if he or she is satisfied that the application of one or more provisions of these By-laws is essential in the interest of public health, by notice to the person concerned require such provision be complied with.

- (2) The provisions of Chapter 4 must not apply to the temporary keeping of a goat on any land for the provision of milk for medical reasons, provided the prior approval of the health officer is obtained and no nuisance arises from the keeping of such goat.
- (3) The provision of section 3, 4(a), 6, 8, 10, 12, 14, 16, 18, 19 and 21 must apply only to premises which are newly constructed, re-constructed or converted after the commencement of these By-laws: Provided that the health officer may, if he is satisfied that the application of any one or more of the said requirements is essential in the interests of public health, give notice in writing to the owner or person in control of such premises, to comply with such requirements as he may specify and within a reasonable period stated in the notice.
- (4) The provisions of Chapter 5 must not apply to the keeping of poultry less than ten in number.
- (5) The provisions of Chapter 6 must not apply to the keeping of rabbits less than ten in number.

CHAPTER 3: KEEPING OF CATTLE, HORSES, MULES AND DONKEYS

3. Requirements for premises

- (1) No person may keep any cattle, horse, mule or donkey in a stable that does not comply with the following requirements:
- (a) every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material;
 - (b) the internal wall surfaces of the stable must be constructed of smooth brick or other durable surface brought to a smooth finish;
 - (c) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish, graded to a channel and drained in terms of section 25;
 - (d) any enclosure must have an area of at least 10 m² for each head of cattle, horse, mule or donkey to be accommodated therein and the fencing must be of such substantial material so constructed as to prevent such animals from breaking out;
 - (e) no enclosure must be situated within 100 m and no stable must be situated less than 15 m of any boundary of any land, dwelling or other building or structure used for human habitation or within 50 m of any well, water course or other source of water supply intended or used for human consumption.
 - (f) A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to every stable or enclosure.

4. Duties of keepers of cattle, horses, mules and donkeys

Any person who keeps any cattle, horse, mule or donkey must –

- (1) Maintain the premises, and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair;

- (2) Provide portable manure storage receptacles of an impervious material and with close fitting lids;
- (3) Keep every manure storage receptacle on a platform constructed of concrete or other durable and impervious material near the stable;
- (4) If there is so much manure and bedding that storage receptacles are impractical, provide a manure heap complying with the following requirements:
 - (a) The heap must be enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish; and
 - (b) The floor must be of smoothly finished concrete that is inclined so that it drains to a water channel along the full length of the open side, which is at least 150 mm in diameter and is kept filled with water;
- (5) Remove all the manure from the stable at least once every 24 hours and place it in the manure storage receptacles or heap until it is removed from the premises;
- (6) Remove the contents of the manure storage receptacles or heap from the premises at least once every second day and dispose of the manure in a way which will not create a public health nuisance;
- (7) Remove all bedding from the stable at least once a week and store it in the manure receptacles or heap until it is removed from the premises; and
- (8) Store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids.

CHAPTER 4: KEEPING OF GOATS AND SHEEP

5. Requirements for premises

- (1) No person may keep sheep or goats in a stable that does not comply with the following requirements-

- (a) a minimum overall floor area must be 30m²;
- (b) at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it;
- (c) every wall must be constructed of brick, stone, concrete or other durable material;
- (d) every wall must be at least 2 meters in height and have a smooth internal finish;
- (e) the floor must be constructed so as to prevent the forming of standing water and be of such a nature to be cleaned and graded to the lowest point of the premises;
- (f) no building or shed must be situated within 15 m and no enclosure within 100 m of any boundary of any land, dwelling or any other building or structure used for human habitation or within 50 m of any well, water course or other source of water supply intended or used for human consumption; and
- (g) a portable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to every stable or enclosure.

6. Duties of keeper of goats and sheep

Any person who keeps goats or sheep must —

- (1) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair;
- (2) provide portable manure storage receptacles of an impervious material and with close fitting lids;
- (3) keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned;

- (4) remove all manure from the stable, building or shed at least once every seven days and place it in the manure storage receptacles;
- (5) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way that will not create a public health nuisance; and
- (6) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.

CHAPTER 5: KEEPING OF POULTRY

7. Application

The provisions of sections 9 (5) to (7) inclusive and 10(5), do not apply to the persons keeping ten or less poultry birds.

8. Permit requirements for poultry

No person may keep more than 10 poultry birds on an erf in a proclaimed township or 100 poultry birds on premises zoned for agriculture except in terms of a permit issued by the Council.

9. Requirements for premises

No person may keep poultry in premises that do not comply with the following requirements:

- (1) In relation to a poultry house ---
 - (a) every wall must be constructed of brick, stone, concrete or other impervious material brought to a smooth internal surface;
 - (b) the floor must be constructed of concrete or other impervious material brought to

- a smooth finish;
 - (c) the upper floor of a two or more storey structure must be constructed of an impervious and easily cleanable material;
 - (d) the minimum floor area must be —
 - (i) 0,20 m² for each grown fowl, duck, muscovy duck or guinea fowl;
 - (ii) 0,5 m² for each grown goose, turkey, peacock; and
 - (iii) 0, 14 m² for each grown pigeon;
 - (e) the minimum aggregate floor area must be 4m²;
- (2) In relation to a poultry run, the run must be enclosed with wire mesh or other durable material;
- (3) In relation to buildings or structure housing a battery system —
- (a) every wall, if provided, must be at least 2,4m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface;
 - (b) if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building;
 - (c) the floor must be constructed of concrete or other impervious material brought to a smooth finish and if required by an authorised officer, the floor surface must be graded and drained by means of a channel;
 - (d) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 250 mm high around its edges;
 - (e) every junction between the floor and walls and curbing must be covered;

- (f) a wash hand basin with a constant supply of water laid on must be provided and drained in terms of section 25
 - (g) the cages of the battery system must be made of an impervious material; and
 - (h) if required by an authorised officer, a tray of an impervious material must be fitted under every cage for the collection of manure;
- (4) A water supply adequate for drinking and cleaning must be provided in or next to every poultry hutch or building or structure housing a battery system;
- (5) There must be at least 3m of clear unobstructed space between any poultry house, poultry run, or building or structure housing a battery system and the nearest point of any dwelling, other building or structure used for human habitation or place where foodstuffs are stored or prepared for human consumption and the nearest boundary of any land;
- (6) a store-room must be provided for the storage of feed, where a battery system is to be operated; and
- (7) a curbed concrete washing platform or stainless steel trough with draining board and with a constant supply of water laid on, must be provided within or adjacent to such building or structure for the cleaning and disinfection of cages. The washing platform and trough must be drained in terms of section 25.
- (8) Feed must be stored in an adequate rodent-proof storeroom;
- (9) Adequate washing facilities must be provided for the cleaning of the cages;
- (10) If required by an environmental health officer due to the amount of manure stored on the premises awaiting removal, a storage area complying with the following requirements must be provided:
- (a) a roofed platform constructed of concrete or other impervious material;
 - (b) the platform's outside edges must have a minimum curb of 100 mm high;

- (c) the platform must be graded and drained; and
- (d) the roof of the platform must extend a minimum of 1 metre beyond the edges of the base of the platform.

10. Duties of keeper of poultry

Any person who keeps poultry must —

- (1) Ensure that all poultry is kept within the poultry house, poultry run or building or structure housing a battery system;
- (2) Maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the poultry in a clean, sanitary condition and in good repair;
- (3) Maintain the premises free from offensive odours and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from pests;
- (4) Ensure that the poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;
- (5) Maintain the premises free from offensive odours and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from vermin;
- (6) Remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every 4 days or at such longer intervals approved by the health officer from a building or structure housing a battery system; place the manure and other waste matter in the manure storage receptacles;
- (7) Remove the contents of the manure storage receptacles from the premises at least once every 7 days and dispose thereof in a manner which will not create a nuisance; and

- (8) Not store any material or article in any poultry house, poultry run or building or structure housing a battery system, except material or an article which is required for use in such house, run, building or structure.; and
- (9) Take adequate measures to keep the premises free of flies, cockroaches and rodents to prevent offensive odours arising from the keeping of poultry on the premises.

CHAPTER 6: KEEPING OF RABBITS

11. Application

The provisions of sections 13 (5) to (7) inclusive and 14(4), do not apply to persons keeping ten or less rabbits.

12. Permit requirements for rabbits

No person may keep more than 5 adult rabbits on an erf in a proclaimed township or 20 adult rabbits on premises zoned for agriculture except in terms of a permit issued by the council.

13. Requirements for the premises

No person may keep rabbits in premises that do not comply with the following requirements:

- (1) in relation to a rabbit hutch -
 - (a) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;
 - (b) The floor surface must be-
 - (i) At least 150mm above ground level, must be constructed of concrete or other durable and impervious material brought to a smooth finish and, if required by the

health officer, the floor must be graded to a channel drained in terms of section 25;

- (ii) situated at least 150mm above ground level.
 - (c) Must have natural light and ventilation must be provided; and
 - (d) It must have a minimum area of 0,4 m² for every rabbit to be accommodated.
- (2) Any rabbit run must be enclosed with wire mesh or other durable material and constructed in a way that prevents the escape of rabbits from the run.
- (3) If a battery system is to be operated, a building or structure in which such system must be housed, constructed and equipped in accordance with the following requirements must be provided-
- (a) Every wall, if provided, must be at least 2,4m high, must be constructed of concrete, stone, brick or other durable material and must have a smooth internal surface;
 - (b) If walls are provided, the building must be ventilated and lighted by means of natural openings or windows of an area equal to not less than 15% of the floor area of the building;
 - (c) The floor must be constructed of concrete or other durable and impervious material brought to a smooth finish, and if required by the health officer, the floor surface must be graded to a channel drained in terms of section 25;
 - (d) If no walls are provided, or the walls are of metal, the floor must be provided with a curb at least 150 mm high around its extremities;
 - (e) Every junction between the floor and the walls and curbing must be coved;
 - (f) The cages of the battery system must be constructed of impervious material and fitted with trays of an impervious material under every cage for the reception of urine; and
 - (g) a wash hand basin with a constant supply of water laid on must be provided and drained in terms of section 25.

- (4) A portable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the battery system building or structure or the rabbit hutch.
- (5) There must be at least be 5 m of clear unobstructed space between a rabbit hutch, rabbit run, or building or structure housing a battery system, and the nearest point of any dwelling, or other building or structure used for human habitation or place where foodstuffs are stored or prepared for human consumption and the nearest boundary of any land-
 - (a) A rodent proof store-room must be provided for the storage of feed, the floor area of which must be not less than 7m², the width not less than 2,2m and the height not less than 2,4m.
 - (b) If the health officer is satisfied that, having regard to the number of rabbits being kept, a store-room of dimensions less than the minimum dimensions required in terms of subparagraph (a) or other storage facilities are suitable. He may permit such smaller storeroom or other storage facilities.
 - (c) A curbed concrete washing platform or a stainless steel trough with draining board and with a constant supply of water laid on, within or adjacent to such building or structure for the cleaning and disinfection of cages. The washing platform and trough must be drained in terms of section 25.

14. Duties of keeper of rabbits

Any person who keeps rabbits must —

- (1) Keep all rabbits within the rabbit hutch, rabbit run or building or structure housing a battery system;
- (2) Maintain the premises and any equipment, apparatus, container or receptacles used in connection with keeping rabbits, in a clean, sanitary condition and in good repair;
- (3) Maintain the premises free from offensive odours and every rabbit hutch, rabbit run

- building or structure housing a battery system and all cages clean and free from pests;
- (4) Provide portable manure storage receptacles of an impervious material with close-fitting lids and every receptacle shall be kept on a platform;
 - (5) Remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system, at least once every 48 hours;
 - (6) keep the manure and waste in manure storage receptacles until it is removed from the premises; and
 - (7) Remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a way which will not create a public health nuisance.

CHAPTER 7: KEEPING OF BIRDS OTHER THAN POULTRY

15. Requirements for the premises

No person may keep any bird, other than poultry, in an aviary that does not comply with the following requirements:

- (1) The aviary must be constructed of durable rodent-proof materials;
- (2) If the aviary is constructed above ground level, the base thereof must be constructed of an impervious and durable material and must not be less than 300mm above ground level;
- (3) Adequate access must be provided for cleaning purposes;
- (4) If the aviary is constructed above ground level, its base must be constructed of an impervious and durable material and must be situated a minimum of 300 mm above ground level;
- (5) The aviary may not be situated within three meters of any building or structure, boundary fence or boundary wall; or

- (6) a water supply adequate for drinking and cleaning purposes must be situated in or next to every aviary.

16. Duties of keeper of an aviary

Any person who keep birds in an aviary must —

- (1) Ensure that the aviary and the premises are kept in a clean condition and free from pests;
- (2) Provide and use rodent-proof facilities for the storage of bird food; and
- (3) Ensure that the birds do not disturb the comfort, convenience, peace or quiet of the public.

CHAPTER 8: DEALER IN LIVESTOCK AND OTHER BUSINESSES INVOLVING THE KEEPING OF ANIMALS OR POULTRY

17. Requirements for Conducting Business

- (1) Every person conducting the business of a dealer or speculator in livestock or other business involving the keeping of animals or poultry, other than a pet shop, must comply with the requirements of subsection (2) and (3).
- (2) Subject to the provisions of section 31, the requirements of section 2 to 15 inclusive, must be complied with in so far as those provisions are applicable to the animals or poultry kept.
 - (a) An enclosure with an area of at least 10m² per head of cattle, horse, mule or donkey and 1,5m² per goat or sheep to be accommodated therein at any time with an overall minimum area of 50m² must be provided.
 - (i) A separate change room, clearly designated, must be provided for every sex if more than three non-resident persons of the sex are employed in the keeping of animals or poultry;

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- (ii) Every such change room must have a floor area of at least 0,5m² per employee, subject to an overall minimum area of 6,5m² and a minimum width of 2,1m;
 - (iii) Every such change room must be equipped with a metal clothes locker for the keeping of personal clothing of each employee;
 - (iv) For each employee for whom no change room is required in terms of subparagraph (i), a metal clothes locker must be provided.
 - (v) One wash hand basin and one shower-bath must be provided for every 15 persons, or part of that number, employed.
 - (vi) Every wash hand basin and shower-bath must be located within or adjacent to the change rooms, must have a constant supply of hot and cold running water laid on and be drained in terms of section 25.
- (b) Soap and towelling must be provided at the wash hand basin and shower-bath.
 - (c) Overalls or other protective clothing and, if required by the health officer, protective footwear must be provided for the use of persons employed in the keeping of animals or poultry.
- (3) In respect of employees resident on or at the premises;
- (a) sleeping accommodation equipped with a bed for each such employee must be provided;
 - (i) ablution facilities comprising one wash hand basin and one shower-bath or bath, separate for the sexes and clearly designated, must be provided for every 10 persons or part of that number of a particular sex employed.
 - (ii) every wash hand basin, shower-bath or bath must have a constant supply of hot and cold running water laid on and be drained in terms of section 25;

- (b) Cooking facilities and a scullery for the cleaning of cooking and eating utensils must be provided;
- (i) the scullery must be fitted with a double bowled sink of stainless steel with a constant supply of hot and cold running water laid on and drained in terms of section 25;
- (ii) every bowl of the sink must have a minimum capacity of 55l be fitted with a 150mm high splash screen on the side nearest the wall and be positioned at least 100mm away from any wall surface;
- (c) Laundry facilities consisting of a stainless steel laundry trough with a constant supply of hot and cold running water laid on and drained in terms of section 25, must be provided;
- (d) A refuse receptacle must be provided in the scullery;
- (f) A locker or other approved facilities must be provided in the room where the cooking facilities are situated for the storage of non-perishable food of each employee.

CHAPTER 9: DOG KENNELS AND CATTERIES

18. Requirements for the premises

- (1) No person may use premises as kennels or a cattery unless the premises comply with the following requirements:
 - (a) every dog or cat must be kept in an enclosure that complies with the following requirements:
 - (b) the enclosure must be constructed of impervious materials and must provide adequate access for cleaning purposes;
 - (c) the floor must be constructed of concrete or other impervious material brought to a smooth finish and graded to a channel 100mm wide, extending the full width of the floor, which channel must be graded and drained into a gully connected to

the Council's sewer by means of a pipe 100mm in diameter; and

- (d) a curb 150mm high must be provided along the edge of the channel, referred to in subsection (c), to prevent any storm water runoff entering the channel;
- (e) Every shelter must have adequate access thereto for cleaning and de-verminising.

- (2) Subject to subsection (4), every enclosure referred to in subsection (a), must be situated in a roofed shelter that complies with the following requirements;

- (a) every wall must be made of brick, stone, concrete or other impervious material;
- (b) the internal surface of every wall must have a smooth internal surface;
- (c) the floor must be made of concrete or other impervious material brought to a smooth finish.

- (3) Every shelter must have adequate access for cleaning and eliminating pests.

- (4) In the case of dogs, a dog kennel of moulded asbestos or other similar material, which is movable, and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter contemplated in subsection (2) and if the base of such kennel is not rendered water-proof, a sleeping board which will enable the dog to keep dry, must be provided in every such kennel;

- (5) A concrete apron extending at least one metre wide around the edges of the enclosure must be provided;

- (6) The apron must be graded and drained in a way that drains storm water away from the enclosure;

- (7) A portable water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the enclosure;
- (8) Any cages in which cats are kept must be constructed of durable impervious material and in a manner that they may be easily cleaned;
- (9) Any shelter, enclosure or kennel may not be situated within five meters of any;
 - (a) dwelling or other building or structure used for human habitation;
 - (b) place where food is stored and prepared for human consumption; or
 - (c) the boundary of the premises.
- (10) If required by the health officer, a separate room or roofed area with a floor area of not less than 6,5 m², a width of not less than 2,1m and a height of not less than 2,4m must be provided for the preparation of food.
 - (a) The floor of the room or roofed area must be of concrete or other durable and impervious material brought to a smooth finish.
 - (b) The internal wall surfaces of the room or roofed area must be smooth plastered and painted with a light colour washable paint.
 - (c) The room or roofed area must be equipped with preparation tables of metal manufacture and a double bowled stainless steel sink with a constant supply of hot and cold water laid on and drained in terms of section 25.
 - (d) Every bowl of the sink must have a minimum depth of 225mm and a minimum capacity of 55l.
- (11) A rodent proof store-room must be provided for the storage of food, the floor area of which must not be less than 6,5m² and the width not less than 2,1m but if the health officer is satisfied that, having regard to the number of dogs or cats being kept on the premises, a store-room of smaller dimensions than the minimum dimensions required or other storage facilities would be adequate, he or she may permit a smaller store-room or other storage facilities as he or she deems fit

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- (12) At least 5m of clear unobstructed space must be provided between any shelter or enclosure and the nearest point of any dwelling, other building or structure used for human habitation or place where food is stored or prepared for human consumption, or the boundary of any land.
- (13) Isolation facilities must be provided for sick dogs or cats.
- (14) If washing, clipping or grooming of pets is done, the following facilities must be provided:
- (a) A bathroom with a minimum floor area of 9m², a width of not less than 2,1m fitted with a bath or similar approved fitting and wash hand basin with a constant supply of hot and cold running water laid on.
 - (b) A clipping and grooming room with a minimum floor area of 10m², a width of not less than 2,1m and fitted with approved impervious topped tables and an adequate number of portable storage receptacle of an impervious durable material with close fitting lids for the storage of cut hair pending removal.
 - (c) The rooms referred to in paragraphs (a) and (b) must be laid out in such a manner so as to provide an unobstructed floor area of at least 30%.
 - (d) The floors of the rooms referred to in paragraphs (a) and (b) must be constructed of concrete or other durable and impervious material, brought to a smooth finish, graded to a channel drained in terms of section 25.
 - (e) Every junction between the floor and walls of such room must be coved and the coving must have a minimum radius of 75 mm.
 - (f) Every internal wall surface must be smooth plastered and painted in a light colour washable paint.
- (15) If cages are provided for the keeping of cats, such cages must be of durable impervious material and constructed so as to be easily cleaned.

19. Food preparation area

- (1) Any keeper of kennels or a cattery who is instructed by an authorised officer to provide a food preparation area, must provide a separate room or roofed area for the preparation of food that complies with the following requirements:
 - (a) the floor of the room or roofed area must be constructed of concrete or other impervious material brought to a smooth finish;
 - (b) the internal wall surfaces of the room or roofed area must be smooth and easily cleanable;
 - (c) adequate washing facilities for food bowls and utensils must be provided; and
 - (d) a rodent—proof storeroom must be provided for the storage of food.

20. Duties of a keeper kennels or catteries

- (1) Any person in control of kennels or a cattery must -
 - (a) Maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
 - (i) provide portable storage receptacles of an impervious material with close fitting lids for the storage of dog and cat faeces;
 - (ii) every such receptacle must be kept on a platform constructed of concrete or other durable and impervious material adjacent to the enclosures;
 - (b) Remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in paragraph (a);

- (c) Remove the contents of the storage receptacles from the premises at least twice every 7 days and dispose thereof in a manner which will not create a nuisance;
- (d) Store all loose food in receptacles with close fitting lids within the food store;
- (e) Provide refrigeration facilities in which all perishable food must be stored at a temperature not higher than 10° C;
- (f) Take effective measures for the prevention of harbouring or breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of dogs or cats;
- (g) Provide refuse receptacles with close fitting lids in the food preparation room or roofed area required in terms of section 18(7);
- (h) Keep any sick dog or cat in the isolation facilities required in terms of section 18(10), whilst on the premises;
- (j) Ensure that dogs and cats kept on the premises do not disturb or hinder the comfort, convenience, peace or quiet of the public.

CHAPTER 10: PET SHOPS AND PET PARLOURS

21. Requirements for premises

- (1) No person may operate a pet shop or pet parlour in or on any premises that does not comply with the following requirements:
 - (a) In which there is direct internal access with any room or place used for human habitation or in which clothing is stored or sold or food for human consumption is prepared, stored, sold or consumed.
- (2) all walls, including any partition, must —
 - (a) be constructed of brick, concrete or other impervious material;
 - (b) have a smooth and easily cleanable internal surface; and

- (c) be painted with a washable paint or other adequate finish;
- (3) All floor surfaces must be constructed of concrete or other impervious material brought to a smooth finish.
- (4) All ceilings must be dust proof and easily cleanable.
- (5) at least one wash hand basin, with a supply of running hot and cold potable water, must be provided for employees and the ratio of wash hand basins to persons employed on the premises must not be less than 1:15.
- (6) The wash hand basins, referred to in subsection (4), must be drained;
- (7) A rodent proof store-room, with a floor area of not less than 16 m² must be provided.
- (b) If the health officer is satisfied that, having regard to the extent of the business and the quantity of goods and equipment and pets food to be stored on the premises, a store-room of smaller dimensions than the minimum dimensions in terms of paragraph (7) is adequate, he or she may permit a smaller store-room.
- (8) Facilities for the washing of cages, trays and other equipment must be provided in the form of either;
 - (a) A curbed and roofed over platform with a minimum surface area of 1,5 m², raised at least 100 mm above the floor and constructed of concrete or other impervious material brought to a smooth finish, which platform must be provided with a supply of running potable water; or
 - (b) A stainless steel sink or trough not less than 304 mm deep of adequate size with a drainage board and provided with a supply of running potable water.
- (9) The platform, sink or trough referred to in subparagraph (vi) must be drained in terms of section 25 and any wall surface within 0,5 m of such platform, sink or trough must be permanently covered with durable water proof material to a height of at least 1,4 m above the floor.

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- (10) any wall surface within 0,5 meters of the platform, sink or trough referred to in subsection (7), must be permanently covered with waterproof material to a minimum height of 1,4 meters above the floor;
- (a) A separate change room, clearly designated, must be provided for any sex if more than two persons are employed on the premises.
- (b) Every such change room must have a floor area of at least 0,5 m² for each employee with a minimum overall floor area of 6,5 m² and a minimum width of 2,1 m and must be equipped with a separate metal clothes locker for the keeping of personal clothing of each employee.
- (c) For each employee for which no change room is required in terms of subparagraph (a), a metal clothes locker must be provided.
- (d) No door, window or other opening in any wall or a building on the premises must be within 2 m of any door, window or opening to any building in which food is prepared, stored or sold for human consumption or consumed by humans.
- (11) Where no changeroom is required in terms of subsection (10), each employee must be provided with an adequate metal locker.
- (12) For the purposes of washing, clipping or grooming of pets;
- (a) A bathroom fitted with a bath, or similar fitting, and a wash hand basin supplied with running potable water must be provided;
- (b) A clipping and grooming room fitted with impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids, for the storage of cut hair pending removal, must be provided;
- (c) at least 50 % of the floor area of the rooms referred to in subsections (a) and
- (d) must unobstructed; and
- (e) the floors of the rooms referred to in subsections (a) and (b) must be graded to

a drainage channel;

(13) All buildings, including storage areas, must be rodent-proof; and

(14) The premises may not have direct internal access with any room or place;

(a) used for human habitation;

(b) where clothing is stored or sold; or

(c) where food is prepared, stored or sold for human consumption.

22. Duties of pet shop or pet parlour keeper

(1) Every person who conducts the business of a pet shop must -

(a) Provide cages for housing animals, poultry or birds, and the following requirements must be complied with;

(i) The cages must be constructed entirely of metal or other durable impervious material and must be fitted with a removable metal tray below the floor thereof to facilitate cleaning;

(ii) Every cage must be free from any recess or cavity not readily accessible for cleaning and every tubular or hollow fitting used in connection therewith must have its interior cavity sealed;

(iii) Every cage must be of such size and mass and so placed that it can be readily moved;

(iv) If rabbits are kept in a cage, the metal tray referred to in subparagraph (i) must be drained to a removable receptacle;

(v) Every cage must be fitted with a drinking vessel filled with water and accessible to the pets kept in the cage;

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- (vi) The distance from any cage to the nearest wall must at all times be not less than 150mm; and
 - (vii) The cages must be kept not less than 450 mm above floor level and the space beneath the cages must be unobstructed;
 - (b) Provide rodent proof receptacles of an impervious material with close fitting lids in the store-room in which all loose pet food must be stored;
 - (c) Provide refrigeration facilities in which all perishable pet food kept on the premises must be stored at a temperature not higher than 10° C;
 - (d) Maintain in every room in which pets are kept, an unobstructed floor space of not less than 30% of the floor area of such room and a distance of not less than 800 mm between rows of cages;
 - (e) Maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop, in a clean, sanitary condition, free from vermin and in good repair;
 - (f) Take effective measures for the prevention of harbouring or breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of pets on the premises;
 - (g) Provide overalls or other protective clothing for the use of persons employed in connection with the pet shop and ensure that such apparel is worn by the employee when on duty;
 - (h) Not keep any pet in the yard or other open space on the premises, unless otherwise approved by the health officer;
 - (i) Provide isolation facilities, in which every pet which is or appears to be sick must be kept whilst on the premises;
 - (j) Ensure that there is a constant and portable water supply for drinking and cleaning purposes;

- (k) Ensure that the premises are at all times so ventilated so as to ensure sufficient movement of air for the comfort and survival of the pets; and
- (l) Ensure that the number of pets per cage are not such that the free movement of such pets is impeded.

CHAPTER 11: STREET TRADING IN POULTRY AND RABBITS

23. Requirements for Street Trading

- (1) No person must sell in the street poultry or rabbits, unless the following requirements are complied with;
 - (a) The business of a street trader must be conducted from premises on which poultry or rabbits must be kept in compliance with the provisions of Chapters V and VI and facilities must be provided for the parking of the vehicle used for street trading after normal trading hours;
 - (b) A vehicle of sound construction, oil painted and bearing the name of the street trader, together with his or her residential address and the address of his business premises in clearly legible letters not less than 50 mm in height on both sides of the vehicle must be provided;
 - (c) That part of the vehicle in which poultry or rabbits are conveyed must be provided with a top or cover of heat resistant material, other than metal, and provision for through ventilation must be made;
 - (d) Cages or crates of an impervious and durable material must be provided for conveying poultry or rabbits on the vehicle;
 - (e) Such cages, crates or divisions thereof must be fitted with removable trays of impervious material for the reception of poultry or rabbit droppings;

- (f) Every cage, crate or division must be provided with a drinking vessel, not less than 100mm in depth filled with water, which must be fixed to an inside corner of the cage, crate or division.

24. DUTIES OF STREET TRADER

- (1) Every person selling poultry or rabbits in the street must -
 - (a) Wash and thoroughly cleanse that part of the vehicle in which poultry or rabbits are conveyed and every cage, crate and tray used on the vehicle, after each day's trading;
 - (b) Remove from every cage or crate on the vehicle any poultry or rabbits which appear to be sick and place such poultry or rabbits in a separate cage;
 - (c) Maintain the premises, vehicle and every cage, crate, tray, vessel, container and receptacle used in connection with such hawking in a clean and sanitary condition, free from vermin and in good repair; and
 - (d) Store all feed in rodent proof receptacles or storeroom.

CHAPTER 12: KEEPING OF WILD ANIMALS

25. Requirements for the premises

No person may keep wild animals on premises that do not comply with the following Requirements;

- (1) All wild animals must be kept in enclosures constructed and equipped as follows —
 - (a) The enclosure must satisfy the needs of the specific animal as specified by the relevant nature conservation authorities;
 - (b) the enclosure may not be situated within 50 meters of ;
 - (i) any boundary of the premises;
 - (ii) any dwelling, building or structure used for human habitation;

- (iii) any dwelling, building or structure where food is stored, handled or prepared for human consumption; or
- (iv) any water resource intended for domestic consumption;
- (c) an adequate supply of potable water for drinking and cleaning purposes must be provided; and
- (d) the enclosure must be graded and drained in a way that does not pollute any water resource or create a public health nuisance;
- (2) A separate room, equipped with a preparation table and wash-up sink, supplied with running potable water and adequately drained must be provided for the preparation of food;
- (3) Adequate facilities must be provided for washing any cages, trays, crates, refuse receptacles and food containers in the form of either—
 - (a) A curbed platform constructed of concrete or other impervious material brought to a smooth finish; or
 - (b) a stainless steel sink or trough adequate in size to accommodate the equipment to be washed;
- (4) Both facilities referred to in subsection (3) must be provided with a supply of running potable water and must be drained; and
- (5) All areas and rooms in which fodder and food are stored must be rodent-proof.

26. Duties of keeper of wild animals

- (1) Any person that keeps wild animals must —
 - (a) maintain the premises in a clean and sanitary condition at all times;
 - (b) clean all manure and food scraps from any enclosure at adequate intervals; and

- (c) prevent the soil beneath or around any enclosure from becoming saturated with urine.

CHAPTER 13: KEEPING OF PIGS

27. Requirements for premises

No person may keep pigs other than in a pigsty which complies with the following requirements:

- (1) every wall must —
 - (a) be constructed of brick, stone, concrete or other durable material;
 - (b) have a minimum height of 1,5 meters;
 - (c) have a smooth, impervious internal surface; and
 - (d) the junction between the walls and the floor must be covered;
- (2) The floor area must provide at least 3m² for each pig accommodated in the pigsty, with an overall minimum floor area of 6 m²;
- (3) The roof over any portion of a pigsty must have a minimum height of 1,5 meters;
- (4) Except in the case of a roofed structure having one of its long sides completely open, the lighting and ventilation openings must —
 - (a) be situated opposite one another in the external walls; and
 - (b) provide a minimum of 0,15m² for each pig;
- (5) The floor must be;
 - (a) at least 150mm above the surrounding ground level;
 - (b) constructed of concrete or other durable and impervious material brought to a smooth finish; and
 - (c) graded for the run-off of liquids into an open channel outside the pigsty;
- (6) the open channel referred to in subsection (5)(c) must;

- (a) be constructed of concrete or other durable and impervious material;
 - (b) be a minimum of 100 mm in diameter; and
 - (c) be adequately drained;
- (7) The pigsty must be strong enough to prevent the pigs breaking out;
- (8) The pigsty may not be situated within 100 meters of —
- (a) the boundary of the premises;
 - (b) any dwelling, building or structure used for human habitation;
 - (c) any dwelling, building or structure in which food is prepared, stored or sold for human consumption; or
 - (d) any water resource intended for domestic consumption;
- (9) A roofed over concrete platform must be provided for —
- (a) the storage of all swill in containers; and
 - (b) the preparation of pig feed;
- (10) the platform referred to in subsection (9) must comply with the provisions of subsection (5) and in addition, must have a curbing of a minimum height of 100 mm on each edge; and
- (11) A potable water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the pigsty.

28. Duties of keeper of pigs

Every person keeping pigs must -

- (1) Ensure that every pig is kept within a pigsty;
- (2) Maintain the premises and any equipment, apparatus, container or receptacle in a clean and sanitary condition and in good repair;

- (3) Provide portable storage receptacles, of impervious material and with close fitting lids, to store manure;
- (4) Keep all manure storage receptacle on a platform that complies with section 27(9); and
- (5) Remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles;
- (6) Remove the contents of the manure storage receptacles from the premises at least once every second day and dispose of the manure in a manner that will not create a public health nuisance;
- (7) provide a rodent-proof storeroom in which all feed, other than swill, must be stored; and
- (8) Provide rodent-proof receptacles, with close fitting lids, in which to store all loose feed.

CHAPTER 12: KEEPING OF BEES

29. Requirements for keeping of bees

No person may keep bees on any premises unless -

- (1) the person is in possession of a valid permit issued by the council;
- (2) the bee hive is situated —
 - (a) a minimum of five meters from any boundary of the premises; and
 - (b) a minimum of ten meters from any public place or building used for human habitation;
- (3) The bees are kept in an approved bee hive; and
- (4) The bee hive is —

- (a) kept in an area inaccessible to children and animals;
 - (b) kept in the shade at all times; and
 - (c) supplied with a source of drinking water within five meters of the hive.
- (5) No person may dump or deposit any garbage, compost, grass cuttings or manure within five meters of any bee hive;

CHAPTER 15: DANGEROUS ANIMALS

30. Dangerous animals

- (1) No person may without a permit issued by the council, keep any wild animal of a species that is dangerous to humans, including without limitation, large carnivores, venomous snakes, spiders or scorpions.
- (2) The permit referred to in subsection (1) may be issued subject to such conditions as may be deemed necessary by the council including without limiting the generality of the foregoing the type of enclosure required to ensure that the animal does not escape from the premises or pose a danger to the residents of, or visitors to, the premises.

CHAPTER 16: MISCELLANEOUS PROVISIONS

31. Drainage

Any person keeping animals must ensure that all sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, channels and washing platforms required to be drained in terms of this By-law, must be drained in accordance with provisions of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).

32. Keeping of and slaughtering animals for religious and ceremonial purposes

- (1) Any person who keeps an animal prior to slaughtering it for religious or ceremonial

purposes, or slaughters an animal for such purposes, must comply with the provisions of these By-laws.

- (2) A person intending to slaughter an animal for religious or ceremonial purposes in any place other than in a recognised abattoir must;
 - (a) notify the Council in writing, fourteen days prior to the event;
 - (b) notify all neighbours in writing, seven days prior to the event;
 - (c) screen the slaughtering process from the public;
 - (d) use the meat derived from the slaughtered animal solely for the purposes of the religious or ceremonial feast;
 - (e) handle the meat in a hygienic manner at all times; and
 - (f) dispose of any portions of the animal that are not used or consumed, in the manner prescribed by the council.

33. Certain animals may not be kept in proclaimed townships

No person may keep any cattle, horses, mules, donkeys, goats, sheep, pigs or wild animals on any erf in a proclaimed township.

34. Permits

- (1) Whenever it is provided in these By-laws that an animal may not be kept except in terms of a permit issued by the council, the following shall apply:
 - (a) The person desiring to obtain a permit shall apply therefor to the council in the form prescribed by the council, and shall pay such application fee as may be prescribed by the council
 - (b) In addition, such person shall furnish any information which the council may require for purposes of considering such application;
 - (c) the council may in its discretion grant such application and issue such permit, subject to such conditions as it deems fit, or it may refuse such application.

- (2) The council may delegate its powers under paragraphs (a) and (b) of subsection (1) to an official of the Municipality.

35. Authorised officers

The Municipality may appoint officials of the Municipality as authorised officers to enforce and implement this By-law and perform any act required or permitted to be performed by an authorised officer under this By-law.

36. Appeals

- (1) A person whose rights are affected by a decision taken by any authorised officer under these by-laws or an official to whom the council has delegated powers, may appeal against the decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- (2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).
- (3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (4) When the appeal is against a decision taken by-
 - (a) a staff member other than the municipal manager, the municipal manager is the appeal authority; or
 - (b) the Municipal Manager, the executive mayor is the appeal authority.
- (5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

37. Other laws must be complied with

The compliance by any person with any provision of this by-law shall not exempt such person from compliance with any provision of any other By-law or provincial or national law or regulation made thereunder, and the issuing of any permit to any person in terms of this By-law shall not exempt such person from obtaining any permit required by any other By-law or provincial or national law or regulation made thereunder.

38. Nuisance

(1). No person must -

- (a) keep any animal or pet in such a manner as to cause a nuisance;
- (b) fail to remove faeces deposited by a dog in a public place whilst under his control or supervision and dispose of such faeces in a refuse receptacle; or
- (c) fail to duly dispose of dead animals in such a manner as prescribed by the health officer.

39. Illness Attributable to Animals

The illness of any person, which is attributable to the keeping of any animal, poultry, bird or pet as contemplated in this By-Law, must be reported to a health officer within 24 hours of diagnoses by the person making the diagnosis.

40. Inspections

- (1). The health officer and any officer authorized thereto by the Municipality may, in order to satisfy himself that the provisions of these By-laws are being complied with -
 - (a) Enter any premises on which animals, poultry, birds or pets are kept or on which kennels or a cattery is conducted or the business of a dealer or speculator in livestock

or a pet shop, a hawker of poultry or rabbits is being conducted or on which he reasonably suspects animals, poultry, birds or pets are kept or such business is being conducted, at all reasonable times;

- (b) Inspect such premises or any vehicle used or reasonably suspected by him to be used for such business and anything thereon or therein; and
- (c) Question any person on such premises or in such vehicle or who has recently been on such premises or in such vehicle.

41. Provisions of Camps

The Municipality may reserve and fence off or conditionally allow to be fenced off such portions of land within its area of its jurisdiction, as may be deemed desirable by the Municipality and establish a special camp or camps as it deems fit in order to ensure proper administration and to prevent soil erosion.

42. Grazing Fees

Any grazing fees prescribed by the Municipality must be payable by every person in whose name animals are registered or should on terms of these By-law be registered

43. Offences

- (1) Any person –
 - (a) who contravenes or fails to comply with any provision of these By-laws;
 - (b) who keeps animals, birds or poultry or who is the person in control of or who conducts the business of a dealer or speculator in livestock, a pet shop, dog kennels or cattery or a hawker of poultry or rabbits on any premises fails to ensure that all the provisions of these By-laws applicable to such premises or business are complied with;
 - (c) who fails or refuses to give access to premises to the health officer or any officer contemplated in section 40 when requested to give such access;

- (d) who obstructs or hinders the health officer or other officer in the execution of this duties under these By-laws;
 - (e) fails or refuses to give information to the health officer or such other officer which is lawfully required, or knowingly furnishes false or misleading information; or
 - (f) fails or refuses to comply with a notice in terms of section 2, is, subject to the provisions of subsection (2), guilty of an offence and must be liable on conviction to a fine of R500.00 or, in default of payment, to imprisonment for a period not exceeding six months, or in the case of a continuous offence, to a prescribed fine or, in default of payment, to imprisonment for a period not exceeding ten days for every period of 24 hours during which such offence continues.
- (2) It must be a competent defence if a person referred to in subsection (1)(b) proves that he or she did not know of, could not reasonably have foreseen and could not have prevented the commission of the offence contemplated in subsection (1).

44. Regulations

- (1) The Municipality may make regulations not inconsistent with this By-Law, prescribing -
- (a) Any matter that may or must be prescribed in terms of this By-law; and
 - (b) Any matter that may facilitate the application of this By-law.

45. Repeal of by-laws

Any By-laws promulgated by the Municipality pertaining to any matter regulated in this By-law, shall be repealed from the date of promulgation of this By-law.

46. Short title

This By-law is called the Keeping of Animals By-law, 2019, and takes effect on a date determined by the Municipality by proclamation in the Official Gazette.

MUNICIPAL NOTICE 124 OF 2019**GREATER KOKSTAD MUNICIPALITY****POUNDS BY-LAW**

The Municipal Manager hereby publishes, in terms of section 162 of the Republic of South Africa Act [Act No. 108 of 1996], read with section 13 of the Local Government: Municipal Systems Act [Act No. 32 of 2000], and the KwaZulu-Natal Pound Act No. 3 of 2006, the Pounds By-law.

ARRANGEMENT OF SECTIONS

1. Definitions
2. Establishment of pound
3. Detention and removal of animals
4. Receipt of animals
5. Care of animals
6. Release of animals
7. Disposal of animals
8. Indemnity
9. Offences and penalties
10. Repeal of By-laws
11. Short title and commencement

1. Definitions

In these By-laws, unless inconsistent with the context –

- 1.1 **“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;
- 1.2 **“Council”** means the council of the Greater Kokstad Municipality;
- 1.3 **“impounded animal”** means any animal received into a pound as contemplated in section 5 of these By-laws;
- 1.4 **“owner in relation to any animal”** includes the agent of the owner or any other person having lawful custody of the animal;
- 1.5 **“owner in relation to any land”** includes the registered owner, the lessee and any lawful occupier of such land;
- 1.6 **“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 By-laws; and
- 1.7 **“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;
- 1.8 **“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, beach, shopping centre on municipal land, unused/vacant municipal land or cemetery; and
- 1.9 **“public road”** shall mean a public road as described under section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996).

2. Establishment of pound

- (1) The Council may establish a pound at any convenient place within its area of jurisdiction.
- (2) The Council may disestablish any such pound established in terms of sub-section (1) whenever it deems necessary.
- (3) 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 private land; or
 - (b) straying or wandering unattended on a public road or in any 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 animal 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 sub-section (1) and enter the same in a book maintained for this 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 sub-section (2)(b).
- (3) No person shall release or attempt to release, otherwise than in accordance with these By-laws, any animal which has been received at a pound.
- (4) The pound manager shall comply with any requirements imposed by the Animal Identification Act 2002, and the Stock Theft Act, 1957, and any regulations made thereunder.

5. Care of animals

- (1) The pound manager shall take proper care of any animal impounded in terms of these By-laws.
- (2) The pound manager shall not use, or cause or permit to be used, any animal impounded in terms of these By-laws.
- (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

- (1) The pound manager shall release an impounded animal to any person who has -
 - (a) satisfied the pound manager that he or she is the owner of the impounded animal;
 - (b) paid the conveyance and pound fees prescribed by resolution of the Council from time to time; and
 - (c) paid any veterinary or other expenses incurred in the impounding of the animal.

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 days' notice, has failed to remove the impounded animal; and
 - (c) 10 days' prior notice of the proposed sale has been given in terms of sub-section (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 6 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 the sale of an impounded animal, if any, and the fees and expenses referred to in section 6, or the costs of destruction as contemplated in section 7(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.

9. Offences and penalties

- (1) Any person who contravenes or fails to comply with any provision of these By-laws shall be guilty of an offence.
- (2) Any person found guilty of an offence in terms of this section shall -
 - (a) be liable for a fine not exceeding R5000.00; or
 - (b) be liable for imprisonment for a period not exceeding two months; or
 - (c) liable for both such fine and imprisonment in terms of sub-sections (a) and (b).

10. Regulations

The Municipality may make regulations not inconsistent with this By-law, prescribing -

- (a) any matter that may or must be prescribed in terms of this By-law; and
- (b) any matter that may facilitate the application of this By-law.

11. Repeal of By-laws

Any By-laws promulgated by the Municipality pertaining to any matter regulated in this By-law, shall be repealed from the date of promulgation of this By-law.

12. Short title and commencement

This By-law is called the Pounds By-law, 2019, and takes effect on a date determined by the Municipality by proclamation in the Official Gazette.

MUNICIPAL NOTICE 125 OF 2019**GREATER KOKSTAD MUNICIPALITY****BY-LAW RELATING TO MUNICIPAL TARIFFS**

The Municipal Manager hereby publishes, in terms of section 162 of the Constitution of the Republic of South Africa Act [Act No. 108 of 1996], read with section 13 of the Local Government: Municipal Systems Act [Act No. 32 of 2000], , the By-law Relating to Municipal Tariffs.

PURPOSE OF BY-LAW

The purpose of this By-law is to adopt a framework of tariffs applicable to the levying of fees for municipal services provided either by the Municipality, or in terms of service delivery agreements.

ARRANGEMENT OF SECTIONS

1. **Definitions**
2. **Application of By-law**
3. **Contents of By-law**
4. **General power to levy and recover fees, charges and tariffs**
5. **Determination of tariffs**
6. **Subsidisation of tariffs**
7. **Review of tariffs**
8. **Procedure for the implementation of tariffs**
9. **Delegated authority**
10. **Regulations**
11. **Repeal of By-law**
12. **Short title and commencement**

1. **Definitions**

In this By-law, the singular includes the plural and vice versa unless the context otherwise indicates;

- 1.1 **“community services”** means services rendered by the Municipality, which include, but are not limited to, street cleaning, grass cutting and the operation of community halls and cemeteries;
- 1.2 **“consumer”** means any person resident within the municipal area and utilising services provided by the Municipality;

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- 1.3 “**economic services**” means services such as refuse removal and sanitation that the Municipality renders for consumers;
- 1.4 “**indigent household**” means a household receiving a subsidy from the Municipality in terms of its indigent support policy;
- 1.5 “**Municipality**” means the Greater Kokstad Local Municipality, and when referred to as -
- (a) a legal entity, means Greater Kokstad Local Municipality, established in terms of section 12 of the Municipal Structures Act, 1998 [Act No. 117 of 1998]; and
 - (b) a geographic area, means the municipal area in respect of which the Greater Kokstad Local Municipality has legislative and executive authority, as may be amended from time to time;
- 1.6 “**municipal council**” or “**council**” means the municipal council of the Greater Kokstad Municipality as referred to in terms of section 157(1) of the Constitution;
- 1.7 “**Municipal Manager**” means a person appointed in terms of section 82 of the Municipal Structures Act, 1998 [Act No. 117 of 1998];
- 1.8 “**municipal services**” means a service rendered by the Municipality as defined in the Municipal Systems Act and includes community, economic and trading services;
- 1.9 “**Municipal Systems Act**” means the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000], as amended from time to time;
- 1.10 “**Municipal Structures Act**” means the Local Government: Municipal Structures Act, 1998 [Act No. 117 of 1998], as amended from time to time;
- 1.11 “**subsidised services**” means community services or such other services that the Municipality may render for the direct benefit of consumers;
- 1.12 “**tariff**” means the rate at which fees for municipal services will be determined;
- 1.13 “**trading services**” means services such as water and electricity that the Municipality renders to consumers.

2. Application of By-law

This By-law shall only apply in respect of municipal services rendered by the Municipality itself, or by an external mechanism in terms of a service delivery agreement, within the municipal area.

3. Contents of policy

- (1) The Council's Tariff Policy shall ensure that –
 - (a) users of municipal services should be treated equitably in the application of tariffs;
 - (b) the amount individual users pay for services should generally be in proportion to their use of that service;
 - (c) poor households shall have access to at least basic services through -
 - (i) tariffs that cover only operating and maintenance costs;
 - (ii) special tariffs or life line tariffs for low levels of use or consumption of services or for basic levels of service; or
 - (iii) any other direct or indirect method of subsidization of tariffs for poor households;
 - (d) tariffs shall reflect the costs reasonably associated with rendering the service, including capital, operating, maintenance, administration and replacement costs, and interest charges;
 - (e) tariffs shall be set at levels that facilitate the financial sustainability of the service, taking into account subsidisation from sources other than the service concerned;
 - (f) that provision may be made in appropriate circumstances for a surcharge on the tariff for a service;
 - (g) provision may be made for the promotion of local economic development through special tariffs for categories of commercial and industrial users;
 - (h) the economical, efficient and effective use of resources, the recycling of waste, and other appropriate environmental objectives shall be encouraged;
 - (i) the extent of subsidisation of tariffs for poor households and other categories of users shall be fully disclosed.
- (2) The Tariff Policy may differentiate between different categories of users, debtors, service providers, services, service standards, geographical areas and other matters as long as the differentiation does not amount to unfair discrimination.

4. General power to levy and recover fees, charges and tariffs

- (1) The Municipality may -
 - (a) levy and recover fees, charges or tariffs in respect of any function or service of the Municipality; and
 - (b) recover collection charges and interest on any outstanding amount.
- (2) The fees, charges and tariffs referred to in paragraph (a) shall be levied by resolution passed by the Council with a supporting vote of a majority of its members.
- (3) After the resolution contemplated by sub-section (2) has been passed, the Municipal Manager shall, without delay -
 - (a) conspicuously display a copy of the resolution for a period of at least 30 days at such places within the Municipality to which the public has access as the Municipal Manager may determine;
 - (b) publish in a newspaper of general circulation in the Municipality a notice stating -
 - (i) that a resolution as contemplated in sub-section (2) has been passed by the Council;
 - (ii) that a copy of the resolution is available for public inspection during office hours at places specified in such notice; and
 - (iii) the date on which the determination shall come into operation;
 - (c) seek to convey the information referred to in paragraph (b) to the local community by appropriate means of communication, including, where possible, radio broadcasts.
- (4) The Municipal Manager shall forthwith send a copy of the notice referred to in sub-section (3)(b) to the MEC for Co-operative Governance and Traditional Affairs.

5. Determination of tariffs

- (1) In determining tariffs for municipal services, the Municipality shall ensure that -
 - (a) provision is made for working capital reserves to be maintained at optimum levels; and
 - (b) contributions to funds and other reserves are maintained at specified levels.
- (2) The municipal council shall determine a process for the setting of tariffs, which shall take into consideration the following -

- (a) the level of service delivery based on the availability thereof and the condition of the current infrastructure;
 - (b) the level of services required to meet the reasonable expectations of consumer groups;
 - (c) an analysis of the costs of providing services;
 - (d) an analysis of the subsidy level framework;
 - (e) the revenue generating capacity to recover the cost of services; and
 - (f) the affordability of services to various consumer groups.
- (3) In setting a tariff structure, the Municipality shall ensure that the tariff fairly reflects the costs of providing the service.
- (4) In respect of -
- (a) trading service tariffs, the Municipality must ensure that the service yields a trading surplus not exceeding an amount to be determined by resolution of the Municipality;
 - (b) economic service tariffs, the full cost of the service should be recovered without any deficit;
 - (c) subsidised service tariffs, the Municipality shall ensure that the cost of operating, maintaining and upgrading the municipal asset is recovered; and
 - (d) community service tariffs, the service may be rendered without a compensatory tariff, provided that the Municipality may however, in its discretion, levy a charge.

6. Subsidisation of tariffs

- (1) In order to comply with its obligation to reflect the extent of subsidisation of tariffs for indigent households, the Municipality shall ensure that the generation of revenue for subsidies and their disbursement is conducted in a transparent, equitable and efficient manner.
- (2) The Municipality shall, in its annual financial statements, reflect:
- (a) the source of revenue for financing subsidies; and
 - (b) the benefit provided to each consumer receiving a subsidy.

7. Review of tariffs

Council shall review the applicable tariffs for services prior to the adoption of its annual budget.

8. Procedure for the implementation of tariffs

- (1) Prior to the implementation of any tariff, it shall first be approved by the passing of a resolution to this effect by the majority of the members of Council.
- (2) Once Council has passed such resolution, the Municipal Manager shall display a copy of the resolution at the main administrative offices of the Municipality or such other places as he or she may determine, for a period of at least 30 days.
- (3) The Municipal Manager must further publish a notice in the local newspaper, stating that –
 - (a) the Municipality has passed the resolution referred to in sub-section (1);
 - (b) the resolution is available for inspection during office hours; and
 - (c) the date upon which the tariff will come into operation is the date indicated.
- (4) If possible, the contents of the notice referred to in (3) must be conveyed to the local community by radio broadcasts, covering the municipal area.
- (5) The Municipal Manager must forthwith send a copy of the notice to the Member of the Executive Committee for Local Government in the Province of KwaZulu-Natal.
- (6) The provisions of this section must be interpreted and applied in accordance with the requirements of sections 21 and 21A of the Municipal Systems Act.

9. Delegated authority

The Chief Financial Officer shall be responsible to the Municipal Manager for the implementation, administration and enforcement of this By-law, within the financial and other capacity constraints of the Municipality.

10. Regulations

The Municipality may make regulations not inconsistent with this By-law, prescribing -

- (a) any matter that may or must be prescribed in terms of this By-law; and
- (b) any matter that may facilitate the application of this By-law.

11. Repeal of By-law

Any By-laws promulgated by the Municipality pertaining to any matter regulated in this By-law, shall be repealed from the date of promulgation of this By-law.

12. Short title and commencement

This By-law is called the By-law Relating to Municipal Tariffs, 2019, and takes effect on a date determined by the Municipality by proclamation in the Official Gazette.

MUNICIPAL NOTICE 126 OF 2019**GREATER KOKSTAD MUNICIPALITY****FIRE PREVENTION BY-LAW**

The Municipal Manager hereby publishes, in terms of section 162 of the Constitution of the Republic of South Africa Act [Act No. 108 of 1996], read with section 13 of the Local Government: Municipal Systems Act [Act No. 32 of 2000], The Fire Prevention By-law:

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CHAPTER 1: GENERAL

1. Definitions

In this By-law, unless the context indicates otherwise—

- 1.1 “above ground storage tank”** means a tank situated above ground for the storage of a flammable liquid;
- 1.2 “automatic releasing hold-open device”** means a device used to hold open a fire door and operates on the detection of a fire to close the fire door;
- 1.3 “building”** means any structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction thereof, erected or used for or in connection with:
- (a) the accommodation or convenience of human beings or animals;
 - (b) the manufacture, processing, storage or sale of any goods;
 - (c) the rendering of any service;
 - (d) the destruction or treatment of combustible refuse or combustible waste;
 - (e) the cultivation or growing of any plant or crop;
 - (f) any wall, swimming pool, reservoir or bridge or any other structure connected therewith;
 - (g) any fuel pump or any tank used in connection therewith;
 - (h) any facilities or system, or part or portion thereof, within or outside or incidental to a building, for the provision of a water supply, drainage, sewerage, storm water disposal, electricity supply or other similar service in respect of the building;
- 1.4 “bund wall”** means a containment wall surrounding an above ground storage tank, constructed of an impervious material and designed to contain 100% of the contents of the tank;
- 1.5 “combustible material”** means combustible refuse, combustible waste or any other material capable of igniting;
- 1.6 “combustible refuse”** means any combustible rubbish, litter or other material

that has been discarded;

- 1.7 **“combustible waste”** means any combustible waste material which is salvageable, retained or collected for scrap or reprocessing;
- 1.8 **“dangerous goods”** means a flammable gas, liquid or solid as contemplated in SABS 0228;
- 1.9 **“division separating element”** means a building element or component which separates one area in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SABS 0400;
- 1.10 **“emergency evacuation plan”** means a plan specifically designed to aid in the evacuation of occupants from a building in the event of a fire or other threatening danger and assigns responsibility to various staff, indicates escape routes to be used and provides for general contingencies for a safe and quick evacuation from a building;
- 1.11 **“emergency route”** means that part of an escape route that provides fire protection to the occupants of any building and which leads to an escape door;
- 1.12 **“emergency vehicle”** means any fire, rescue or other vehicle intended for use at fires and other threatening dangers;
- 1.13 **“escape door”** means the door in an escape route, which at ground level leads directly to a street or public place or to any approved open space which leads to a street or public place;
- 1.14 **“escape route”** means the entire path of travel from the furthest point in any room in a building to the nearest escape door and may include an emergency route;
- 1.15 **“escape route plan”** means a diagram indicating the floor layout, the occupant’s current position and the route of travel to the nearest primary and secondary escape routes in the building, as well as the action to be taken in

the event of a fire or other threatening danger:

- 1.16 “Fire Brigade Services Act”** means the Fire Brigade Services Act, 1987 (Act 99 of 1987);
- 1.17 “fire damper”** means an automatic damper and its assembly that complies with the requirements contained in SABS 193;
- 1.18 “fire door”** means an automatic or self-closing door or shutter assembly especially constructed to prevent the passage of fire for a specific length of time;
- 1.19 “fire extinguisher”** means a portable or mobile rechargeable container which has a fire extinguishing substance that is expelled by the action of internal pressure for the purposes of extinguishing a fire;
- 1.20 “fire hazard”** means any situation, process, material or condition which may cause a fire or explosion or provide a ready fuel supply to increase the spread or intensity of the fire or explosion and which poses a threat to life or property;
- 1.21 “fire lanes”** means the road, path or other passageway constructed or designated to allow access for emergency vehicles;
- 1.22 “fire protection system”** means any device or system designed and installed to-
- (a) detect, control or extinguish a fire, or
 - (b) alert occupants or the fire service, or both, to a fire, but excludes portable and mobile fire extinguishers;
- 1.23 “fire wall”** means a wall that is able to withstand the effects of fire for a specific period of time as contemplated in the National Building Regulations (T1) read with SABS 0400;
- 1.24 “flammable gas”** as contemplated in SABS 0228, means a gas that at 20 degrees centigrade and at a standard pressure of 101,3 kilopascals:
- (a) is ignitable when in a mixture of 13% or less (by volume) with air, or

- (b) has a flammable range with air of at least 12 percentage points, regardless of the lower flammable limit;

1.25 “flammable liquid” means a liquid, or mixtures of liquids, or a liquid containing solids in solution or in suspension that give off a flammable vapour at or below 60,5 degrees centigrade;

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

1.27 “flammable substance” means a flammable liquid or a flammable gas;

1.28 “flammable store” means a store that is used for the storage of flammable liquids and complies with the criteria set out in section 46 of this By-law;

1.29 “Hazardous Substances Act” means the Hazardous Substances Act, 1973 (Act 15 of 1973);

1.30 “National Building Regulations” means the regulations promulgated in terms section 17(1) of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), and:

- (a) **“National Building Regulations (A2)”** means the provisions regulating the submission of building plans and particulars to the Council;
- (b) **“National Building Regulations (A20)”** means the provisions regulating the classification and designation of occupancies;
- (c) **“National Building Regulations (A21)”** means the provisions regulating the population of a building;
- (d) **“National Building Regulations (T1)”** means the provisions regulating general requirements for fire protection of a building, and
- (e) **“National Building Regulations (T2)”** means the provisions regulating the offences for non-compliance with the National Building Regulations (T1);

1.31 “National Road Traffic Act” means the National Road Traffic Act, 1996 (Act 93 of 1996);

1.32 “non-combustible” means a substance or material classified as non-combustible when tested in accordance with SABS 0177: Part 5;

1.33 “occupancy separating element” means a building element or component which separates one occupancy in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SABS 0400;

1.34 “Occupational Health and Safety Act” means the Occupational Health and Safety Act, 1993 (Act 85 of 1993);

1.35 “operator” means the person responsible for the use of a motor vehicle and who has been registered as the operator of such a vehicle in terms of the National Road Traffic Act;

1.36 “owner” means:

- (a) in relation to premises, other than a building, either a natural or juristic person whose identity is determined by operation of law;
- (b) in relation to a building, either a natural or juristic person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question;
- (c) in relation to an installation, either a natural or juristic person in whose name a contract is entered into regarding approval, erection and maintenance of the installation; provided that such a person is not the owner mentioned in (b), and
- (d) in the event of the Council being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is entitled to the benefit of the use of such premises, building or installation or who enjoys such benefit;

1.37 “person in charge” means:

- (a) in relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the management, or utilisation of the premises;

- (b) in relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the building;
- (c) in relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for the management or utilisation of the installation; provided that such a person is not the person mentioned in (a), and
- (d) in the event of the Council being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is in the opinion of the Council deemed to be in charge of such premises, building or installation;

1.38 “premises” means any building, beach, land, terrain, road, vehicle and can include a vessel, train or aircraft;

1.39 “site” means any erf, lot, plot, stand or other piece of land on which a building has been, is being or is to be erected;

1.40 “Standards Act” means the Standards Act, 1993 (Act 29 of 1993);

1.41 “storage vessel” means a pressure vessel as defined in the regulations, for pressure vessels promulgated in terms of the Occupational Health and Safety Act;

1.42 “summary abatement” means to immediately judge a condition to be a fire hazard or other threatening danger to life or property and to order immediate correction of such condition;

1.43 “tank” means a container mounted permanently or temporarily on or embodied in a vehicle and so constructed to be suitable for the containment of flammable liquid or gas cargo;

1.44 “underground tank” means a tank used or intended to be used for the storage of flammable liquid wholly sunk into and below the surface of the ground;

1.45 “vehicle” means a vehicle as defined in the National Road Traffic Act. and any reference to an SABS Code shall refer to the relevant Code published by the South African Bureau of Standards and issued in terms of the Standards Act.

CHAPTER 2: FIRE PROTECTION OF BUILDINGS

2. Reporting a fire hazard and other threatening danger –

An owner or the person in charge of any premises must, upon discovering any evidence of a fire hazard or other threatening danger pertaining to this by-law, immediately notify the Council of such fire hazard or threatening danger.

3. Access for emergency vehicles –

- (1) When, in the opinion of the Council, premises are not readily accessible from public roads it must be provided with emergency vehicle access which must –
 - (a) be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises; and
 - (b) where the premises has a motorized or electronically operated gate, be equipped in such a manner that access to the premises can be gained without the use of a motor or electronic device.
- (2) Fire lanes must be provided for all premises which are set back more than 45 meters from a public road or exceed nine meters in height and are set back over 15 meters from a public road.
- (3) Fire lanes must be at least four meters in width, the position of which must be decided upon after consultation with the Council, and the area from ground level to a clearance height of four meters above the fire lane must remain unobstructed.
- (4) A cul-de-sac that is more than 90 meters in length, must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.
- (5) The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the Council.
- (6) It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.

4. Division and occupancy separating elements –

An owner or person in charge of a building may not alter a division or occupancy separating element in any way that would render it less effective or to allow flame, heat or combustion products from penetrating into the adjacent compartment or structure.

5. Fire doors and assemblies –

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

6. Escape Routes –

- (1) No part of a fire escape route shall be obstructed or rendered less effective in any way.
- (2) A locking device, which is fitted to an access or escape door in an escape route, must be of a type approved by the Council.

- (3) Where required by the Council, an escape route must be clearly indicated with signage, which complies with SABS 1186, indicating the direction of travel in the event of fire or any other emergency.

CHAPTER 3: FIRE SAFETY EQUIPMENT

7. Fire extinguishers –

- (1) Fire extinguishers must be provided and installed on premises as required by the National Building Regulations (T1) and (T2).
- (2) Fire extinguishers must be maintained in accordance with the requirements of the Occupational Health and Safety Regulations, SABS 1475: Part 1, SABS 1571, SABS 1573 and SABS 0105: Part I.
- (3) No person may fill, recharge, recondition, modify, repair, inspect or test a fire extinguisher in terms of SABS 1475: Part I, unless such a person is the holder of a permit issued by the South African Bureau of Standards or a certificate of competence issued by the South African Qualifications Certification Committee.
- (4) The owner or person in charge of the premises may not allow a fire extinguisher to be filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit or certificate mentioned in subsection (3).
- (5) Where a fire extinguisher has been filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit mentioned in subsection (3), the Council must instruct the owner or person in charge of such premises to have the work carried out by a person who is in possession of such a permit or certificate.
- (6) When, in the opinion of the Council, a fire extinguisher is unsafe or ineffective either by reason of deterioration, design or construction, the Council must instruct the owner or the person in charge of the premises to have the appliance inspected and tested in terms of SABS 1475: Part 1 and SABS 1571.
- (7) A fire extinguisher may not be removed from the premises for filling, recharging,

reconditioning, modification, repair, inspection or testing unless the appliance is replaced temporarily with a similar appliance in good working condition.

- (8) A fire extinguisher may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in an area where such action would create a danger or hazard.

8. Testing and maintenance of fire protection systems –

- (1) A fire protection system must be tested and maintained on a regular basis and the owner or person in charge of the premises must keep a detailed record of the test and maintenance of the system.
- (2) A person may not test a fire protection system before notifying the occupants of the premises concerned of the starting and completion times of the test, and where applicable, the parties who monitor the fire protection system.
- (3) A fire protection system designed for detecting, fighting, controlling and extinguishing a fire must be maintained in accordance with the National Building Regulations (T2).
- (4) A fire protection system may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in any area where such action would create a danger or hazard.
- (5) The owner or person in charge of the premises must immediately notify the Council when the fire protection system, or a component thereof, is rendered inoperable or taken out of service and must notify the Council as soon as the system is restored.
- (6) The owner or person in charge of the premises must take all steps deemed necessary by the Council to provide alternate equipment to maintain the level of safety within the premises.

9. Interference with fire protection systems and fire extinguishers –

No person shall tamper or interfere with a fire extinguisher or fire protection system, except as may be necessary during emergencies, maintenance, drills or prescribed testing.

10. Examination of fire fighting equipment –

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

11. Report on condition of fire fighting equipment –

- (1) The person carrying out the examination of the equipment referred to in the preceding section shall cause a label to be accurately affixed thereto in a prominent position on which shall be written in ink:
 - (a) the name of the person conducting the examination;
 - (b) the number of his/her Certificate of Competence
 - (c) the date of the examination;
 - (d) the condition of equipment;
 - (e) date of next service.
- (2) If any defect is discovered during the examination, he shall inform the owner or occupier of the premises thereof in writing and deliver a copy of such report to the Chief Fire Officer.

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

- (1) No fire fighting equipment shall permanently be removed from any premises or rendered unserviceable without due notice, in writing, being given to the Chief Fire Officer.

- (2) No fire fighting equipment shall be installed, changed or added to without the authority of the Chief Fire Officer.
- (3) Whenever sprinkler / detection / auto extinguisher alarm systems are repaired, serviced or removed the local fire authority must be notified timeously.

13. Portable fire extinguishers to be periodically tested –

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

CHAPTER: PUBLIC SAFETY

14. Attendance of a service –

- (1) When the Council is of the opinion that representatives of the fire brigade service are required to be in attendance during a function in a place used for entertainment or public assembly, the Council may provide, in the interest of public safety and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof.
- (2) Where the entertainment or public assembly is taking place on Council property, the costs of the attendance of the representatives of the fire brigade service shall be recoverable from the organizers

15. Formulation of an emergency evacuation plan

- (1) The owner or person in charge of a school, hospital, residential institution, hotel, guest house, hostel or other similar occupancy which has a population in excess of 25 persons (including staff), must formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.

- (2) The Council may order the owner or person in charge of the premises, other than those contemplated in subsection (1), to formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- (3) The plan mentioned in subsections (1) and (2) must be revised if an aspect thereof is no longer applicable or if the building for which the plan was designed has changed.
- (4) The emergency evacuation plan must be tested in its entirety at a maximum of six-monthly intervals or when the plan has been revised and a record of the testing must be kept in a register.
- (5) The register mentioned in subsection (4) must contain the following information:
 - (a) the date and time of the test;
 - (b) the number of participants;
 - (c) the outcome of the test and any corrective actions required, and
 - (d) the name and signature of the person supervising the test.
- (6) The register, together with the emergency evacuation plan, must be available on the premises for inspection by the Council.
- (7) The Council may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan.

16. Displaying of escape route plans –

The escape route plan must be displayed in a conspicuous position in any room designed for sleeping purposes.

17. Barricading of vacant buildings –

The owner or person in charge of a building or portion thereof which is vacant must remove all combustible waste or refuse there from and lock, barricade or otherwise secure all windows, doors and other openings in the building to the satisfaction of the

Council which will prevent the creation of a fire hazard caused by the entering of an unauthorized person.

CHAPTER 5: HOUSEKEEPING

18. Water supply for fire fighting purposes:

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

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

Fire risk category -

Minimum volume of extinguishing stream (litres per minute):

Minimum duration of extinguishing stream (hours) -

- (a) High risk 11 500 - 6;
- (b) Moderate risk 5 750 - 4;
- (c) Low risk 37. 300 - 2

- (3) Township development fire hydrant requirements -

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

Fire risk category -

Minimum fire hydrant delivery volume measured at peak consumption (litres per minute): Minimum distance between fire hydrants (metres) –

- (i) High risk 1980 120;
- (ii) Moderate risk 1 150 180;

(iii) Low risk 900 240

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

(4) Fire risk categories:

For purposes of this section, the following areas of a township must be regarded

(a) as high risk:

(aa) any factory area, high density shopping area, warehouse or commercial building;

(bb) any plantation, timber yard or wooden building;

(cc) any building higher than 3 stories;

(dd) any building in which hazardous substances are used, handled or stored or in which hazardous processes are conducted; and

(ee) any other area that has a high fire risk or high fire spread risk;

(b) as moderate risk:

Any area in which

(aa) factories, commercial buildings or residential buildings are generally detached from each other and do not exceed 3 stories; and

(bb) the Chief Fire Officer has not declared the materials processed or stored in these buildings as highly dangerous;

(i) any area where the fire risk and fire spread risk is moderate;

(ii) any other area that is not a high or low risk area; and

(c) as low risk:

(aa) any area that is mainly residential or semi-rural;

(bb) any area that has predominantly detached, duet, cluster or town house developments; and

(cc) any area where the fire risk or spread risk is slight or insignificant.

(5) Connections to water reticulation system –

(1) No person may obtain a water connection to the water reticulation system of the Municipality unless the fire protection plans for the premises to be connected have been approved by the Chief Fire Officer.

- (2) Every person or owner of premises who requires a water connection to the water reticulation system of the Municipality must
 - (a) if the premises to be connected is protected by a sprinkler installation, ensure that
 - (i) the connection is calculated and designed for each sprinkler installation in accordance with a rational design as contemplated in the National Building Regulations, and
 - (ii) the size, delivery pressure and flow of the water connection is calculated in advance by the responsible engineer;
 - (b) ensure that the size, work pressure and delivery flow, except in the case of a water connection to a sprinkler installation, is calculated and designed in accordance with SANS 10400; and
 - (c) ensure that the water installation upon completion complies with the provisions of SANS-10400.

19. Combustible waste and refuse –

- (1) The owner or person in charge of the premises or a portion thereof must not allow combustible waste or refuse to accumulate in any area or in any manner so as to create a fire hazard or other threatening danger.
- (2) Combustible waste and refuse must be properly stored or disposed of to prevent a fire hazard or other danger.

20. Combustible or flammable substances and sweeping compounds –

- (1) Only water-based solutions, detergents, floor sweeping compounds and grease absorbents must be used for cleaning purposes.
- (2) The use of sawdust or similar combustible materials to soak up spilled combustible or flammable substances is prohibited.

21. Accumulations in chimneys, flues and ducts –

The owner or person in charge of the premises or a portion thereof must not allow soot or any other combustible substance to accumulate in a chimney, flue or duct of

the premises in such quantities or in such a manner as to constitute a fire hazard or other threatening danger.

22. Sources of ignition –

- (1) Smoking, the carrying of matches, the use of heating, flame-emitting devices or spark-producing equipment is prohibited in areas containing combustible or flammable substances.
- (2) Hot ashes, cinders or smoldering coals must be placed in a non-combustible container and the container must be placed on a non-combustible surface or stand.
- (3) An adequate distance, as deemed appropriate by the Council, must be ensured and maintained between combustible substances and heating or lighting equipment or other sources of ignition.
- (4) Portable heaters must be secured so that they cannot be overturned and the Council may prohibit the use of portable heaters in respect of occupancies or situations where such use or operation would present a fire hazard or other threatening danger.

CHAPTER 6: FIRE HAZARDS

23. Lighting of fires and burning of combustible material –

- (1) The lighting of fires and the disposal of combustible material by burning is prohibited, save in the circumstances set out in this section.
- (2) A person may light a fire or use a flame—emitting device for the purpose of preparing food or for any other domestic purpose in a manner which will not cause a fire hazard or other threatening danger or where such a fire is not precluded by any other legislation.
- (3) Burning may take place on State land, a farm, a small holding, or land within a proclaimed township that is not utilised for residential purposes provided that the prior approval is obtained from the Council.

CHAPTER 7: FIRE PERMITS AND RESTRICTIONS

24. Prevention of fire hazards –

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

25. Storage and accumulation of combustible material

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

- (c) removing any resulting combustible residue from the property.

26. Electrical fittings, equipment and appliances –

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

27. Flame-emitting devices –

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

28. Discarding of flammable liquid or substance in sewers or drains –

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

29. Flammable gas –

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

30. Smoking restrictions and discarding of combustibles –

- (1) If conditions in the opinion of the Chief Fire Officer exist where smoking may create a fire hazard on any premises-

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

31. Safety requirements for temporary settlement areas –

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

CHAPTER 8: REGULATION OF FIREWORKS

32. License to deal in fireworks

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

33. Requirements for the handling and storage of fireworks –

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

34. Public Fireworks displays –

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

CHAPTER 9: CERTIFICATE OF REGISTRATION FOR USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES**35. Use, Handling & Storage of flammable substances prohibited in certain circumstances –**

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

36. Certificate of Registration Requirements –

- (1) No person shall:
 - (a) Use any premises as a spraying room or booth;
 - (b) Transport or convey any flammable liquid, substance or liquefied petroleum gas or vapours by means of any vehicle within the City without a certificate of registration in respect of such premises or of such vehicle as contemplated in section 54 and 55;
 - (c) Without a certificate of registration in respect of any premises as contemplated in section 54 and 55 store, manufacture, sell, use or handle any flammable gas/liquids/substances on any premises in excess of the following quantities:
 Group III: Flammable liquids 3.1 with flashpoints $<18^{\circ}\text{C}$ but but not $< 23^{\circ}\text{C}$ 3.2 with flashpoints $> 18^{\circ}\text{C}$ 420 e. 3.3 with flashpoints $>23^{\circ}\text{C}$ but $<61^{\circ}\text{C}$ 3.4 with flashpoints $> 61^{\circ}\text{C}$ but $< 100^{\circ}\text{C}$

Total quantity may not exceed 100 e. Total quantity may not exceed

Total quantity may not exceed 1 100 Z. Total quantity may not exceed exceed 1 100e.

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

37. Application for Certificate of Registration –

- (1) An application for a Certificate of Registration in respect of premises shall be submitted to the Chief Fire Officer on the form prescribed in the Third Schedule to these By-laws and shall be accompanied by:
- (a) a plan of the premises in respect of which the certificate is required, drawn to a scale of not less than one in a hundred (1 : 100) which shall indicate the proposed installation or room in which the flammable liquid or substance is to be stored, used or handled, describe the material with which such installation or room is to be constructed and indicate the position of any pump, storage tank, store, pipeline, dry cleaning machinery, spraying room, spraying booth or ventilating equipment;
 - (b) a block plan of such premises drawn to a scale of not less than one in five hundred (1: 500) which shall specify:
 - (i) The buildings in relation to adjoining subdivisions and the materials of which such buildings are constructed or to be constructed;
 - (ii) The subdivisions and lots immediately adjoining the premises giving their street, block and postal numbers;
 - (iii) The names of any streets on which the premises abut; and
 - (iv) The north point.
- (2) Where the plan relates to existing premises in respect of which a certificate of registration has been issued and wherein it is proposed to make alterations or additions to any building or equipment or apparatus lawfully used or intended to be used thereon for the storage or handling of flammable liquid or the existing Certificate of Registration to be adjusted if required:
- (a) all plans shall be signed by the applicant or his agent;
 - (b) every application for a certificate of registration for purposes of the conveyance of flammable liquids or substances shall be submitted to the Chief Fire Officer.

38. Issue of Certificates of Registration –

- (1) No certificate of registration shall be issued until the premises or the vehicle in respect of which it is issued, as the case may be, complies with the requirements of these By-laws.

- (2) A certificate of registration, once issued, shall be valid for 12 months or until cancelled or revoked. All certificates issued in terms of these By-laws shall be on the standard form as prescribed in the fifth schedule.
- (3) The local authority may recognise a certificate issued by another authority with similar By-laws.
- (4) Every person to whom a Certificate of Registration has been issued shall cause such certificate to be affixed and displayed in a conspicuous position on the registered premises/vehicle, and he shall ensure that the said certificate is at all times legible.

39. Supply of flammable liquids or substances –

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

40. Register for Certificates of Registration –

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

41. Exemptions

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

42. Transfer of Certificate of Registration

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

CHAPTER 10: FLAMMABLE SUBSTANCES

43. Storage and use of a flammable substance:

Installation of storage tanks -

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

- (5) No portion of a building, other than a canopy or similar projection to which the occupants of such building have no direct access, shall be erected over an underground storage tank or any pump connected to it unless:
 - (a) the underside of such portion is at least 3,6m above ground level;
 - (b) the floor forming the underside of such portion has a fire-resistance of at least 4 hours and extends at least 2 meters in every direction beyond the sides of the pump and tank concerned.
 - (c) the floor below such pump, where such pump is erected over a basement storey, has a fire resistance of at least 4 hours and extends at least 2 meters in every direction beyond the sides of the pump and tank concerned.

44. Permanent or temporary above ground storage tank for a flammable liquid –

- (1) A temporary above ground storage tank other than that at a bulk storage depot is permitted, at the discretion of the Council, on the merit of the situation, provided that the following requirements are complied with:
 - (a) if it has a capacity not exceeding 9 000 litres and is not used for the storage of flammable substances with a flash point below 40 degrees centigrade;
 - (b) to be on the premises for a period not exceeding six months;
 - (c) the entire installation must comply with SABS 0131: Part 1 or SABS 0131: Part 2 whichever is applicable, and
 - (d) written application together with a plan must be forwarded to the controlling authority at least 14 days prior to the erection of the tank and prior written permission must be obtained from the Council for the erection of the tank.
- (2) Notwithstanding section 28(1), if a larger capacity above ground storage tank is required or the tank is to be a permanent installation, an acceptable rational design based on a relevant national or international code or standard must be submitted to the Council for approval in terms of the National Building Regulations (T1).
- (3) The design requirements and construction of a permanent tank must be in accordance with relevant national or international recognised codes.
- (4) The rated capacity of a permanent or temporary tank must provide sufficient ullage to permit expansion of the product contained therein by reason of the rise in temperature during storage.

- (5) A permanent or temporary tank must be erected at least 3,5 meters from boundaries, buildings and other flammable substances or combustible materials.
- (6) A permanent or temporary tank must be located on firm level ground and the ground must be of adequate strength to support the mass of the tank and contents.
- (7) A permanent or temporary tank must have a bund wall.
- (8) Adequate precautions must be taken to prevent spillage during the filling of a tank.
- (9) Sufficient fire extinguishers, as determined by the Council, must be provided in weatherproof boxes in close proximity to a tank.
- (10) Symbolic safety signs depicting "No Smoking", "No Naked Lights" and "Danger" must be provided adjacent to a tank, and the signs must comply with SABS 1186: Part 1.
- (11) The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in SABS 0232: Part 1.
- (12) An electrical or an internal combustion-driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited.
- (13) The electrical installation associated with the above ground storage tank must comply with SABS 0108 and SABS 089: Part 2.

45. Underground storage tank for a flammable liquid

The installation of underground storage tanks, pumps, dispensers and pipework at service stations and consumer installations must be in accordance with National Building Regulations (T1) read in conjunction with SABS 0400, SABS 089: Part 3 and SABS 0131: Part 3.

46. Bulk storage depot for flammable substances

The handling, storage and distribution of flammable substances at bulk depots must be in accordance with the National Building Regulations (T1), read in conjunction with SABS 089: Part 1.

47. Small installations for liquefied petroleum gas

Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 liters and a combined water capacity not exceeding 3 000 liters per installation must be installed and handled in accordance with SABS 087: Part 1.

48. Liquid petroleum gas installation in mobile units and small non-permanent buildings

A liquid petroleum gas installation in mobile units and small non-permanent buildings shall be in accordance with SABS 087: Part 2.

49. The fueling of forklift trucks and other LP gas operated vehicles

The fueling of forklift trucks and other LP gas operated vehicles shall be in accordance with SABS 087: Part 8.

50. The storage and filling of refillable liquid petroleum gas containers

Storage and filling sites used for refillable liquid petroleum gas containers of capacity not exceeding 9 kilograms must be in accordance with SABS 087: Part 7.

51. Bulk storage vessel for liquid petroleum gas

The layout, design and operation of installations for the storage of a bulk liquid petroleum vessel and allied facilities must be in accordance with the National Building Regulations (T1), read in conjunction with SABS 087: Part 3.

52. Termination of the storage and use of flammable substances

- (1) If an above ground or underground tank installation, liquid petroleum gas installation or associated pipework is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation was erected must:
- (a) within seven days of the cessation, notify the Council in writing thereof;
 - (b) within 30 days of the cessation, remove the flammable substance from the installation and render it safe;
 - (c) within six months of the cessation, remove the installation including any associated pipework, from the premises entirely, unless the controlling authority otherwise instructs, and
 - (d) restore a public footpath or roadway, which has been disturbed by the removal to the satisfaction of the Council within a period of seven days of the completion of the removal of the installation.
- (2) If the removal of an underground tank installation detrimentally affects the stability of the premises, the owner or person in charge of the installation must apply in writing to the Council to fill the tank with liquid cement slurry.

53. Reporting accidents

If an accident occurs which involves a flammable substance and results in a fire, an explosion, spillage or loss of a flammable substance, as well as personal injury or death, the owner or person in charge of the premises must immediately notify the Council.

54. Flammable stores

- (1) The construction of a flammable store must be in accordance with the National Building Regulations (T1) read in conjunction with SABS 0400.
- (2) The floor must be of concrete construction or other impermeable material and must be recessed below the door level or incorporate a sill.

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- (3) The recess or sill must be of such a depth or height that in the case of spillage it will be capable of containing the quantity of flammable liquid, as indicated on the flammable substance certificate and an additional 10% of the quantity mentioned on the certificate.
- (4) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400:
- (a) the roof assembly of a flammable store must be constructed of a concrete slab capable of providing two-hour fire resistance when it forms part of another building;
 - (b) the ventilation of a flammable store must be achieved by the use of bricks located in the external walls at the ratio of one air brick nominally above the sill level and one air brick located in the top third of the wall per 5 m² of wall area or part thereof, so that vapour cannot accumulate inside the store;
 - (c) the air bricks must be covered both internally and externally with closely-woven, non-corrodible wire gauze of at least 1 100 meshes per meter, and
 - (d) the wire gauze must be held in position by metal straps, a metal frame or cement.
- (5) When required by the Council, the flammable store must be ventilated by a mechanical ventilation system approved by the Council and must comply with the following requirements:
- (a) the ventilation system is to be intrinsically safe, provide 30 air changes per hour and must operate continuously;
 - (b) the fan extraction point must be nominally above sill level and must discharge through a vertical metal duct terminating at least 1 meter above roof height or at least 3,6 meters above ground level, whichever is the greater;
 - (c) ducting material that is external to the store, but communicates with the remainder of the building, must be fitted with a fire damper of two—hour fire resistance at the point of exit from a flammable store, and
 - (d) the ducting must be as short as possible and must not have sharp bends.
- (6) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400, a flammable store door must be constructed of material with a fire resistance of two hours, provided that all relevant safety distances are complied with, and the door must open outwards.

- (7) When required by the Council, a flammable store door must be a D-class fire door, which complies with SABS 1253.
- (8) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400, artificial lighting in the flammable store must be by electric light having Vapour-proof fittings wired through seamless steel conduit and the switches operating the lights must be located outside the store.
- (9) No other electrical apparatus may be installed in the flammable store.
- (10) A flammable store must be provided with a foam inlet consisting of a 65 millimeter male instantaneous coupling and mild steel pipework leading to the inside thereof and the foam inlet must be identified by means of a sign displaying the words "Foam inlet" in 100 millimeter block letters.

55. Use, handling and storage of Liquefied petroleum gas –

- (1) No person may use, handle or store liquefied petroleum gas in any quantity exceeding that stipulated in the Fourth Schedule unless:
 - (a) Liquid petroleum gas may only be used, handled or stored within property boundaries and in compliance with safety distances.
- (2) No liquid petroleum gas cylinder may be used, handled or stored at any public exhibition or demonstration without the prior written permission of the Chief Fire Officer.
- (3) The Chief Fire Office may impose any reasonable condition on the use, handling and storage of liquid petroleum gas cylinders at a public exhibition or demonstration, including but not limited to, the number of cylinders, the manner of storage, safety distances and other safety requirements.
- (4) Any person using, handling or storing any liquid petroleum gas cylinder at any public exhibition or demonstration must comply with any condition imposed by the Chief Fire Officer.

- (5) No person shall cause or allow more than 19 kilograms of liquefied petroleum gas to be kept or stored in any building and for the purpose of this provision any container for liquefied petroleum gas found in any building shall be deemed to be full until the contrary is proved.

CHAPTER 11: DANGEROUS GOODS

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

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

57. Application for Transport permits

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

58. Permit Validity

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

CHAPTER 12: GENERAL

59. Offences

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

60. Repeal of By-Laws

Any By-laws promulgated by the Municipality pertaining to any matter regulated in this By-law, shall be repealed from the date of promulgation of this By-law.

61. Short title and Commencement

This By-law is called the Fire Prevention By-Law, 2019, and takes effect on a date determined by the Municipality by proclamation in the Official Gazette.

MUNICIPAL NOTICE 127 OF 2019**GREATER KOKSTAD MUNICIPALITY****BY-LAW RELATING TO THE CONTROL OF PUBLIC NUISANCES**

The Municipal Manager hereby publishes, in terms of section 162 of the Constitution of the Republic of South Africa Act [Act No. 108 of 1996], read with section 13 of the Local Government: Municipal Systems Act [Act No. 32 of 2000], the By-law Relating to the Control of Public Nuisances.

Purpose of By-law

The purpose of this By-law is to promote a safe, healthy and peaceful environment for the benefit of the public residing within the municipal boundaries, and to provide for practices and procedures to control public nuisances.

CHAPTER 1: GENERAL

1. Definitions

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

- 1.1** 'area' means the geographical area falling within the municipal boundaries of the Greater Kokstad Municipality;
- 1.2** 'authorised official' means —
- (a) an official of the Municipality who has been authorised by it to administer, implement and enforce the provisions of this by-law;
 - (b) a traffic officer appointed in terms of Section 3A of the National Road Traffic Act, 1996 [Act No. 93 of 1996];
 - (c) a member of the police service, as defined in terms of Section 1 of the South African Police Service Act, 1995 [Act No. 68 of 1995]; or
 - (d) a peace officer, contemplated in terms of Section 334 of the Criminal Procedure Act, 1977 [Act No. 51 of 1977];
- 1.3** 'Municipality' means the Greater Kokstad Municipality, established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 [Act No. 117 of 1998], and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the Municipality and delegated to such political structure, political office bearer, councillor, agent or employee;
- 1.4** 'nuisance' means, without limiting the generality of the term, an act, omission, condition or state of affairs that —
- (a) impedes, offends, endangers or inconveniences the public at large; or

- (b) causes material inconvenience in the ordinary and comfortable use or enjoyment of private property, and,

1.5 'public nuisance' shall have a corresponding meaning;

1.6 'occupier' means and includes any person in actual occupation of any land or private property or having the charge or management thereof, without regard to the title under which he or she occupies it, and, in the case of private property subdivided and let to various lodgers or tenants, the person receiving the rent payable by lodgers or tenants, whether on his or her own account or as agent for any person entitled thereto or interested therein;

1.7 'owner', in relation to any private property means -

- (a) the person in whose name the title to that private property is registered in terms of the Deeds Registries Act [Act No. 47 of 1937], as amended, and includes the holder of the stand licence;
 - (b) the person in whose name the certificate of sectional title to that private property is registered in terms of the Sectional Titles Act [Act No. 95 of 1986], and, in addition, includes the owner (as defined in the said Act), the body corporate and the developer in relation to such private property;
 - (c) if such person or holder is dead, insolvent, mentally disordered or defective, a minor, or under any legal disability, the person in whom the administration of that person's or holder's estate is vested, whether as executor, trustee, liquidator, guardian or in any other capacity whatsoever;
 - (d) if the private property is under lease, the registration whereof being necessary for the validity of such lease, the lessee; or
 - (e) where an owner, as herein defined, is absent from the Republic or his whereabouts are unknown, an agent of such owner, or any person receiving or entitled to receive rent in respect of the private property or any 'unit', as defined in the Sectional Titles Act, 1986, of such private property;
- 1.8** 'private property' shall include any public place and any land privately owned, all buildings, rooms, tenements, sheds, huts or other structures or erections, and also yards or lands in connection therewith, and shall also include any "unit", as defined in the Sectional Titles Act, 1986, thereof;

1.9 'public facility' means an amenity provided by the Municipality for the utilisation by and convenience of the public at large;

1.10 'public place' means any square, park, recreation ground or open space which -

- (a) is vested in the Municipality; or
- (b) the public has the right to use; or
- (c) is shown on a general plan of a township filed in a deeds registry or a Surveyor-Generals office and has been provided for or reserved for the use of the public or the owners of erven in such township; 'public vehicle' means any vehicle or conveyance which is the property or under the control of the Municipality, and which is used for the transport, for profit or otherwise, of members of the public;

1.11 'refuse', without limiting the ordinary meaning of the word, means any unused vehicle or machinery or part thereof, or any scrap metal, builder's rubble, garden refuse, debris, garbage, tyres or any other discarded or abandoned article or object; and

1.12 'vehicle' means any conveyance which is capable of transporting one or more persons, except a wheelchair or similar device used for the conveyance of a physically impaired person.

CHAPTER 2: GENERAL

2. General prohibitions and nuisance behaviour

(1) No person may in a public place—

- (a) act in a manner which is dangerous to life or which may damage property;
- (b) unlawfully enter a public place to which access has been restricted in terms of this By-law or any other law;
- (c) cause a nuisance; or
- (d) behave in an indecent, offensive or objectionable manner.

(2) No person may in a public place—

- (a) use abusive, threatening or foul language or gestures;

- (b) fight or act in a riotous or physically threatening manner;
- (c) urinate or defecate, except in a facility provided for such purpose;
- (d) bathe or wash himself or herself, except—
 - (i) in a bath or shower; or
 - (ii) as part of a religious or cultural ceremony in an area where such ceremony is lawfully taking place: Provided no nuisance is caused thereby;
- (e) bathe or wash clothes, animals, or other articles;
- (f) spit;
- (g) perform any sexual act;
- (h) appear in the nude or expose his or her genitalia;
- (i) consume any liquor or be in a state of intoxication;
- (j) use any drugs or be under the influence of drugs;
- (k) solicit or importune any person for the purpose of prostitution, human trafficking or other illegal business;
- (l) engage in gambling or wagering;
- (m) start or keep a fire unless for the purposes of making a braai in an area where such activity is permitted, unless that person is authorised to make and keep such fire by the Municipality or in terms of law;
- (n) other than a peace officer or other official or person acting in terms of the law, deposit, pack, unpack or leave any goods or articles in a public place, or cause any goods or articles to be deposited, packed, unpacked or left in a public place, other than for a reasonable period during the course of the loading, off-loading or removal of such goods or articles;
- (o) carry or convey through a public road any object, item, material or substance which, owing to its smell, noise, vibration, size or anything to do with its nature, character or owing to the manner of its conveyance, is such that it causes or is likely to cause a nuisance, which includes but not limited to a carcass of an animal, any garbage, night-soil, refuse, litter, rubbish or manure, unless carried

or conveyed in a manner allowed by law and which does not cause a greater level of discomfort, inconvenience or annoyance than that allowed by any such law;

- (p) discharge fireworks except in accordance with the By-law of the Municipality dealing with fire and other applicable law;
- (q) lie or sleep on any bench, seating place, street or sidewalk, or use it in such a manner that it prevents others from using it;
- (r) beg for money or goods whether by gesture, words or otherwise;
- (s) associate or act in concert with other persons for any purpose or in any manner which causes or is likely to cause a breach of the peace;
- (t) behave in a manner which causes or is likely to cause a danger to himself, herself or the public;
- (u) loiter for the purpose of or with the intention of committing an offence; or
- (v) in any way cause a nuisance.

(3) The Municipality may erect signage indicating prohibited or permissible conduct in a public place for the purposes of section 2.

3. Littering

(1) No person may within a public place, deposit, dump or discard any waste or litter—

- (a) in a manner that detracts from the cleanliness of such public place or which causes a nuisance; and
- (b) anywhere other than in a receptacle provided by the Municipality for that purpose.

(2) No person may permit any waste or litter from any land or premises to be discarded, dumped, stored, kept or disposed of in such a manner that such waste or litter causes a nuisance.

4. Cleaning of sidewalks and verges

(1) An occupier of premises in or on which there is carried on any business, occupation, trade or manufacturing shall at all times, while any such activity is being carried on, keep any sidewalk and verge abutting on or adjoining the premises, including the gutter and kerb, free of litter, and shall keep the sidewalk and verge in a clean and satisfactory state, and, to this end, remove all litter therefrom.

(2) The occupier referred to in subsection (a) shall cause all litter to be removed in terms of said subsection to be placed in refuse receptacles provided by or on behalf of the Municipality, or, with the written consent of an authorised official, to be disposed of in a manner approved by said authorised official.

5. Obstructions

A person commits an offence if, in a public place, he or she -

(1) leaves anything unattended, having introduced or placed the thing there, so as to cause or be likely to cause an obstruction to persons or vehicles;

(2) carries, deposits, handles or introduces anything, so as to be likely to obstruct or interfere with the free movement of persons or vehicles, or with the use of the public place by persons or vehicles, or to cause injury to any person, or damage to any PFOPGFW;

(3) deposits on its surface anything, for the purpose of, or in the course of, loading or unloading a vehicle, or of delivering same to premises having access to such public place, for a longer period than is reasonably necessary for that purpose;

(4) obscures a road traffic sign, as defined in the National Road Traffic Act, 1996 [Act No. 93 of 1996];

(5) hangs or suspends anything from or above a public place, or causes or allows anything to protrude above its surface or to encroach upon it, provided that prior written consent may be obtained from the Municipality, which consent may be given subject to conditions and restrictions deemed necessary;

(6) gathers with or causes a gathering of other persons in a place or manner so as to, or so as to be likely to, obstruct or restrict or interfere with the movement of persons or vehicles, or the use or enjoyment of a public place by persons or vehicles;

(7) performs any other act which has, or is likely to have, a result described in sub-section (2).

6. Disposal of property found in a public place

(1) When anything has been left in a public place, in contravention of section 5, an authorised official may remove it to a store established by the Municipality for this purpose, provided that, if such a thing, in the reasonable opinion of the authorised official, has no commercial value, he or she may dispose of same in such manner as he or she deems fit, and the person who has committed the offence shall be liable to the Municipality for the cost of such disposal, as determined by such authorised official.

(2) Items which have been removed to a store in terms of subsection (1) shall be released to any person who, within 7(seven) days after such removal, or within such longer period as may be allowed by the authorised official in charge of such store, has demonstrated that he or she is the owner of the items, or entitled to their possession, after payment of the cost of removal and storage, as determined by such authorised official, in accordance with a prescribed tariff of charges.

(3) items which have not been released in terms of subsection (2) shall be sold or disposed of in such manner and after such notice as the authorised official in charge of the store deems fit, having regard to the nature of the items.

(4) The proceeds of any sale in terms of subsection (3) shall be utilised for the payment of -

- (a) the cost of removal and storage, as determined in terms of subsection (2);
- (b) any costs which may have been incurred in attempting to trace the owner; and
- (c) the costs of sale, the remaining balance being forfeited to the Municipality if not claimed within 1 (one) year of the date of sale by a person who demonstrates his legal right thereto.

(5) If the proceeds of the sale are not sufficient to meet the costs referred to in subsection (4), then the owner of the items sold and the person who committed any offence in relation thereto shall be jointly and severally liable to the Municipality for payment of the unsatisfied balance.

(6) If the items cannot be sold in terms of subsection (3), then the authorised official in charge of the store may dispose of the items in such manner as he deems fit, and the provisions of subsection (5) shall, mutatis mutandis, apply in respect of any costs incurred in effecting such disposal.

(7) The exercise of any powers conferred by this By—law shall not render the Municipality or any authorised official liable for any loss or theft of, or any damage to, anything removed in

terms of subsection (1), except where such loss, theft or damage is a direct result of the negligence of the Municipality or authorised official in question.

7. Obstructions caused by plants

(1) No person may allow any tree or other growth on any premises under his or her control to—

(a) interfere with—

(i) any public service infrastructure; or

(ii) communal services infrastructure such as, but not limited to, overhead wires, storm water drainage or sewerage system; or

(b) become a source of annoyance, danger, inconvenience or discomfort to persons using a public road.

(2) The Municipality may by written notice direct the owner, occupier or person in control of premises contemplated in subsection (1) to prune or remove such tree or growth to the extent and within the period specified in such notice.

(3) If the person contemplated in subsection (2) fails to take measures contemplated in the notice issued in terms of that subsection, the Municipality may act and recover costs from that person.

(4) No person other than a duly authorised official of the Municipality may—

(a) plant a tree or plant in a public place, or in any way cut down a tree or shrub in a public place or remove it therefrom, except with the written permission of the Municipality;

(b) climb, break or damage a tree growing in a public place; or

(c) in any way mark or paint any tree growing in a public place or attach any advertisement or notice thereto.

8. Gatherings

(1) No person shall convene, or participate in, any gathering at any public place, outdoor facility or municipal building so as to -

(a) constitute a nuisance, as defined; or

- (b) contravene any provision of the Regulation of Gatherings Act, 1993 [Act No. 205 of 1993].

(2) The provisions of subsection (1) shall not be interpreted so as to detract from any person's constitutional right to assemble, demonstrate, picket and present petitions.

9. Amplification devices and equipment

(1) No person shall, without the prior consent of the Municipality, use or permit to be used any megaphone, loudspeaker, or other device for the reproduction or amplification of sound, in or upon any public place, for the purpose of making announcements, advertising, or doing anything of a similar nature.

(2) The Municipality may refuse to grant such consent, if it has reasonable grounds for believing that the use of any such megaphone, loudspeaker or other device will cause, or is likely to cause, a nuisance, as defined.

(3) The Municipality may withdraw its consent, if it appears that a nuisance has been caused, or is likely to be caused.

10. Games

A person commits an offence if, in a public place, he or she plays any games, or indulges in any pastimes, such as, but not limited to, the use of roller skates, rollerblades or skateboards, in a manner that causes a nuisance.

CHAPTER 3: PRIVATE PROPERTY

11. Use of private property

(1) A person commits an offence if, on any private property, he or she -

- (a) excavates or removes soil or other material from a position in relation to other premises or a public place so as to, or to be likely to, remove lateral support from such premises or public place, or to create a source of danger to life or damage to property;
- (b) being the owner or occupier of such private property, allows any well, pond, reservoir, swimming pool, pit, hole, excavation, earthwork, tree or other vegetation on such

private property to be in such a condition or to be so unprotected as to constitute a danger to the safety of persons or property;

- (c) causes, or allows, anything to project from the private property over or into a public place, except in an area zoned for industrial purposes in terms of a zoning scheme and to an extent necessarily consistent with the lawful land use thereof;
- (d) being the owner or occupier of such private property, deposits, stores or causes, or allows or permits to be deposited or stored or to accumulate so as to be visible from a public place, abandoned, derelict or disused furniture, machinery, vehicles or other objects or parts thereof, or scrap metal or other derelict or waste materials;
- (e) without the consent of the owner or occupier thereof, attaches or places anything to or on any private property, or in any way defaces such private property, whether by the use of chalk, ink, paint, or by any other means whatsoever, unless he is authorised by any law to do so.

(2) An authorised official may order a person who has contravened or is contravening subsection (1)(d) or (e) to remove the item to which the contravention relates from the private property concerned within a specified time, and, if he fails to do so, then the provisions of section 6 shall, *mutatis mutandis*, apply.

12. Burglar alarms

(1) The owner or occupier of a private property in which a burglar alarm device has been installed shall be guilty of an offence if the burglar alarm device continues to sound either continuously or intermittently for more than 10 (ten) minutes after it has been activated by any cause whatsoever.

(2) Such a device shall be deemed to be sounding intermittently for the purposes of subsection (1) for so long as it continues to sound at any interval without the intervention of a new cause, provided that it shall be a defence to a charge of contravening subsection (1) if it can be proved that an automatic cut-off mechanism fitted to such device has failed to operate, for reasons beyond the control of the occupier, and without negligence on his or her part.

(3) When a burglar alarm device has been installed in any private property, the owner or occupier of the private property shall, unless a mechanism referred to in subsection (2) has

been fitted, either erect, and maintain, at the main entrance to the private property, a notice specifying the names and telephone numbers of persons who have access to the private property at all times for the purpose of deactivating the device, or shall arrange for an automatic response to an alarm to operate at all times.

13. Air-conditioning appliances

(1) The owner or occupier of a private property who has installed therein, or who maintains and operates therein, an air-conditioning appliance shall ensure that such appliance is so installed, maintained and operated so as to preclude -

- (a) the generation of noise, odours or vibrations which cause a nuisance, as defined; and
- (b) the discharge or generation of condensate onto a public place so as to cause a nuisance, as defined.

(2) Nothing contained in this section shall be construed so as to detract from the requirements of the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977] and the Occupational Health and Safety Act, 1993 [Act No. 85 of 1993] and any regulations promulgated in terms of the aforesated legislation.

14. Nuisances arising from the use of private property

(1) No owner or occupier of private property shall -

- (a) use it for a purpose;
- (b) cause, allow or permit its use for a purpose;
- (c) organise or allow or permit an activity, event or function thereupon, save for birthday, engagement, wedding, or similar, celebrations, which is contrary to the zoning scheme, or similar restrictions imposed by town planning legislation, and which, by its nature or otherwise, or by reason of its consequences, causes a nuisance

(2) Notwithstanding subsection (1), nothing shall prevent the owner or occupier of any private property from engaging in the following activities —

- (a) any authorised building or contract work undertaken by him-or herself, or on his or her behalf; and

- (b) participating in any hobby or activity involving any item owned or used by him or her which may require the use of an electrical appliance such as an angle grinder, sanding machine or similar item, provided that -
 - (i) the use of such appliance does not cause interference to television or radio reception in the neighbourhood, that every precaution possible is taken to minimise noise therefrom and the duration of use thereof, and that such activity is not for or related to any business conducted from the private property or elsewhere; and
 - (ii) such building or contract work and the use of electrical appliances for such hobby or activity is confined to the hours of 07h00 to 19h00.

(3) Whenever an authorised official is of the reasonable opinion that a person engaged in a hobby or activity is contravening subsections (1) or (2), he or she may instruct the owner or occupier of the private property, or any person responsible for or participating in the use, activity, event or function, to take such steps as the authorised official specifies, to abate the nuisance, or to avoid the creation of a nuisance, or, if this can only be achieved by the cessation of the use, activity, event or function, to bring it to an end forthwith, or within a time prescribed by the authorised official.

If the owner, occupier or person responsible for, or participating in, the use, activity, event or function mentioned in subsection (3) fails to abide by any notice or instruction given by an authorised official, then such official may issue a notification in terms of Section 341 of the Criminal Procedure Act [Act No. 51 of 1977] upon the owner, occupier or person responsible.

15. Lighting of fires

- (a) No person shall, on any private property, light a fire, or burn, or attempt to burn, any rubbish or refuse, or any grass or other vegetation, without taking adequate precautions to prevent the uncontrolled spread of the fire, or the creation of a nuisance, whether as a result of the production of ash, flames, fumes, heat, smoke, or otherwise.
- (b) Should any person persist with the burning of any matter without taking effective precautionary measures as described in subsection (a), where such burning is the subject of a reasonable complaint lodged with the Municipality, the Municipality,

through its authorised official, shall be entitled to enter upon the private property on which the burning is taking place, in order to extinguish the fire, and to charge with an offence the person concerned.

16. Slaughter of animals and disposal of carcasses

(1) No person shall —

- (a) slaughter any animal at any place other than an abattoir;
- (b) permit the slaughter of any animal at any place under his or her control, unless the place is an abattoir; or
- (c) sell or provide meat for human or animal consumption, unless the meat has been slaughtered at an abattoir.

(2) The provisions of sub-section (1) do not apply to slaughter for own consumption, or for cultural or religious purposes, provided that—

- (a) prior to the slaughter of any animal on a private property, the owner or the occupier must;
 - (i) obtain the written consent of the Municipality; and
 - (ii) provide reasonable notification to the immediate neighbours who occupy abutting properties and properties across the road from the private property on which the animal will be slaughtered; and
- (b) such slaughter does not constitute a nuisance, as defined.

(3) No person shall bury, or place, any carcass or part of a carcass, or permit any carcass, dead thing, or any decomposable or offensive material or thing, which is his or her property, or which is under his or her care or control, to be placed on his or her private property or elsewhere, or to remain thereon so as to cause a nuisance.

(4) In the event of any person not being able to dispose of any offensive matter or thing or bury any carcass in terms of subsection (3), he or she shall arrange with the Municipality for it to effect such disposal at the prescribed fee.

(5) Nothing contained in this section shall be construed so as to detract from the requirements of the Meat Safety Act [Act No. 40 of 2000], and any regulations promulgated in terms thereof.

17. Removal of weeds, undergrowth and bush

(1) No person shall permit any rank grass, undergrowth, or declared weeds or invader plants, as listed in the Conservation of Agricultural Resources Act [Act No. 43 of 1983], and any regulations promulgated in terms thereof, to grow upon any private property or vacant land occupied or owned by him or her.

(2) A person shall comply with any notice issued by an authorised official, requiring him or her to destroy or cut down and remove, or cause to be removed, any such rank grass, undergrowth, or declared weeds or invader plants, within a time to be stated in such notice, and in a method as stated in the Conservation of Agricultural Resources Act and its regulations. If such person fails to comply with such written notice, then he or she shall be guilty of a contravention of this By-law, and the Municipality may take such steps as it may deem necessary, to carry out, on behalf of the said person, the requirements of the said notice, and may recover the cost thereof from the said person, in accordance with the Municipality's tariff of charges.

18. Control of mosquitoes, flies, rodents and other vermin

(1) It shall be the duty of every owner and occupier to prevent mosquitoes, flies, rodents or other vermin from developing or being harboured on any private property owned or occupied by such owner or occupier, and any such owner or occupier who fails to comply with the provisions hereof shall be deemed to have contravened this By-law.

(2) The owner or occupier of private property shall, on being served with a notice signed by an authorised official, carry out such measures as may be specified therein, for the removal of conditions favourable for the development of, or harbouring of, mosquitoes, flies, rodents or other vermin, within the time specified in the notice.

(3) If the owner or occupier refuses to carry out the measures specified in a notice issued in terms of this By-law, or fails to do so within the time specified, then an authorised official may arrange for such measures to be carried out, and the reasonable costs incurred in so doing shall be recoverable by the Municipality from the person upon whom the notice is served, at a charge specified in the Municipality's tariff of charges.

19. Keeping or management of a brothel

- (1) No person shall keep or manage, or act or assist in the keeping or management of, a brothel upon any private property.
- (2) No person, being the owner, lessee or occupier of any private property, shall knowingly permit such private property or any portion thereof or any room therein to be used as a brothel or for the purpose of prostitution, or to be a party to continued use thereof for such purposes.
- (3) No person, being the owner of any private property or the agent of such owner, shall let such private property or any portion thereof or any room therein, with the knowledge that such private property or any portion thereof or any room therein is to be used as a brothel or for the purposes of prostitution.
- (4) Nothing contained in this section shall be construed so as to detract from the requirements of the Sexual Offences Act [Act No. 23 of 1957].

CHAPTER 4: MUNICIPAL PROPERTY AND PROPERTY UNDER THE CONTROL OF THE MUNICIPALITY**20. General offences**

- (1) A person commits an offence if, in relation to any property in the ownership or possession of, or under the control of, the Municipality, whether movable or immovable, and including any public place, he or she -
- (a) permits, or causes to be done, any act which may, in the reasonable opinion of the Municipality, cause soil or sand erosion;
 - (b) permits, or causes to be done, any cutting of, removing of, or interfering with, natural vegetation, which may, in the reasonable opinion of the Municipality, result

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KwAZULU-NATAL PROVINCE

KwAZULU-NATAL PROVINSIE

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in damage to, or destruction of, such natural vegetation; wilfully or negligently damages or destroys such property or any part thereof;

- (d) removes any earth, sand, shale, stone, turf or any other material or part thereof;
- (e) breaks, cuts, destroys or removes any bush, shrub, tree or other plant, or removes any branch, flower, leaf or other part thereof;
- (f) attaches to, or places on or next to, such property anything, including any advertisement, flyer, pamphlet, placard or poster, or other illustrative, written or printed matter, or hangs or suspends anything on or from it;
- (g) defaces any such property, whether by the use of chalk, ink or paint, or by any other means whatsoever;
- (h) extinguishes any lamp or light, or displaces or removes any barricade, enclosure, fence, lamp, light, notice or sign;
- (i) makes any excavation in, or disturbs the surface of, such property;
- (j) climbs or sits upon, hangs onto, or mounts, any such property;
- (k) introduces any object or material, or erects any structure, on such property; or
- (l) enters such property, or remains there; allows, causes or permits any other person to commit any of the aforesaid acts, unless he or she does so in the performance of a lawful right or duty, or with the prior consent of an authorised official, or in accordance with the provisions of any law. Notwithstanding the foregoing, nothing shall prevent the owner or occupier of private property from planting and maintaining grass and plants on that portion of the verge of a street which abuts on such municipal property or property under the control of the Municipality, provided that the lawful passage of vehicular and pedestrian traffic and the lawful parking of vehicles is not thereby obstructed and the grass and plants are properly maintained and do not cause a nuisance.

(3) Any person who is convicted of an offence in terms of subsection (1) shall pay to the Municipality the cost of remedying any loss or damage suffered by the Municipality as a result of the commission of that offence, and the cost of the removal and disposal of any material,

object or structure involved in the commission of the offence, and, for this purpose, the provisions of section 6 shall apply.

CHAPTER 5: PRESUMPTIONS, OFFENCES AND PENALTIES

21. Presumptions

When an employee, in the course of his or her employment, performs any act, or is guilty of an omission, which constitutes an offence in terms of this By-law, the employer shall also be deemed to have performed the act, or to be guilty of the omission, and he or she shall be liable on conviction for the penalties mentioned in terms of section 22, unless it can be proved that

-

- (a) in performing the act, or permitting the omission, the employee was acting without his or her employer's knowledge and consent
- (b) all reasonable steps were taken by the employer to prevent the act or omission in question; and
- (c) it was not within the scope of the authority or the course of the employment of the employee to perform the act or permit the omission in question.

22. Offences

1) A person commits an offence if he or she—

- (a) contravenes any provision of this By-law;
- (b) contravenes any conditions, restrictions or prohibitions imposed in terms of this By-law;
- (c) fails to comply with the terms of any notice or signage displayed in terms of this By-law;
- (d) obstructs, hinders, or in any manner interferes with an authorised official who is acting or entitled to act in terms of this By-law; or

- (e) fails to obey any lawful instruction or direction given to him or her in terms of this By-law.

(2) A person is guilty of a continuing offence if he or she continues with an offence after notice has been served on him or her in terms of this By-law requiring him or her to cease committing such offence.

23. Penalties

(1) Any person who is convicted of an offence under this By-law is liable to a fine of R500.00 or to imprisonment for a period not exceeding 2 years, or to both such fine and imprisonment.

(2) In the case of a continuing offence, an additional fine of an amount not exceeding R200 or imprisonment for a period not exceeding 10 days, for each day on which such offence continues or both such fine and imprisonment, will be imposed.

24. Regulations

The Municipality may make regulations not inconsistent with this By-law, prescribing -

- (a) any matter that may or must be prescribed in terms of this By-law; and
- (b) any matter that may facilitate the application of this By-law.

25. Repeal of By-laws

Any By-laws promulgated by the Municipality pertaining to any matter regulated in this By-law, shall be repealed from the date of promulgation of this By-law.

26. Short title

This By-law is called the By-law relating to the Control of Public Nuisances, 2019, and takes effect on a date determined by the Municipality by proclamation in the Official Gazette.

MUNICIPAL NOTICE 128 OF 2019**GREATER KOKSTAD MUNICIPALITY****REFUSE REMOVAL AND DISPOSAL BY-LAWS**

The Municipal Manager hereby, publishes in terms of section 162 of the Constitution of the Republic of South Africa Act [Act No. 108 of 1996], read with section 13 of the Local Government: Municipal Systems Act [Act No. 32 of 2000], and the National Environment Management: Waste Act [Act No. 59 of 2000] The Refuse Removal and Disposal By-Law:

ARRANGEMENT OF SECTIONS

Section 1:	Definitions
Section 2:	Designation of Waste Management Officers and Environmental Management Inspectors
Section 3:	The Municipal Integrated Waste Management Plan
Section 4:	Collection and removal of refuse
Section 5:	Conditions of use of the waste removal service
Section 6:	Refuse receptacles
Section 7:	Duties of owner or occupier
Section 8:	Access to premises
Section 9:	Accumulation of refuse
Section 10:	Removal and disposal of garden, special domestic and bulky refuse
Section 11:	Responsibility for builder's refuse
Section 12:	Disposal of builder's refuse
Section 13:	Removal of refuse or offensive matter along the street
Section 14:	Dumping and littering
Section 15:	Notification of generation of special industrial refuse
Section 16:	Storing of special industrial refuse
Section 17:	Removal of special industrial refuse
Section 18:	Liquid waste
Section 19:	Hazardous waste
Section 20:	Conduct at disposal site
Section 21:	Ownership of refuse
Section 22:	Waste minimization and recycling of waste
Section 23:	Waste information system
Section 24:	Offences and penalties
Section 25:	Regulations
Section 26:	Repeal of By-laws
Section 27:	Short title and commencement

1. Definitions.

For the purposes of these By-laws, unless the context indicates otherwise:

- 1.1 **“authorised official”** means any official of the Council who has been authorised by the Council to administer, implement or enforce the provisions of these By-laws;
- 1.2 **“builder’s refuse”** means refuse generated by demolition, excavation or building activities on premises;
- 1.3 **“commercial refuse”** means refuse generated in the course of the conduct of a business but shall not include industrial refuse;
- 1.4 **“Council”** means the council of the Greater Kokstad Municipality;
- 1.5 **“disposal facility”** or **“disposal site”** means a site for the disposal of refuse which is owned by the Council or has been approved for that purpose by the Council;
- 1.6 **“domestic refuse”** means refuse of a kind normally produced or generated on residential premises, but shall not include sand, earth, liquid matter, garden refuse or the carcass of any animal or special domestic refuse;
- 1.7 **“garden refuse”** means light refuse which is generated as a result of normal gardening activities on any premises, including without limiting the generality of the foregoing grass cuttings, leaves, plants, flowers, weeds, hedge clippings or the branches of trees;
- 1.8 **“hazardous waste”** means any waste that directly or indirectly represents an immediate or potential threat to human health or to the environment by introducing one or more of the following risks-
 - (a) explosions of fire;
 - (b) infections, pathogens, parasites or their vectors;
 - (c) chemical instability reactions or corrosion;
 - (d) acute or chronic toxicity to animals or human beings;
 - (e) cancer, mutations, tumours or birth defects;
 - (f) accumulation in biological food chains, persistence in the environment, or multiple effects, so that it requires special attention and cannot be released into the environment, or be added to sewage, or be stored in a situation which is either open to the air or from which leachate could emanate.

1.9 “industrial refuse” means refuse in solid form which is generated as a result of industrial manufacturing activities but shall not include builder’s refuse, special industrial refuse or commercial refuse;

1.10 “NEMA” means the National Environmental Management Act No. 107 of 1998.

1.11 “occupier” includes any person in actual occupation of premises without regard to the title under which he or she occupies, if any;

1.12 “owner” means ;

- (a) the person in whom from time to time is vested the legal title to premises;
- (b) in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of his property is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in any case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of the use of the premises or a building or buildings thereon;
- (d) in a case where such premises have been leased for a period of 30 years or longer, the lessee thereof;
- (e) In relation to –
 - (i) a piece of land delineated on a sectional plan registered terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property; or
 - (ii) a section as defined in such Act, the person in whose name such section is registered a sectional title deed, and includes the lawfully appointed agent of such a person;

1.13 “refuse container” means a container other than a refuse receptacle and whether wheeled or otherwise, designed for the temporary storage and removal of refuse

which is supplied by the Council in terms of section 3(4) or by a contractor approved in terms of section 2(3);

- 1.14** “**refuse receptacle**” means a receptacle which complies with either South African Bureau of Standards specification 493-1973: Steel Refuse Bins or 1310—1980: Refuse Bins of Polymeric Materials, both as published by General Notice No. 463 of 9 July 1982;
- 1.15** “**residential premises**” means premises Occupied for the purposes of human habitation, but excludes an accommodation establishment as defined in section 1 of the Hotels Act, 1965 (Act 70 of 1965);
- 1.16** “**special domestic refuse**” means refuse discarded from residential premises which cannot by virtue of its mass, shape, size or volume be conveniently stored in a refuse receptacle or container;
- 1.17** “**special industrial refuse**” means refuse, consisting of a liquid or sludge, resulting from industrial operations which may not be discarded into a sewer;
- 1.18** “**tariff charge**” means the appropriate charge as set out in the tariff of charges adopted by resolution of the Council from time to time; and
- 1.19** “**Waste Act**” means the National Environment Management: Waste Act No. 59 of 2008.

2. Designation of Waste Management Officers and Environmental Management Inspectors.

- (1) In terms of section 10(3) of the Waste Act, the Municipality shall designate, in writing, a Waste Management Officer from its administration to be responsible for co-ordinating matters pertaining to waste management activities in the Municipality in the manner as set out in the National Waste Management Strategy established in terms of section 6 of the Waste Act or as determined by the Minister or MEC by notice in the Gazette.
- (2) The designation referred to in subsection (1) may be sub-delegated by that officer to another officer within the Municipality subject to conditions and limitations as may be determined.

- (3) The Municipality shall further appoint sufficiently trained environmental management inspectors in terms of Chapter 7 of NEMA to undertake monitoring and enforce compliance with the Waste Act and these By-laws.

3. The Municipal Integrated Waste Management Plan.

- (1) In terms of section 12(2)(c) to (i) and section 12(3) of the Waste Act, the Municipality shall compile and annually review an Integrated Waste Management Plan in conjunction with the relevant Provincial Department and collect and provide all information required in order to complete this Provincial plan.
- (2) The Municipality shall report annually on the progress made in the implementation of its Integrated Waste Management Plan, including the performance as it relates to section 12(2)(a) to (i) of the Waste Act and in terms of section 46 of the Systems Act.

4. Collection and removal of refuse.

- (1) The Municipality shall, where possible, provide a waste removal service for all occupied premises within the waste removal service area and the occupier of any premises shall be liable for all charges levied for such service, irrespective of whether or not such service is utilised, and regardless of whether or not the service is provided on a day other than the normal day of collection. Any charges levied for such service shall be prescribed in the Municipality's tariff of charges.
- (2) The occupier of premises shall within seven days of the occupation of such premises notify the Municipality in writing that the premises have been occupied and whether the service the occupier requires relates to the removal of domestic, commercial or industrial waste, or a combination of these.
- (3) The occupier of any premises shall ensure that all waste generated on such premises is placed and kept in waste containers, waste bins, bags or other receptacles which shall be covered or sealed and retained on the premises until they are removed.

5. Conditions of use of the waste removal service.

- (1) On the day determined by the Municipality for waste removal for a particular area, the occupier of any premises within such area shall, unless directed otherwise by the Municipality, place any waste bins, bags or other receptacles on the verge immediately outside the boundary of such premises.
- (2) No hot ash, unwrapped glass fragments or other waste which may cause damage to the Municipality's containers or bins, or injury to the persons or vehicles employed in removing waste from any premises, shall be placed in any waste bins or bags unless appropriate steps have been taken to avoid any damage or injury.
- (3) No material, including any liquid, which by reason of its mass or other characteristics is likely to render any waste container, waste bin, bag or other receptacle unreasonably difficult for the Municipality's employees to handle, shall be placed therein.
- (4) Every waste container or waste bin on or outside any premises shall be covered by means of a lid or other covering so as to prevent any nuisance or health hazard, and any such container or bin shall be kept clean and in a hygienic condition.
- (5) The waste container, waste bins or bags placed outside the premises of the occupier or owner remains the sole responsibility of the occupier or owner until such time as the refuse has been collected by the Municipality, whether or not such service is provided on a day other than the normal day of collection.
- (6) The Municipality shall determine the capacity of waste bins, bags or receptacles which shall be utilised by occupiers for waste removal purposes, or the number of such bins, bags or receptacles and the days on which the service shall operate.

6. Refuse receptacles.

Provision of waste containers;

- (1) The Municipality, or a private waste service provider, may deliver waste containers to premises if, having regard to the quantity of waste generated on the premises concerned, the suitability of such waste for storage in waste containers, and the

accessibility and adequacy of the space provided by the occupier of any premises for waste collection vehicles, such waste would, in the opinion of the Municipality, be more appropriately stored in waste containers rather than waste bins.

- (2) Any waste containers delivered by the Municipality, or a private waste service provider, in terms of this section shall remain in the ownership of the Municipality or the private waste service provider, as the case may be.
- (3) An occupier of premises shall be liable for the replacement or repair costs of a lost, stolen or damaged waste container at the applicable replacement cost of such container.
- (4) An occupier of any premises shall provide sufficient space and any other facilities deemed necessary on such premises for the storage of waste containers delivered by the Municipality, or a private waste service provider, in terms of subsection (2).
- (5) A waste container shall;
 - (a) be placed in such a position on the premises as will allow its storage without it being visible from a public road;
 - (b) where trade waste is generated on the premises, be placed in such a position as will allow the collection and removal of such waste by the Municipality's employees without hindrance, or by a private waste services provider, as the case may be; and
 - (c) be so located as to permit convenient access to and egress from such premises by the Municipality's waste collection vehicles or by the vehicles of a private waste services provider.

7. Duties of owner or occupier.

Every occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises, shall ensure that;

- (1) all domestic and commercial refuse generated on the premises is placed and kept in refuse receptacles, refuse containers or disposable plastic refuse bags for removal;

- (2) Builders' refuse, garden refuse, industrial refuse, special industrial refuse and special domestic refuse is appropriately stored and clearly indicated as such;
- (3) No hot ash, unwrapped glass fragments or other refuse which may cause damage to refuse receptacles, refuse containers or disposable plastic refuse bags, or which may cause injury to the persons or vehicles employed in removing the refuse from the premises, is placed in refuse receptacles or refuse containers before such steps as may be necessary to avoid such damage or injury have been taken;
- (4) No material, including any liquid, which by reason of its mass or other characteristics is likely to render such refuse receptacles or disposal plastic refuse bags unreasonably difficult for the Council's employees to handle or carry, is placed therein;
- (5) Every refuse receptacle and refuse container on the premises is properly covered by means of a lid or other covering supplied therewith so as to prevent any nuisance or health hazard; and
- (6) Every receptacle or container is kept in a clean and hygienic condition; and (9) all which has toxic or other harmful properties is suitably treated to the satisfaction of the Council.

8. Access to premises.

- (1) The occupier of premises to which the Municipality provides a waste removal service shall grant the Municipality access to the premises for the purpose of collecting and removing waste and shall ensure that nothing obstructs, frustrates or hinders the Municipality in the carrying out of its service.
- (2) If, in the opinion of the Municipality, the collection or removal of waste from any premises is likely to result in damage to the premises or to the Municipality's property, or injury to the waste collectors or any other person, it may, as a condition of rendering a waste collection service in respect of the premises, require the occupier to indemnify it in writing in respect of any such damage or injury or any claims arising out of either.

9. Accumulation of refuse.

Where any refuse accumulates on premises so as to constitute a nuisance or so as to render it likely that a nuisance will be created thereby, the Council may make a special removal of such refuse and the owner or occupier shall be liable in respect of such special removal to pay the tariff charge therefor.

10. Removal and disposal of garden, special domestic and bulky refuse.

- (1) The Municipality may, from time to time, set aside certain sites for the disposal of garden waste and certain recyclable materials.
- (2) The sites referred to in subsection (1) shall be designated by means of notice boards erected at such sites.
- (3) Any waste referred to in subsection (1) shall be brought to such site in or on a vehicle capable of carrying a load of not more than one ton.
- (4) No person, entering such a site shall deposit any waste other than that contemplated in subsection (1) in the containers provided at such sites.
- (5) No private garden service, or maintenance, operator or contractor may enter a site designated by the Municipality for the disposal of garden waste, unless such operator or contractor enters the site in the course and scope of the business of such operator or contractor.
- (6) The Municipality may appoint a waste recycler or various waste recyclers to conduct commercial services at any or all of the sites designated in subsection (1) for the purpose of separating waste into various categories for the purposes of resale and reuse as recyclable material.

11. Responsibility for builder's refuse.

The owner of premises on which builder's refuse is generated shall ensure that such refuse is disposed of in terms of section 11 within a reasonable time after the generation thereof.

12. Disposal of builder's refuse.

- (1) Where in the opinion of the Municipality, excessive rubble, rubbish, other debris or waste material is allowed to accumulate on a site before or during building operations, it may, by written notice, order the owner of such site to have such rubble, rubbish, other debris or waste material removed within the period specified in such notice.
- (2) Any owner who fails to comply with such notice shall be guilty of an offence and the Municipality may remove such rubble, rubbish, other debris or waste material from such site and may recover the costs of such removal from the owner.
- (3) Any person erecting or demolishing any building shall remove any surplus material and matter arising from such erection or demolition from the site and from any other land or public place affected by such material or matter during or after completion of such erection or demolition, failing which the Municipality may, by written notice, order the owner of such building to have such surplus material and matter removed within a period specified in such notice.
- (4) Any person who removes any material in terms of subsection (3), shall produce to the Municipality a copy of the weighbridge ticket, if the material has been moved to the Municipality's landfill site, or other documentary proof in the event that the material has been removed to some other area or site, indicating the site or area to which the material has been removed.
- (5) Any person who fails to comply with a provision of subsection (3) or a notice served on such person in terms thereof, shall be guilty of an offence.

13. Removal of refuse or offensive matter along the street .

- (1) Any person removing or conveying any refuse or other offensive matter or any builder's refuse shall remove the same by means of a properly constructed and enclosed vehicle and in such manner as will prevent any nuisance arising from such conveyance or the escape of the contents therefrom.

- (2) The Council may serve a written notice upon any person restricting or stipulating the means to be adopted and specifying the times during which refuse may be conveyed through or along any street or public place if the Council is of the opinion that the conveyance of such refuse is likely to be objectionable or give rise to nuisance. Any person who fails to comply with the requirements of subsection (1) of this section or with any notice given under this subsection shall be guilty of an offence.

14. Dumping and littering.

- (1) No person shall dump, deposit, discharge, spill or release waste, or cause or permit such waste to be dumped, discharged, spilled or released, whether or not the waste is in a container or receptacle, in or at any place, whether publicly or privately owned, including but not limited to vacant land, rivers, waterlways, catchments, sewers and stormwater drains, except in a container or at a place which has been specially indicated, provided or set apart for such purpose.
- (2) The prohibition referred to in subsection (1) shall apply to any person who, for whatever reason, opens a receptacle containing waste material and dumps, deposits, discharges, spills or releases such waste onto a public street and who thereafter fails to return such waste material to the receptacle.
- (3) No person shall, while driving a vehicle, or while being conveyed in a vehicle, throw or deposit waste in or on any public place, public road or private premises within the Municipality and no driver of a vehicle shall allow or permit any passenger in such vehicle to throw or deposit such waste in a like manner.
- (4) No person shall throw, discard or deposit any circular, pamphlet or other advertisement in or on any public road or private property or place within the Municipality.
- (a) No person shall throw, discard or deposit any circular, pamphlet, or other advertisement in or on any private premises if requested by any person thereon not to do so, or if there is placed on the premises in a conspicuous position a sign indicating in any manner that the occupants of the said premises do not wish to have any such circular, pamphlet, or other advertisement left in or on such premises.

- (b) No person shall drive or move any vehicle in the Municipality unless such vehicle is constructed or loaded so as to prevent any load, contents or waste from being blown or deposited in or on any public road or on private property.
- (5) Where, in the case of any part of a public road, the Municipality considers that, in order to facilitate the cleaning of such part of the road on a particular day, it is appropriate to prohibit the parking of vehicles in that part of the road during certain hours of such day, the Municipality may give notice in accordance with the following provisions of this section prohibiting such parking.
 - (a) Such notice shall specify the particular area, the particular day and the hours in question and shall;
 - (i) be served on the occupier of any premises adjoining the particular area; and
 - (ii) be conspicuously displayed at places in the area concerned.

15. Notification of generation of special industrial refuse.

- (1) The Occupier of premises on which special industrial refuse is generated shall inform the Council in writing of the composition thereof, the quantity generated, how it is stored, and how and when and by whom and to which place, it will be removed.
- (2) If so required by the Council the notification referred to in subsection (1) shall be verified by an analysis certified by a duly qualified industrial chemist.
- (3) Any officer or servant of the Council and any other person duly authorised by the Council may enter premises at any reasonable time to ascertain whether special industrial refuse is generated on such premises and may take samples and test any refuse found on the premises to ascertain its composition.

16. Storing of special industrial refuse.

- (1) The occupier of premises on which special industrial refuse is generated shall ensure that the special industrial refuse generated on the premises is kept and stored thereon in terms of subsection (2) until it is removed from the premises in terms of section 15.

- (2) Special industrial refuse stored on premises shall be stored in such a manner that it cannot become a nuisance or pollute the environment.
- (3) The Council may in writing order the person referred to in section 14(1) to remove special industrial refuse within a reasonable time and, if thereafter such refuse is not removed within such time, the Council may by itself or through a contractor remove it at the expense of such person or the owner, as the case may be.

17. Removal of special industrial refuse.

No person shall remove special industrial refuse from the premises on which it was generated unless such refuse is lawfully and properly removed to a disposal site by a competent person with the necessary equipment to remove the special industrial refuse.

18. Liquid waste.

- (1) No person shall deliver to or discharge at a disposal site any liquid refuse or cause the same to be done, except with the prior written permission of the Council and in accordance with such conditions as may be imposed by it.
- (2) Any costs incurred by the Council in remedying damage or in abating any nuisance caused by the discharge of liquid refuse at a disposal site in contravention of the provision of these By-laws or of any condition imposed and the amount of any legal liability or costs incurred by the Council in respect of any claim arising from any such nuisance shall be borne by and be recoverable from the owner of such refuse.

19. Hazardous waste.

- (1) Whenever any hazardous waste is stored, generated or treated on any premises, the Municipality may, by written notice served on the waste generator;
 - (a) Prohibit the removal, disposal, treatment, storage, conveyance or handling of such hazardous waste, or

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- (b) Order the removal, disposal or treatment of such hazardous waste in a specified manner and at certain times within a period stipulated in such notice.
 - (2) If such waste generator fails to comply with the terms of a notice contemplated by subsection (1), he shall be guilty of an offence and the Municipality may remove, or cause to be removed, dispose of or treat such hazardous waste in any suitable manner and recover the expenses incurred in doing so from such waste generator.
 - (3) No person shall -
 - (a) Remove or convey hazardous waste from any premises, or (b) convey or transport hazardous waste on or over any public road, unless such hazardous waste is securely and properly contained in a receptacle or vehicle designed to prevent spillage or contamination.
 - (4) The Municipality may, by written notice served on a waste generator on whose premises hazardous waste is generated, stored, treated or disposed of, requiring him to provide the Municipality in writing with such particulars, verified by a suitably qualified industrial chemist, as may be stipulated in such notice, relating to –
 - (a) The quantity and composition of hazardous waste generated on such premises; and
 - (b) The method of storage, treatment or disposal of such hazardous waste.
 - (5) The waste generator shall in similar manner inform the Municipality of any change in the quantity or composition or the method of storage, treatment or disposal of such hazardous waste.
 - (6) No person shall deliver to, or discharge at, a disposal site, any hazardous waste.
 - (7) No person shall deliver to, or discharge at, a disposal site, any industrial effluent or cause the same to be done except with the prior written consent of the Municipality and in accordance with any conditions it may deem appropriate.
 - (8) Any costs which may be incurred by the Municipality in remedying any damage or in abating any nuisance caused by the discharge of hazardous waste or industrial effluent in contravention of the provisions of these By-laws, or any conditions imposed by the

Municipality in terms of these By-laws, shall be borne by and be recoverable from the owner of, or the person responsible for the discharge of, such waste or effluent.

20. Conduct at disposal site.

- (1) Every person who, for the purpose of disposing of waste, enters a waste disposal facility controlled by the Municipality, shall –
 - (a) Enter such facility at an authorised access point indicated as such;
 - (b) Present the waste for weighing in the manner required by the Municipality's official having authority at such site;
 - (c) Give such official all the particulars required in regard to the composition of the waste;
 - (d) Provide such official with full information as to the person who is liable to pay the tariff charge for the waste deposited to enable an account to be rendered to such person;
 - (e) Ensure that any container brought on to the site shall have its correct tare legibly displayed on both sides; and
 - (f) Follow all instructions given to such person in regard to access to the actual disposal point, the place where and the manner in which the waste should be deposited.
- (2) Any person who contravenes any of the provisions of subsection (1) may be refused entry to or be removed from, the waste disposal facility.
- (3) No person shall enter a waste disposal facility controlled by the Municipality for any purpose other than the disposal of waste in terms of these By-laws, and then only at such times and between such hours as the Municipality may from time to time determine.
- (4) The Municipality may at any time require a vehicle and/or its container to be weighed at a weighbridge on the site.
- (5) At any disposal site the official having authority at such site may refuse to accept waste which may, in such official's opinion, have a detrimental impact on the environment, or may accept such wastes subject to such conditions as the official may deem appropriate.

- (6) All waste removed by the Municipality to a waste disposal facility and all waste on a waste disposal facility controlled by the Municipality shall be the property of the Municipality and no person who is not duly authorised by the Municipality to do so shall remove or interfere therewith.
- (7) No person shall cause, or allow, a vehicle under such person's control to remain at a disposal site for longer than is necessary for the discharge of waste.
- (8) If, owing to mechanical failure, a vehicle becomes incapable of leaving a disposal site, the person in charge of such vehicle shall take immediate steps to prevent any obstruction on the site by making arrangements for the removal of the vehicle from the site.
- (9) If, for any reason, the person in charge of the vehicle fails to remove the vehicle from the site within a reasonable time, the Municipality's official on duty at the site may take whatever steps the official deems necessary to remove the vehicle from the site so as not to cause further obstruction, at the cost of the owner of such vehicle, and neither the Municipality nor any employee of the Municipality shall incur any liability to the owner for any loss or damage which may be suffered by the owner as a result of such action.
- (10) Any person entering a landfill site for the purposes of disposing of waste shall, in addition to complying with the above provisions, comply with all conditions stipulated in any permit issued by the Department of Water Affairs and Forestry.

21. Ownership of refuse.

All refuse removed by the Council and all refuse on disposal sites controlled by the Council shall be the property of the Council and no person who is not duly authorised by the Council to do so shall remove or interfere therewith.

22. Waste minimization and recycling of waste.

- (1) The Municipality shall take all steps necessary to introduce waste minimization programs in the municipal area in accordance with any norms and standards provided

for in the National Waste Management Strategy and in terms of section 8(3) of the Waste Act.

- (2) The waste minimization programs referred to in subsection (1) may take the form of;
 - (a) The introduction of norms and standards for the design and packaging of products produced within the municipal area at the manufacturing stage to ensure that waste can be avoided and/or reduced at pre-consumer stage while encouraging the manufacture of products that are reusable or recyclable at post-consumer stage;
 - (b) The sorting, re-use, recycling and recovery of waste from areas within the municipal boundary;
 - (c) The separation of waste at the point of generation and collection of such separated waste;
 - (d) The appointment of waste recyclers to undertake commercial services at designated waste disposal facilities within the municipal area.
- (3) Any waste generator may, by written notice served on him by the Municipality, be called upon to participate in such waste minimization programs by separating his waste at the point of generation on his premises, with some or all of the cost of such waste separation being borne by the waste generator concerned.
- (4) All other costs relating to the collection, transportation and disposal of this separated waste by the Municipality, or any private waste services provider tasked therewith, shall be borne by the Municipality.
- (5) In accordance with subsection (2)(d), the Municipality or a private waste recycler appointed by the Municipality, may undertake the recycling of waste already disposed of at a waste disposal facility in order to extend the lifespan of the facility.
- (6) No person may commence, undertake or conduct a waste management activity within the Municipality, except in accordance with the requirements or standards of a waste management licence or the norms and standards which have been developed by the Municipality where no licensing process is required in terms of the Waste Act.

23. Waste information system

- (1) In terms of the Waste Act the Municipality shall establish a waste information system in order to obtain accurate waste balance information and to enable adequate waste management planning and prioritization.
- (2) Where a waste generator generates more than 100kg of waste daily, he/she shall -
 - (a) register as such with the Municipality, and report at monthly intervals to the Municipality on the quantities of the different types of waste generated on his premises; and
 - (b) report on the waste management options that are being utilized to manage such waste.
- (3) All waste recyclers who conduct commercial services at any Municipal waste management facilities, undertaking waste separation, recovery, recycling, treatment, reuse and disposal services shall –
 - (a) provide monthly reports on the quantities and types of waste received, to the Municipality; and
 - (b) report on the waste management options that are being utilized to manage the different waste streams. -

24. Offences and penalties

- (1) In terms of these By-laws, any person who fails –
 - (a) to take all reasonable measures to ensure that where waste must be disposed of, such waste shall be treated or disposed of in an environmentally sound manner;
 - (b) to manage waste in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impact;

- (c) to commence, undertake or conduct a waste management activity in accordance with the requirements or standards determined for that activity or in terms of the requirements of a waste management licence issued in respect of that activity;
- (d) to obtain authority to dispose of waste on any land, waterbody or other facility; or
- (e) to comply with a condition or requirement of a waste management licence, shall be guilty of an offence and, if convicted, shall be liable to a fine to be determined by a Court of competent jurisdiction in addition to any other penalty or award that may be imposed or made in terms of NEMA or the Waste Act.

(2) Any person who –

- (a) fails to store waste correctly on his premises that results in pollution of the environment or harm to health as a result of spillage, leakage, wind—blown litter, odour, poor visual impact or breeding of vectors;
- (b) fails to store waste in a municipal-approved container and location;
- (c) fails to obtain authorization to collect waste where such authorization is required;
- (d) intentionally or negligently throws, drops, spills or discards any litter into or onto any public space, land, vacant erf, watercourse, street, road or any place to which the public has access;
- (e) fails to comply with a norm or standard established in terms of the Waste Act;
- (f) knowingly supplies false or misleading information to a Waste Management Control Officer or an Environmental Management Inspector; shall be guilty of an offence and, if convicted, shall be liable to a fine to be determined by a Court of competent jurisdiction in addition to any penalty or award that may be imposed or made in terms of NEMA or the Waste Act.

- (3) Any person who fails to furnish data, information, documents, samples or materials to the Municipality as required in terms of these bylaws shall be guilty of an offence and, if convicted, shall be liable to a fine to be determined by a Court of competent jurisdiction

in addition to any other penalty or award that may be imposed or made in terms of NEMA or the Waste Act.

- (4) Any person who is convicted of an offence under these By-laws or the Waste Act and who persists after having been so convicted, with the act or omission that constituted the offence, shall be liable to a fine not exceeding R1000 or to imprisonment for a period not exceeding 20 days or to both such fine and imprisonment in respect of each day that such person persists with such act or omission.
- (5) The Municipality may serve a notice on the occupier of any premises, requiring such occupier to clear any waste on such premises in a manner and within a time specified in such notice.
- (6) If a person on whom a notice has been served under subsection (5), fails to comply with the requirements imposed by the notice, such person shall be guilty of an offence and liable on conviction to the penalties prescribed from time to time by a Court of competent jurisdiction.
- (7) If a person on whom a notice is served in terms of subsection (5), fails to comply with any requirements imposed by such notice, the Municipality may –
 - (a) enter on the premises and clear the waste; and
 - (b) recover from the occupier the expenditure incurred in having done so.
- (8) Where on any occasion an authorised officer of the Municipality finds any person who such officer has reason to believe has on that occasion committed an offence under these By-laws, he may serve a notice on that person offering such person the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.
- (9) Where a person is served with a notice under subsection (8) –
 - (a) No proceedings shall be instituted for that offence before the expiration of fourteen days following the date of the notice; and
 - (b) Such person shall not be convicted of that offence if the fixed penalty is paid before the expiration of that period.

- (10) A notice under subsection (8) shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall specify –
- (a) the period provided for in subsection 9(a);
 - (b) the amount of the fixed penalty; and
 - (c) to whom, and the address at which, the fixed penalty may be paid.
- (11) The fixed penalty payable to the Municipality in pursuance of a notice under subsection (8) shall be prescribed by the Municipality from time to time.

25. Regulations.

The Municipality may make regulations not inconsistent with this By-law, prescribing –

- (1) any matter that may or must be prescribed in terms of this By-law; and
- (2) any matter that may facilitate the application of this By-law.

26. Repeal of By-laws.

Any By-laws promulgated by the Municipality pertaining to any matter regulated in this By-law, shall be repealed from the date of promulgation of this By-law.

27. Short title and commencement.

This By-law is called the Refuse Removal and Disposal By-law, 2019, and takes effect on a date determined by the Municipality by proclamation in the Official Gazette.

MUNICIPAL NOTICE 129 OF 2019**GREATER KOKSTAD MUNICIPALITY****RATES BY-LAW**

The Municipal Manager hereby publishes, in terms of section 162 of the Constitution of the Republic of South Africa Act [Act No. 108 of 1996], read with section 13 of the Local Government: Municipal Systems Act [Act No. 32 of 2000], and section 6 of the Local Government: Municipal Property Rates Act, 2004 [Act No. 6 of 2004], The Rates By-Law:

ARRANGEMENT OF SECTIONS

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28. Exemptions
29. Rebates
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31. Property used for agricultural purposes
32. Process for granting exemptions, rebates and reductions
33. Enforcement of other legislation
34. Repeal of previous By-laws

35. Application of the Municipal Property Rates Act 6 of 2004 and the Municipal Property Rates Amendment Act 29 of 2014
36. Exemption of municipalities from provisions of section 35
37. Limits on annual increases of rates
38. Rates increases
39. Short title and commencement

1. Definitions

In these By-laws, unless the context indicates otherwise —

- 1.1 **“agricultural purpose”** in relation to the use of a property, excludes the use of a property for the purpose of ecotourism or for the trading in or hunting of game;
- 1.2 **“category” —**
 - (a) in relation to property, means a category of property determined in terms of section 4 of these By-laws;
 - (b) in relation to owners of property, means a category of owners of property determined in terms of section 5 of these By-laws;
- 1.3 **“exemption”**, in relation to the payment of a rate, means an exemption granted in terms of section 8 of these By-laws;
- 1.4 **“land tenure right”** means an old order right or a new order right as defined in section 1 of the Communal Land Rights Act
- 1.5 **“multiple purposes”**, in relation to property, means the use of property for more than one purpose;
- 1.6 **“municipal council”** or **“council”** means the council of the Municipality;
- 1.7 **“Municipality”** means the Greater Kokstad Municipality
- 1.8 **“owner” —** (a) in relation to property referred to in paragraph
 - (a) of the definition of “property”, means a person in whose name ownership of the property is registered;

- (b) in relation to a right referred to in paragraph (b) of the definition of “property”, means a person in whose name the right is registered;
- (c) in relation to a land tenure right referred to in paragraph (c) of the definition of “property”, means a person in whose name the right is registered or to whom it was granted in terms of legislation, or
- (d) in relation to public service infrastructure referred to in paragraph (d) of the definition of “property”, means the organ of state which owns or controls that public service infrastructure as envisaged in the definition of “publicly controlled”, provided that a person mentioned below may for the purposes of these By-laws be regarded by the Municipality as the owner of the property in the following cases —
 - (i) a trustee, in the case of a property in a trust excluding state trust land;
 - (ii). an executor or administrator, in the case of property in a deceased estate;
 - (ii). a trustee or liquidator, in the case of property in an insolvent estate or in liquidation;
 - (iv). a judicial manager, in the case of property in the estate of a person under judicial management;
 - (v). a curator, in the case of property in the estate of a person under curatorship;
 - (vi). a usufructuary or other person in whose name a usufruct or other personal servitude is registered, in the case of property that is subject to a usufruct or other personal servitude; vii. a lessee, in the case of a property that is registered in the name of the Municipality and is leased by it; or
 - (viii). a buyer, in the case of a property that was sold by a Municipality and of which possession was given to the buyer pending registration of ownership in the name of the buyer;

1.9 “permitted use”, in relation to property, means the limited purposes for which the property may be used in terms of —

- (a) any restriction imposed by —
 - (i) a condition of title;
 - (ii). a provision of a town planning or land use scheme; or iii. any legislation applicable to any specific property or properties; or
- (b) any alleviation of any such restrictions;

1.10 “property” means —

- (a) immovable property registered in the name of a person, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person;
- (b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;
- (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation; or
- (d) public service infrastructure.

1.11 “protected area” means an area that is or has to be listed in the register referred to in section 10 of the National Environmental: Protected Areas Act (Act No. 57 of 2003);**1.12 “publicly controlled” means owned or otherwise under the control of an organ of state, including —**

- (a) a public entity listed in the Public Finance Management Act, 1999 (ActNo. 1 of 1999);
- (b) a Municipality; or
- (c) a municipal entity as defined in the Local Government: Municipal Systems Act (Act No. 32 of 2000);

1.13 “public service infrastructure” means publicly controlled infrastructure of the following kinds:

- (a) national, provincial or other public roads on which goods, services or labour move across the municipal boundary;
- (b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme serving the public;
- (c) power stations, power substations or power lines forming part of an electricity scheme serving the public;
- (d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;
- (e) railway lines forming part of a national railway system;

- (f) communication towers, masts, exchanges or lines forming part of a communications system serving the public;
- (g) runways or aprons at national or provincial airports;
- (h) breakwaters, sea walls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigation aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;
- (i) any other publicly controlled infrastructure as may be prescribed; or
- (j) rights of way, easements or servitudes in connection with infrastructure mention in paragraphs (a) to (i).

1.15 “rate” means a municipal rate on property envisaged in section 229(1)(a) of the Constitution, 1996;

1.16 “rateable property” means property on which a Municipality may in terms of section 2 of the Act levy a rate, excluding property fully excluded from the levying of rate in terms of section 17 of the Act; **able on property**, means a discount in the amount of the rate payable on the property granted in terms of section 9 of these by—laws;

1.18 “reduction” in relation to a rate payable on property, means the lowering of the amount for which the property was valued and the rating of the property at that lower amount granted in terms of section 10 of these by—laws;

1.19 “residential property” means property included in a valuation roll in terms of section 48(2) of the Act as residential;

1.20 “sectional title scheme” means a scheme as defined in section 1 of the Sectional Titles Act;

1.21 “sectional title unit” means a unit as defined in section 1 of the Sectional Titles Act

1.22 “the Communal Land Rights Act” means the Communal Land Rights Act (Act No. 11 of 2004);

1.23 “the Communal Property Associations Act” means the Communal Property Associations Act (Act No. 28 of 1996);

- 1.24 “the Provision of Land and Assistance Act”** means the Provision of Land and Assistance Act (Act No. 126 of 1993);
- 1.25 “the Restitution of Land Rights Act”** means the Restitution of Land Rights Act (Act No. 22 of 1994);
- 1.26 “the Sectional Titles Act”** means the Sectional Titles Act (Act No. 95 of 1986);
- 1.27 “the Act”** means the Local Government: Municipal Property Rates Act (Act No. 6 of 2004); and
- 1.28 “vacant land”** means land on which no immovable improvements have been erected.

2. Levying of Rates

- (1) The Municipality shall levy rates on all rateable property within its area, provided that it may, by resolution, grant exemptions from, rebates on or reductions in, rates levied in terms of this By-law or in terms of a national framework prescribed under the Act.
- (2) In levying rates on property the Municipality shall not be obliged to levy rates on properties of which it is the owner, or public service infrastructure, or on properties in respect of which it is impossible or unreasonably difficult to establish a market value because of legally insecure tenure resulting from past racially discriminatory laws or practices.

3 Levying of Rates by Resolution

- (1) The municipal council must by resolution adopt a policy on the levying of rates on rateable property in the Municipality.
- (2) The rates policy adopted by the municipal council in terms of section 3(1) must comply with the provisions of the Act.

- (3) The Municipality must levy rates in accordance with the Act, these By-laws and the rates policy adopted by the municipal council in terms of section 3(1).

4. Principles

- (1) The rates policy adopted by the municipal council must comply with the following principles —
- (a) all ratepayers within a specific category, as determined by the municipal council from time-to-time, must be treated equitably.
 - (b) a fair and transparent system of exemptions, rebates and reductions must be adopted and implemented by the Municipality.
 - (c) relief measures in respect of the payment of rates may not be granted on an individual basis, other than by way of exemption, rebate or reduction.
 - (d) exemptions, rebates and reductions must be used to alleviate the rates burden on —
 - (i) the poor;
 - (ii) public benefit organizations; and
 - (iii) public service infrastructure.
 - (e) provision must be made for the promotion of local, social and economic development.

5. Categories of Property

- 5 For the purpose of levying different rates on different categories of property, the municipal council must —
- (a) determine different categories of property; or
 - (b) provide criteria for determining different categories of property.
- (2) The different categories of property determined by the municipal council in terms of section 5(a), or the criteria for determining different categories of property provided by the municipal council in terms of section 5(b) must be specified in the rates policy adopted by the municipal council in terms of section 2(1).
- (3) The different categories of property determined by the municipal council in terms of section 5(a) may include, but are not limited, to those set out below -

- (a) residential properties;
- (b) industrial properties;
- (c) commercial properties;
- (d) farm properties used for agricultural purposes;
- (e) farm properties used for commercial purposes;
- (f) farm properties used for residential purposes;
- (g) farm properties used for any other purpose;
- (h) farm properties not used for any purpose;
- (i) state-owned properties:
 - (i) state properties that provide local services;
 - (ii) state properties that provide district services;
 - (iii) state properties that provide metropolitan services;
 - (iv) state properties that provide provincial services; or
 - (v) state properties that provide national services;
- (j) municipal properties;
- (k) public service infrastructure;
- (l) privately owned towns;
- (m) formal and informal settlements;
- (n) communal land as defined in the Communal Land Rights Act;
- (o) state trust land;
- (p) property acquired in terms of the Provision of Land and Assistance Act;
- (q) property acquired in terms of the Restitution of Land Rights Act;
- (r) property subject to the Communal Property Associations Act;
- (s) protected areas;
- (t) national monuments;
- (u) property used for a specified public benefit activities
- (v) multiple-use properties;
- (w) vacant land; or
- (x) other property.

- (4) The criteria for determining different categories of property provided by the municipal council in terms of section 5(b) may include, but are not limited, to those set out below

—

- (a) the actual use of the property;
- (b) the permitted use of the property;
- (c) the size of the property;

- (d) the geographical area in which the property is located; or (e) the designation of the property in the valuation roll.

6. Categories of Owner

- (1) For the purpose of levying rates on different categories of property or for the purpose of granting exemptions, rebates or reductions, the municipal council must —
 - (a) determine different categories of owners of property; or
 - (b) provide criteria for determining different categories of owners of property.
- (2) The different categories of owners of property determined by the municipal council or the criteria for determining different categories of owners of property provided by the municipal council must be specified in the rates policy adopted by the municipal council in terms of section 2(1).
- (3) The different categories of owners of property determined by the municipal council in terms of section 6(1)(a) may include, but are not limited, to the following categories -
 - (a) indigent owners;
 - (b) owners dependent on pensions or social grants for their livelihood; (0) owners temporarily without an income;
 - (c) owners of property situated within an area affected by a disaster or any other serious adverse social or economic condition;
 - (d) owners of residential property whose market value is below the amount indicated in the Municipality's rates policy before the first R15 000 mandatory exclusion; or
 - (e) owners of agricultural property who are bona fide farmers.
- (4) The criteria for determining different categories of owners of property provided by the municipal council in terms of section 6(1)(b) may include, but are not limited, to the following criteria —
 - (a) income of the owner of the property;
 - (b) source of income of the owner of the property;
 - (c) occupation of the owner of the property;

- (d) market value of the property;
- (e) use of the property; or
- (f) disasters or any other serious adverse social or economic condition.

7. Categories of Property for Exemptions, Reductions and Rebates

- (1) The Municipality may, by resolution, grant exemptions, reductions and rebates in respect of the following categories of properties:
 - (a) agricultural properties;
 - (b) commercial properties
 - (c) DSF properties
 - (d) impermissible rates property;
 - (e) industrial properties
 - (f) mining property;
 - (g) public benefit organisation property;
 - (h) public service infrastructure;
 - (i) residential property;
 - (j) rural communal property;
 - (k) sectional title garages (separately registered)
 - (l) small home business;
 - (m) unauthorized use property;
 - (n) vacant land; or
 - (o) other property

LIMITATIONS

8. Impermissible Rates

- (1) The Municipality shall not levy rates on property in a way that would materially and unreasonably prejudice national economic policies, economic activities across its boundary or the national mobility of goods, services, capital or labour as provided for in section 229(2)(a) of the Constitution.
- (2) Other impermissible rates

The Municipality may not levy a rate-

- (a) on the first 30% of the market value of public service infrastructure;
 - (b) on those parts of a special nature reserve, national park or nature reserve within the meaning of the National Environmental Management: Protected Areas Act (Act No, 57 of 2003), or of a national botanical garden within the meaning of the National Environmental Management: Biodiversity Act (Act No, 10 of 2004), which are not developed or used for commercial, business, agricultural or residential purposes;
 - (c) on mineral rights within the meaning of paragraph (b) of the definition of "property" in section 1 of the Act;
 - (d) on a property belonging to a land reform beneficiary or his or her heirs, provided that this exclusion lapses ten years from the date on which such beneficiary's title was registered in the office of the Registrar of Deeds;
 - (e) on the first R15 000 of the market value of a property assigned in the valuation roll or supplementary valuation roll of a Municipality to a category determined by the Municipality -
 - (i) for residential properties; or
 - (ii) for properties used for multiple purposes, provided one or more components of the property are used for residential purposes; or
 - (f) on a property registered in the name of and used primarily as a place of public worship by a religious community, or one official residence registered in the name of that community which is occupied by an office bearer of that community who officiates at services at that place of worship.
- (3) The exclusion from rates of a property referred to in By-law 8(2) (b) lapses if the declaration of that property as a special nature reserve, national park, nature reserve or national botanical garden, or as part of such a reserve, park or botanical garden, is withdrawn in terms of the applicable Act mentioned in that subsection.
- (4) If the property in respect of which the declaration is withdrawn is privately owned, the owner, upon withdrawal of the declaration, becomes liable to the Municipality concerned for any rates that, had it not been for By-law

8(2) (b) would have been payable on the property during the period commencing from the effective date of the current valuation roll of the Municipality. If the property was declared as a protected area after the effective date of the current valuation roll, rates are payable only from the date of declaration of the property.

- (5) The amount for which an owner becomes liable in terms of By-law 8 (3)(b) must be regarded as rates in arrears, and the applicable interest on that amount is payable to the Municipality.
- (6) By-laws 8 (3). (b) and 8(3)(c) apply only if the declaration of the property was withdrawn because of a decision by the private owner for any reason to withdraw from the agreement concluded between the private owner and the state in terms of the Protected Areas Act, and in terms of which the private owner initially consented to the property being declared as a protected area; or a decision by the state to withdraw from such agreement because of a breach of the agreement by the private owner.
- (7) The Minister, acting with the concurrence of the Minister of Finance, may from time to time place notice in the Gazette, increasing the monetary threshold referred to in By-law 8(2)(e) to reflect inflation.
- (8) The Minister may, by notice in the Gazette, lower the percentage referred to in By-law 8(2)(a) but only after consultation with-
 - (a) relevant cabinet members responsible for the various aspects of public service infrastructure;
 - (b) organised local government; and
 - (c) relevant public service infrastructure entities.
- (9) The exclusion from rates of a property referred to in By-law 8(2) (f) lapses if-
 - (a) the property is disposed of by the religious community owning it; or is no longer used primarily as a place of public worship by a religious community or, in the case of an official residence contemplated in that subsection, is no longer used as such an official residence.

- (b) If the exclusion from rates of a property used as such an official residence lapses, the religious community owning the property becomes liable to the Municipality concerned for any rates that, had it not been for By-law 8(2) (f) would have been payable on the property during the period of one year preceding the date on which the exclusion lapsed.
- (c) The amount for which the religious community becomes liable in terms of By-law 8(6) (b) must be regarded as rates in arrears, and the applicable interest on that amount is payable to the Municipality.

9. Primary Rebates per Category of Property

- (1) The Municipality may by resolution grant a rebate on the rate payable on the following categories of rateable properties
 - (a) agricultural property;
 - (b) commercial property;
 - (c) dwelling, shops and flats (DSF) properties;
 - (d) industrial properties;
 - (e) mining property;
 - (f) public benefit organisation property;
 - (g) public service infrastructure;
 - (h) residential properties;
 - (i) rural communal properties;
 - (j) sectional title garages (separately registered)
 - (k) small home business; and
 - (l) other property.
- (2) The Municipality shall in each financial year determine the amount of the rebate to be granted to each of the categories specified in bylaw 9(1)

10. Rebates per Category of Owner

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- (1) The Municipality may grant a rebate on a property owned and occupied by the Greater Kokstad Municipality.
 - (2) The Municipality may grant a rebate on a property whose owner is in receipt of an old age pension or disability grant, provided that the applicant satisfies all the criteria for such rebate.
 - (3) The Municipality may grant a rebate to child headed households provided that all the criteria for a rebate are met.
 - (4) The Municipality may grant a rebate on a rateable property which has been listed in terms of clause 7.2 of the Greater Kokstad Town Planning Scheme, or any other property which it considers having sufficient historic or architectural interest or merit to justify the preservation thereof, provided that the owner of such property qualifies in terms of the criteria for this rebate.
 - (5) The Municipality may grant a rebate to developers who own property and install the necessary infrastructure for the development of the raw land and which results in an enhanced market value of the land, provided that the owner of such property satisfies the criteria for such rebate.
 - (6) A rebate granted on the rate payable on any property referred to in By-law 10(2) to By-law 10(5) inclusive, is conditional upon there being no outstanding rates or service charges owing and payable on such property except to an owner who is in receipt of an old age pension, disability grant or child headed household, provided that an arrangement in terms of the credit control policy for any arrears is in place, and is being maintained.
 - (7) No rebate will be granted to any developer as envisaged in 10(5) above, who has previously received a business concession or development incentive from Municipality for any part of the development.

11. ADDITIONAL RATES FOR SPECIAL RATING AREAS

- (1) The Municipal Council may by resolution -
 - (a) determine an area within the Municipality as a special rating area;
 - (b) levy an additional rate on the property in that area for the purpose of raising funds for improving or upgrading that area; and
 - (c) differentiate between categories of properties when levying an additional rate referred to in By-law 1(b)
- (2) Before determining a special rating area the Municipality must:
 - (a) Consult the affected community on the proposed boundaries on the following matters:
 - (i) the proposed boundaries of the area; and
 - (ii) the proposed improvement or upgrading of the area; and
 - (b) Obtain the consent of the majority of the members of the affected community in the proposed special rating area who will be liable for paying the additional rate.
- (3) When a Municipality determines a special rating area, the Municipality
 - (a) must determine the boundaries of the area;
 - (b) must indicate how the area is to be improved or upgraded by funds derived from the additional rate;
 - (c) must establish separate accounting and other record keeping systems regarding;
 - (i) the revenue generated by the additional rate; and
 - (ii) the improvement and upgrading of the area; and

- (d) may establish a committee composed of persons representing the community in the area to act as consultative and advisory forum for the Municipality on the improvement and upgrading of the area, provided representivity, including gender representivity, is taken into account.
- (4) This section may not be used to reinforce existing inequities in the development of a Municipality, and any determination of a special rating area must be consistent with the objectives of the Municipality's integrated development plan.
- (5) This section must be read with section 85 of the Municipal Systems Act if this section is applied to provide funding for an internal municipal services district established in terms of that section of the Municipal Systems Act
- (6) The Municipality may enact By-laws to further regulate special rating areas. In the event of any conflict between By-law 11 and any other By-laws, By-law 11 shall prevail to the extent necessary.

12. Register of Properties

- (1) A Municipality must draw up and maintain a register in respect of properties situated within that Municipality, consisting of a Part A and a Part B.
 - (a) Part A of the register consists of the current valuation roll of the Municipality, including any supplementary valuation rolls of the Municipality prepared in terms of section 78.
 - (b) Part B of the register must specify which properties on the valuation roll or any supplementary valuation rolls subject to:
 - (i) an exemption from the rate in terms of section 15 of the Act;
 - (ii) a rebate on or a reduction in the rate in terms of section 15 of the Act;
 - (iii) a phasing in of the rate in terms of section 21 of the Act; or
 - (iv) an exclusion referred to in section 17(1)(a), (e), (g), (h) and (i) of the Act.

- (c) The register must be open for inspection by the public during office hours. If the Municipality has an official website or another website available to it, the register must be displayed on that website.
- (d) A Municipality must at regular intervals, but at least annually, update Part B of the register. Part A of the register must be updated in accordance with the provisions of this Act relating to the updating and supplementing of valuation rolls.

LIABILITY FOR RATES

13. Property Rates Payable by Owners

- (1) A rate levied on a property shall be paid by the owner of that property.
- (2) Where a property is owned jointly the owners shall be jointly and severally liable for the payment of the rates on such property.
- (3) In respect of agricultural property that is owned by more than one owner in undivided shares where the holding of such undivided shares was allowed before the commencement of the Subdivision of Agricultural Land Act, 1970, the Municipality shall hold owners jointly and severally liable for all rates levied in respect of the property concerned
- (4) Properties owned by the Municipality and occupied by persons other than the Municipality shall be shown separately in the valuation roll and valued at market value.
- (5) In respect of a Municipal property where multiple tenancies occur, the entire building shall be valued at market value, and the rates will be based on a *pro rata* portion of the market value, calculated by lettable area and the rates levied shall be included in the rentals.

- (6) Alternatively where bylaw 13(5) is not possible, the lettable areas will be valued as units of the building calculated by the lettable area, and shown separately in the roll and rated separately in addition to the rentals.

14. Method and Time of Payment

- (1) The Municipality shall recover rates in respect of a financial year in twelve equal monthly installments payable
- (2) Rates shall be paid in each month on or before a date determined by the Municipality.
- (3) The final date for the payment of rates, as determined by the Municipality in terms of bylaw 14(2) above, shall not be affected by reason of any objection in terms of section 52, or an appeal in terms of section 55 of the Act.
- (4) If the result of any objection or appeal is that the valuation is:
 - (a) unchanged, the Municipality may collect any penalty that may have accrued; or
 - (b) adjusted downwards, the Municipality shall only collect such penalties on the rates due on such reduced valuation and any overpayment that may have been made shall be refunded
- (5) Any adjustments or additions made to a valuation roll in terms of section 51c, 52 (3), or 69 of the Act, take effect on the effective date of the valuation.
- (6) If an adjustment in the valuation of a property affects the amount due for rates payable on that property, the Municipal Manager must:
 - (a) calculate
 - (i) the amount actually paid on the property; and
 - (ii) the amount payable in terms of the adjustment on the property since the effective date; and

- (b) recover from or repay to, the person liable for the payment of the rate the difference, determined in paragraph a, plus interest at a prescribed rate roll.
- (7) When an addition has been made to a valuation roll as envisaged above the Municipal Manager must recover from the person liable for the payment of the rate the amount due for rates payable plus interest and a prescribed rate.

15. Accounts to be furnished

- (1) The Municipality shall furnish each person liable for payment of a rate with a written account which shall contain the following information;
 - (a) the amount due for rates payable;
 - (b) the date on or before which the amount is payable;
 - (c) how the amount was calculated;
 - (d) the market value of the property;
 - (e) if the property is subject to any compulsory phasing in discount in terms of section 21 of the Act, the amount of the discount;
 - (f) if the property is subject to any additional rate in terms of section 22 of the Act, the amount due for additional rates.
- (2) A person is liable for payment of a rate whether or not that person has received a written account in terms of bylaw 15(1) If a person has not received a written account, that person must make the necessary enquiries from the Municipality.
- (3) The furnishing of accounts for rates in terms of this section is subject to section 102 of the Municipal Systems Act.
- (4) Any person liable for the payment of a rate in respect of rateable property shall notify the Municipality of any address within the Republic to which notices in respect of such property shall be sent.

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- (5) Any notice which the Municipality is required to give in terms of section 15(a) of these By-laws shall be deemed to have been properly given
- (a) if it has been sent by prepaid post
 - (i) to an address notified in terms of subsection (4) of these By-laws;
 - (ii) if By-law 15(5)(a)(i) does not apply and the property is not vacant land, to the address of the property shown in the valuation roll; or
 - (iii) to an address which appears to be the residential or business address of the person liable for the payment of the rate, according to the records of the Municipality, which method of posting shall be utilized if subparagraphs 15. (5)(a)(i) and 15.(5)(a)(ii) of these By-laws do not apply or if any notice posted in terms of the said subparagraphs has been returned as undelivered;
 - (b) if it has in fact come to the notice of the person to whom it is required to be given;
 - (c) if By-laws 15 (5)(a) and 15 (5)(b) of these By-laws do not apply, by fixing on the notice board of the Municipality for a period of at least thirty days, a schedule containing the name of the person who is liable for the payment of the rate as shown in the valuation roll and the particulars required by section 28(1) of the Act;
- (6) Where a property in respect of which a rate is payable, is owned by more than one person and either or both of whom are liable for the payment of a rate on such property, the notices required to be given in terms of this section shall be deemed to have been properly given if posted or delivered to the address of one of such persons; provided that such persons may agree amongst themselves to which address such notices shall be posted or delivered and may notify the Municipality accordingly in the manner provided for in By-law 15 (3).
- (7) Any person who is liable for payment of a rate but who has not received an account shall not be absolved from paying the amount owing by due date and any amount outstanding after such date shall attract penalty charges as provided for in the rates policy-

- (a) If any person who is liable for payment of a rate does not receive an account, such person shall obtain a copy of such account from the offices of the Municipality, before the due date for payment of the account.
- (b) If any person who is liable for the payment of a rate shall notify the Municipality of any change of address including any email address or other contact details;
- (c) a change of address referred to in bylaw 15 (7)(b) above shall take effect on receipt thereof by the Municipality;
- (d) If any person who is liable for the payment of a rate does not receive an account as a result of such person's failure to notify the Municipality of a change of address, such person shall nevertheless be required to pay the amount owing by due date.

16. Recovery of Arrear Rates

- (1) The Municipality shall take all necessary measures to recover all rates due and payable to the Municipality as provided for in the Local Government: Municipal Finance Management Act, 56 of 2003 and the Local Government: Municipal Systems Act, 32 of 2000.
- (2) A letter of demand shall be sent to the owner if the account is 60 days or more in arrears.
- (3) The Municipality shall terminate the services to the property if the owner fails to respond to the letter of demand, regardless of whether the owner is the occupier on the property.
- (4) The Municipality may publish in a local newspaper, a list of all rates defaulters, who have failed to pay within 60 days after the final installment of the rates assessment,

calling on the ratepayer to settle the arrears within a specified time frame, failing which, Council's credit control and debt collection procedures will be followed and an application will be made to a court of competent jurisdiction for an order for the sale of the property by public auction.

- (5) If the rates remain unpaid in terms of By-law 16(4) above, the Municipality may make application to a court of competent jurisdiction showing the amount of rates, penalties and surcharges then in arrear, and that all notices have been given and requesting the court to order any such rateable property be sold by public auction and the proceeds thereof to be paid in to court, and to direct payment to the Municipality of all rates and penalties accrued in respect of the date of such sale together with the costs of obtaining the said order.
- (6) If before the sale of any rateable property in terms of an order made under By-law 16(5) there is produced to the Deputy Sheriff or other person charged with the sale thereof, a certificate by the Municipality that all amounts owing in terms of outstanding and arrear rates and penalty charges have been paid, the said property shall be withdrawn from the sale.
- (7) Notwithstanding that all outstanding and arrear rates penalty charges may have been paid before the said sale, the Municipality shall not be liable to any person for any loss or damage suffered by such person by reason of the sale of any such property in respect of which no such certificate has been produced to the said Deputy Sheriff or other person.

17. Interest and Collection Charges

- (1) Interest will be charged on all rates arrears in terms of the Municipal Finance Management Act and the Municipal Systems Act as prescribed in terms of the Municipal Finance Management Act.
- (2) In addition to interest charged in respect of any property, collection charges shall accrue as follows:
 - (a) as from the last working day referred to in By-law 17(2), an amount representing ten percent (10%) of the capital amount of the rates then in arrears;
 - (b) on the granting of a court order in terms of By-law 21 (5) of these bylaws, a further amount representing ten percent (10%) of the capital amount of the rates then in arrears.
 - (c) the said charges shall be payable to the Municipality and the said amounts or such of them as may be applicable may be recovered by it in any proceedings for the recovery of rates.

18. Restraint on the Transfer of Property and Revenue Clearance Certificates

- (1). Section 118 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) provides as follows:

"118(1) A registrar of deeds may not register the transfer of property except on production of a prescribed Certificate

 - (a) ***issued by the Municipality or municipalities in which that property is situated; and***
 - (b) ***which certifies that all amounts that became due in connection with that property for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the two years preceding the date of application for the certificate have been fully paid. (1A) A prescribed certificate issued by a Municipality in terms of subsection (1) is valid for a period of 60 days from the date it has been issued.***
- (2) ***In the case of the transfer of property by a trustee of an insolvent estate, the***

provisions of this section are subject to section 89 of the Insolvency Act, 1936 (Act No. 24 of 1936).

- (3) An amount due for municipal services, surcharges on fees, property rates and other municipal taxes, levies and duties is a charge upon the property in connection with which the amount is owing and enjoys preference over any mortgage bond registered against the property.***
 - (4) Sub-section (1) does not apply to (a) a transfer from the national government, a provincial government or a Municipality of a residential property which was financed with funds or loans made available by the national government, a provincial government or a Municipality; and (b) the vesting of ownership as a result of a conversion of land tenure rights into ownership in terms of Chapter 1 of the Upgrading of Land Tenure Rights Act, 1991 (Act No. 112 of 1991); Provided that nothing in this subsection precludes the subsequent collection by a Municipality of any amounts owed to it in respect of such a property at the time of such transfer or conversion.***
 - (5) Sub-section (3) does not apply to any amount referred to in that subsection that became due before a transfer of a residential property or a conversion of land tenure rights into ownership contemplated in subsection (4) took place."***
- (2) The provisions of section 118 of the Local Government: Municipal Systems Act shall be strictly adhered to at all times.
 - (3) Only applications completed in full on the prescribed form, and accompanied by the prescribed fee as recorded in the tariff register will be processed.
 - (4) Where the monthly consumption of services to a property has been estimated for a period of more than 60 days and a clearance certificate is required in terms of section 118 of the Local Government: Municipal Systems Act, the owner, shall supply readings of the relevant meters as required by the Municipality so as to ensure that all amounts due in terms of section 118 are paid.
 - (5) Where any amendments to the value or use on the property are awaiting adjustments in an open supplementary roll any rates due must be paid for clearance purposes in terms of the defective dates prescribed in section 78 of the Rates Act.

19. Supplementary Valuations and Interim Rates Adjustments

(1). In terms of Section 78 of the Act,

A Municipality must, whenever necessary, cause a supplementary valuation to be made in respect of any rateable property:

- (a) incorrectly omitted from the valuation roll;***
- (b) included in a Municipality after the last general valuation;***
- (c) subdivided or consolidated after the last general valuation;***
- (d) of which the market value has substantially increased or decreased for any reason after the last general valuation;***
- (e) substantially incorrectly valued during the last general valuation;***
- (f) that must be revalued for any other exceptional reason or***
- (g) of which the category has changed.***

(2) For the purposes of subsection (1), the provisions of Part 2 of Chapter 4 and, Chapters 5, 6 and 7, read with the necessary changes as the context may require, are applicable, except that;

- (a) a municipal value who prepared the valuation roll may be designated for the preparation and completion of the supplementary valuation roll; and
- (b) the supplementary valuation roll takes effect on the first day of the month following the completion of the public inspection period required for the supplementary valuation roll in terms of section 49 (as read with this section), and remains valid for the duration of the Municipality's current valuation roll.

(3) Supplementary valuations must reflect the market value of properties determined in accordance with:

- (a) market conditions that applied as at the date of valuation determined for purposes of the Municipality's last general valuation; and
- (b) any other applicable provisions of this Act.

(4) Rates on a property based on the valuation of that property in a supplementary valuation roll Become payable with effect from:

- (a) the effective date of the supplementary roll, in the case of a property referred to in subsection (1) (a), (e) or (f);
- (b) the date on which the property was included in the Municipality, in the case of a property referred to in subsection (1) (h);
- (c) the date on which the subdivision or consolidation of the property was registered in the Deeds Office, in the case of a property referred to in subsection (1)(c);
- (d) the date on which the event referred to in subsection (1)(d) has occurred or
- (e) the date on which the change of category referred to in subsection (1)(g) occurred.

20. Multiple-use Properties

- (1) The municipal council must determine the criteria in terms of which multiple—use properties must be rated.
- (2) The criteria determined by the municipal council in terms of section 20(1) must be specified in the rates policy adopted by the municipal council in terms of section 2(1).
- (3) The criteria determined by the municipal council in terms of section 20(1) must be either —
 - (a) the permitted use of the property;
 - (b) the dominant use of the property; or
 - (c) the multiple-uses of the property.
- (4) If the criterion set out in subsection 3(c) is adopted by the municipal council, the rates levied on multiple-use properties must be determined —
 - (a) by apportioning the market value of such a property to the different purposes for which the property is used; and
 - (b) by applying the relevant cent amount in the rand to the corresponding apportioned market value.

21. Levying of Property Rates on Sectional Title Schemes

A rate on property which is subject to a sectional title scheme shall be levied on the individual sectional title units in the scheme and not on the property as a whole.

22. Amount Due for Rates

The rate levied by the Municipality shall be an amount in the Rand on the market value of the property or as otherwise provided by the Act.

23. Period for Which Rates May be Levied

- (1) The Municipality shall levy rates for one financial year at a time. At the end of each financial year the rate levied for that financial year shall lapse.
- (2) The Municipality shall, annually, at the time of its budget, set the amount in the Rand payable for rates.
- (3) The levying of rates shall form part of the Municipality's annual budget process as set out in Chapter 4 of the Local Government: Municipal Finance Management Act, (Act No. 56 of 2003).

24. Commencement of Rates

Rates levied by the Municipality shall become due and payable as from the start of the financial year.

25. Promulgation of Resolutions Levying Rates

- (1) A rate is levied by the Municipality by resolution passed by the municipal council with a supporting vote of a majority of its members.

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- (2) A resolution levying rates in the Municipality must be annually promulgated, within 60 days of the date of the resolution, by publishing the resolution in the Provincial Gazette
- (a) The resolution must-
- (i) contain the date on which the resolution levying rates was passed;
 - (ii) differentiate between categories of properties, and
 - (iii) reflect the cent amount in the Rand rate for each category of property.
- (3) Whenever the Municipality passes a resolution in terms of subsection (1), the municipal manager must, without delay-
- (a) conspicuously display the resolution for a period of at least 30 days-
 - (i) at the Municipality's head and satellite offices and libraries; and
 - (ii) if the Municipality has an official website or a website available to it as envisaged in section 21B of the Municipal Systems Act, on that website; and
 - (b) advertise in the media a notice stating that-
 - (i) a resolution levying a rate on property has been passed by the council; and
 - (ii) the resolution is available at the Municipality's head and satellite offices and libraries for public inspection during office hours and, if the Municipality has an official website or a website available to it, that the resolution is also available.

26. Differential Rating

- (1) Subject to and in conformity with the Act, the Municipality may levy different rates on different categories of property.
- (2) If the Municipality chooses to levy different rates on different categories of property, it must exercise this power in accordance with the criteria determined by the municipal council in terms of section 3(3) (b) (i) of the Act.

- (3) The criteria determined by the municipal council in terms of section 3(3) (b) (i) of the Act must be specified in the rates policy adopted by the municipal council in terms of section 2(1).
- (4) The criteria which must be determined by the municipal council in terms of section 3(3) (b)(i) of the Act may include, but are not limited, to those set out below —
 - (a) the nature of the property;
 - (b) the sensitivity of the property to rating;
 - (c) the extent to which the property has been developed; or
 - (d) the promotion of social and economic development.
- (5) If the municipal council chooses to levy different rates on different categories of property, it must determine the method in terms of which different rates will be levied against different categories of property.
- (6) The method determined by the municipal council in terms of section 26(5) must be based on one of the methods set out below —
 - (a) setting a different cent amount in the Rand for each category of property;
 - (b) granting rebates for different categories of property; or
 - (c) granting reductions for different categories of property.
- (7) The method determined by the municipal council in terms of section 26(5) and (6) must be specified in the rates policy adopted by the municipal council in terms of section 2(1).

27. Impermissible Differentiation

- (1) The Municipality shall not levy:
 - (a) different rates on residential properties, except as provided for in the Act;
 - (b) a rate on a category of nonresidential properties that exceeds a prescribed ratio to the rate on residential properties determined in terms of section 11(1) (a) of the Act: Provided that different ratios may be set in respect of different categories of nonresidential properties;

- (c) rates which unreasonably discriminate between categories of non-residential properties;
 - (d) additional rates except as provided for in section 22 [Special Rating Areas] of the Act.
- (2) The ratio referred to in By-law 27 (1)(b) may only be prescribed with the concurrence of the Minister of Finance.

28. Exemptions

- (1) Subject to and in-conformity with the Act, the Municipality may exempt —
- (a) the owners of any specific category of property; and/or
 - (b) any specific category of owners of property, from the payment of rates.
- (2) If the Municipality chooses to exempt the owners of any specific category of property or any specific category of owners of property from the payment of rates, it must exercise this power in accordance with the criteria determined by the municipal council in terms of section 3(3) (b) (ii) of the Act.
- (3) The criteria determined by the municipal council in terms of section 3(3) (b) (ii) of the Act must be specified in the rates policy adopted by the municipal council in terms of section 2(1).
- (4) The criteria which must be determined by the municipal council in terms of section 3(3) (b) (ii) of the Act may include, but are not limited, to those set out below
- (a) age of the owner of the property;
 - (b) income of the owner of the property;
 - (c) source of the income of the owner of the property;
 - (d) economic, physical and social condition of the property;
 - (e) public service infrastructure;
 - (f) property used for specified public benefit activities; or
 - (g) market value of the property.

29. Rebates

- (1) Subject to and in conformity with the Act, the Municipality may grant a rebate —
 - (a) to the owners of any specific category of property; and/or
 - (b) to any specific category of owners of property, on the rate payable in respect of their properties.
- (2) If the Municipality chooses to grant a rebate to a specific category of property or to a specific category of owners of property from the payment of rates, it must exercise this power in accordance with the criteria determined by the municipal council in terms of section 3(3) (b)(iii) of the Act.
- (3) The criteria determined by the municipal council in terms of section 3(3) (b)(iii) of the Act must be specified in the rates policy adopted by the municipal council in terms of section 2(1).
- (4) The criteria which must be determined by the municipal council in terms of section 3(3) (b) (iii) of the Act may include, but are not limited, to those set out below —
 - (a) age of the owner of the property;
 - (b) physical health of the owner of the property;
 - (c) nature of the property;
 - (d) ownership of the property;
 - (e) market value of the property;
 - (f) property used for the following specified public benefit activities:
 - (i) welfare,
 - (ii) health care, or
 - (iii) education;
 - (g) extent to which municipal services are provided to the property; or
 - (h) extent to which the property contributes to local, social and economic development.

30. Reductions

- (1) Subject to and in conformity with the Act, the Municipality may grant a reduction:
 - (a) to the owners of any specific category of property; and/or
 - (b) to any specific category of owners of property, in the rate payable in respect of their properties.

- (2) if the Municipality chooses to grant a reduction to a specific category of property or to a specific category of owners of property from the payment of rates, it must exercise this power in accordance with the criteria determined by the municipal council in terms of section 3(3) (b)(iii) of the Act.
- (3) The criteria determined by the municipal council in terms of section 3(3)(b)(iii) of the Act must be specified in the rates policy adopted by the municipal council in terms of section 2(1).
- (4) The criteria which must be determined by the municipal council in terms of section 3(3)(b) (iii) of the Act may include, but are not limited, to those set out below —
 - (a) fire;
 - (b) floods;
 - (c) lightning;
 - (d) storms;
 - (e) other artificial or natural disasters; or
 - (f) any other serious adverse or economic conditions.

31. Property used for agricultural purposes

- (1) When considering the criteria to be applied in respect of any exemptions, rebates or reductions on properties used for agricultural purposes, the criteria listed below must be taken into account —
 - (a) the extent of services provided by the Municipality in respect of such properties;
 - (b) the contribution of agriculture to the local economy;
 - (c) the extent to which agriculture assists in meeting the service delivery and development obligations of the Municipality; and
 - (d) the contribution of agriculture to the social and economic welfare of farm workers.

32. Process for granting exemptions, rebates and reductions

- (1) Applications for exemptions, rebates and reductions must be made in accordance with the procedures determined by the municipal council.

- (2) The procedures determined by the municipal council in terms of section 32(1) must be specified in the rates policy adopted by the municipal council in terms of section 2(1).
- (3) The Municipality retains the right to refuse an application for an exemption, rebate or reduction if the details supplied in support of such an application are incomplete, incorrect or false.

33. Enforcement of Other Legislation

In addition to the provisions contained in these By-laws relating thereto, the Council may enforce any other rights or exercise any power conferred upon it by the Municipal Systems Act (No. 32 of 2000), the Property Rates Act (Act No. 6 of 2004) and the Municipal Finance Management Act, (Act No. 56 of 2003) and any other applicable legislation.

34. Repeal of Previous By-Laws

The Rates By-laws published under Notice No. 33 on 19 September 2008 are hereby repealed.

35. Application of The Municipal Property Rates Act 6 Of 2004 And The Municipal Property Rates Amendment Act 29 Of 2014

- (1). Nothing herein shall be interpreted to detract from the provisions of the Municipal Property Rates Act, 6 of 2004, and any amendments thereto.
- (2) The Municipality shall, with effect from 1 July 2015 comply with and apply the provisions of the Municipal Property Rates Amendment Act, 29 of 2014, which, among others, include the provisions referred to in By-laws 27(3) and By-law 35(6).
- (3) Sections 17 to 20 of the Municipal Property Rates Act, 6 of 2004, will read as follows with effect from 1 July 2015
- (4) It is impermissible for a Municipality may not levy a rate:

- (a) subject to paragraph (aA) on the first 30% of the market value of public service infrastructure;
- (i) on any property referred to in paragraphs (a), (b), (e), (g) and (h) of the definition of "public service infrastructure";
- (b) on any part of the seashore as defined in the National Environmental Management: Integrated Coastal Management Act, 2007 (Act No. 24 of 2008);
- (c) on any part of the territorial waters of the Republic as determined in terms of the Maritime Zones Act, 1994 (Act No. 15 of 1994);
- (d) on any islands of which the state is the owner, including the Prince Edward Islands referred to in the Prince Edward Islands Act, 1948 (Act No. 43 of 1948);
- (e) on those parts of a special nature reserve, national park or nature reserve within the meaning of the National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003), or of a national botanical garden within the meaning of the National Environmental Biodiversity Act, 2004 (Act No. 10 of 2004), which are not developed or used for commercial, business, agricultural or residential purposes;
- (f) on mining rights or a mining permit within the meaning of the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002), excluding any building, other immovable structures and infrastructure above the surface of the mining property required for purposes of mining;
- (g) on a property belonging to a land reform beneficiary or his or her heirs, dependents or spouse provided that this exclusion lapses
 - (i) 10 years from the date on which such beneficiary's title was registered in the office of the Registrar of Deeds; or
 - (ii) upon alienation of the property by the land reform beneficiary or his or her heirs, dependents or spouse;

- (h) on the first R15 000 of the market value of a property assigned in the valuation roll or supplementary valuation roll of a Municipality to a category determined by the Municipality
- (i) for residential properties; or
- (ii) for properties used for multiple purposes, provided one or more components of the property are used for residential purposes; or (i) on a property registered in the name of and used primarily as a place of public worship by a religious community, including the official residence registered in the name of that community which is occupied by the office-bearer of that community who officiates at services at that place of worship

(1A) The exclusion from rates of a property referred to in subsection (1) (b) lapses

- (a) if the property is alienated or let: or***
 - (b) if the exclusion from rates of a property lapses in terms of paragraph (a), if the new owner or lessee becomes liable to the Municipality concerned for the rates that, had it not been for subsection (1)(b), would have been payable on the property, notwithstanding section 78, with effect from the date of alienation or lease.";***
- (2) (a) The exclusion from rates of a property referred to in subsection (1)(e) lapses if the declaration of that property as a special nature reserve, national park, nature reserve or national botanical garden, or as part of such a reserve, park or botanical garden, is withdrawn in terms of the applicable Act mentioned in that subsection.***
- (b) (i) If the property in respect of which the declaration is withdrawn is privately owned, the owner, upon withdrawal of the declaration, becomes liable to the Municipality concerned for any rates that, had it not been for subsection (1)(e), would have been payable on the property, notwithstanding section 78, during the period commencing from the effective date of the current valuation roll of the Municipality;***
 - (ii) If the property was declared as a protected area after the effective date of the current valuation roll, rates are payable only from the date of declaration of the property.***
 - (c) The amount for which an owner becomes liable in terms of paragraph***

- (b) must be regarded as rates in arrears, and the applicable interest on that amount is payable to the Municipality.*
- (d) Paragraphs (b) and (c) apply only if the declaration of the property was withdrawn because of*
- (i) a decision by the private owner for any reason to withdraw from the agreement concluded between the private owner and the state in terms of the Protected Areas Act, and in terms of which the private owner initially consented to the property being declared as a protected area; or*
 - (ii) a decision by the state to withdraw from such agreement because of a breach of the agreement by the private owner*
- (3) The Minister, acting with the concurrence of the Minister of Finance, may from time to time by notice in the Gazette, increase the monetary threshold referred to in subsection (1)(h) to reflect inflation.*
- (4) The Minister may, by notice in the Gazette, lower the percentage referred to in subsection (1) (a), but only after consultation with*
- (a) relevant Cabinet members responsible for the various aspects of public service infrastructure;*
 - (b) organised local government; and*
 - (c) relevant public service infrastructure entities.*
- (5) (a) The exclusion from rates of a property referred to in subsection (1) (i) lapses if the Property*
- (i) is disposed of by the religious community owning it; or*
 - (ii) is no longer used primarily as a place of public worship by a religious community or, in the case of an official residence contemplated in that subsection, is no longer used as such an official residence.*
- (b) If the exclusion from rates of a property used as such an official residence lapses, the religious community owning the property becomes liable to the Municipality concerned for any rates that, had it not been for subsection (1) (i), would have been payable on the property, notwithstanding section 78, during the period of one year preceding the date on which the exclusion lapsed.*
- (c) The amount for which the religious community becomes liable in terms of paragraph (b) must be regarded as rates in arrears, and the applicable interest on that amount is payable to the Municipality.*

36. Exemption of municipalities from the provisions of section 35

- (1) A Municipality or (h) of section 35(1) if it can demonstrate that an exclusion in terms of the relevant paragraph is compromising or impeding its ability or right to exercise its powers or to perform its functions within the meaning of section 151(4) of the Constitution. may apply, in writing, to the Minister to be exempted from paragraph (a), (e), (g)
- (2) Any exemption granted by the Minister in terms of subsection (1):
 - (a) must be in writing; and
 - (b) is subject to such limitations and conditions as the Minister may determine.

37. Limits on annual increases of rates

- (1) The Minister may, with the concurrence of the Minister of Finance and by notice in the Gazette, set an upper limit on the percentage by which -
 - (a) rates on property categories or a rate on a specific category of properties may be increased; or
 - (b) the total revenue derived from rates on all property categories or a rate on a specific category of properties may be increased.
- (2) Different limits may be set in terms of subsection (1) for:
 - a) different kinds of municipalities which may, for the purposes of this section, be defined in the notice either in relation to categories types, or budgetary size of municipalities or in any other way; or

- (b) different categories of properties, subject to subject 19. (2A) The Minister may, with the concurrence of the Minister of Finance, and by the notice referred to in subsection (1), delay the implementation of a limit, for a period determined in that notice and in respect of the different kinds of municipalities defined in terms of subsection (2)(a).
- (3) The Minister may, on written application by a Municipality, and on good cause, exempt a Municipality from a limit set in terms of subsection (1).
- (4) This section must be read with section 43 of the Municipal Finance Management Act, section 25 of the Municipal Property Rates Amendment Act, 29 of 2014 reads as follows:

Payment of rates on property in sectional title schemes

- (1) ***A rate levied by a Municipality on a sectional title unit is payable by the owner of the unit or the holder of a right contemplated in section 25 or 27 of the Sectional Titles Act.***
- (2) ***A Municipality may not recover the rate on a sectional title unit, or on a right contemplated in section 25 or 27 of the Sectional Titles Act registered against the sectional title unit, or any part of such rate, from the body corporate controlling a sectional title scheme, except when the body corporate is the owner of any specific sectional title unit, or the holder of such right.***
- (3) ***A body corporate controlling a sectional title scheme may not apportion and collect rates from the owners of the sectional title units in the scheme.***
- (4) ***This section must be read subject to section 92.***
- (5) Section 26 of the Municipal Property Rates Amendment Act, 29 of 2014 reads as follows:
 - (1) ***A Municipality must, whenever necessary, cause a supplementary valuation to be made in respect of any rateable property:***
 - (a) ***incorrectly omitted from the valuation roll;***
 - (b) ***included in a Municipality after the last general valuation;***
 - (c) ***subdivided or consolidated after the last general valuation;***

- (d) of which the market value has substantially increased or decreased for any reason after the last general valuation;*
- (e) substantially incorrectly valued during the last general valuation;*
- (f) that must be revalued for any other exceptional reason;*
- (g) of which the category has changed; or*
- (h) the value of which was incorrectly recorded in the valuation roll as a result of a clerical or typing error.*
- (2) For the purposes of subsection (1), the provisions of Part 2 of Chapter 4 and, Chapters 5, 6, 7, read with the necessary changes as the context may require, are applicable, except that:*
 - (a) a municipal valuer who prepared the valuation roll may be designated for the preparation and completion of the supplementary valuation roll; and*
 - (b) the supplementary valuation remains valid for the duration of the Municipality's current valuation roll.*
- (3) Supplementary valuations must reflect the market value of properties determined in accordance With (a) market conditions that applied as at the date of valuation determined for purposes of the Municipality's last general valuation; and (b) any other applicable provisions of this Act.*
- (4) Rates on a property based on the valuation of that property in a supplementary valuation become payable with effect from*
 - (a) the first day of the month following the posting of the notice contemplated in subsection (5) in the case of a property referred to in subsection (1) (a) or (f); (aA) the first day of the month following the posting of the notice contemplated in subsection (5) in the case of property referred to in subsection 1 (a), (e), (f) or (h): Provided that in the case of a decrease in value in respect of a property referred to in subsection 1(e), the rates become payable on the date the property was incorrectly valued or the clerical or typing error was made;*
 - (b) the date on which the property was included in the Municipality, in the case of a property referred to in subsection (1) (b);*
 - (c) the date on which the subdivision or consolidation of the property was registered in the Deeds Office, in the case of a property referred to in subsection (1) (c);*
 - (d) the date on which the event referred to in subsection (1) (d) has occurred;*
 - (e) the date on which the change of category referred to in subsection (1) (g) occurred.*

- (5) (a) A municipal valuer must on completion of the supplementary valuation contemplated in subsection (1) (a) to (g), and following a correction contemplated in subsection 1(h), serve the results of the supplementary valuations or corrections contemplated in subsections (1)(g) and (h), by ordinary mail, or if appropriate, in accordance with section 115 of the Municipal Systems Act, on every owner of property who has been affected by a supplementary valuation contemplated in subsection (1)(a) to (g) and a correction contemplated in subsection (1)(h), a notice reflecting the supplementary valuation or correction of the property, as well as the particulars listed in section 48(2);**
- (b) The notice referred to in paragraph (a) must inform the property owner that he or she may lodge a request for review with the municipal manager in writing, within 30 days after the posting of the notice in respect of any matter reflected in the supplementary valuation;**
- (c) The municipal valuer may adjust the valuation on consideration of the request for review contemplated in paragraph (b).**
- (6) The Municipality must, at least once a year, compile and publish a supplementary valuation roll of all properties on which a supplementary valuation, as contemplated in subsection(1) was made, including review decisions referred to in subsection (5)(b), and make it public and available for inspection in the manner provided for in section 49.**

(6) Section 35 of the Municipal Property Rates Amendment Act, 29 of 2014 reads as follows:

- (1) The prohibition on the levying of rates on public service infrastructure referred in section 17 (1)**
- (aA) must be phased in over a period of five municipal financial years, with effect from the date of commencement of this Act.**
- (2) The rates levied on property referred to in subsection (1) must Note:**
- (a) in the first year, be no more than 80 per cent of the rate for that year otherwise applicable to that property;**
- (b) in the second year, be no more than 60 per cent of the rate for that year otherwise applicable to that property;**

- (c) *in the third year, be no more than 40 per cent of the rate for that year otherwise applicable to that property;*
- (d) *in the fourth year be no more than 20 percent of the rate for that year otherwise applicable to that property; and*
- (e) *in the fifth year, be no more than 10 percent of the rate for that year otherwise applicable to that property.*

38. Rates increases

- (1) Subject to and in conformity with the Act, the Municipality may increase the rates it levies on property in the Municipality.
- (2) If the Municipality chooses to increase the rates it levies on properties in the Municipality, it must exercise this power in accordance with the criteria determined by the municipal council in terms of section 3(3) (b) (iv) of the Act.
- (3) The criteria determined by the municipal council in terms of section 3(3) (b)(iv) of the Act must be specified in the rates policy adopted by the municipal council in terms of section 2(1).
- (4) The criteria which must be determined by the municipal council in terms of section 3(3) (b) (iv) of the Act may include, but are not limited, to those set out below —
 - (a) priorities of the Municipality reflected in its Integrated Development Plan;
 - (b) the revenue needs of the Municipality;
 - (c) the need for the management of rates shocks; or
 - (d) affordability of rates to ratepayers.

39. Repeal of by-laws

Any By-laws promulgated by the Municipality pertaining to any matter regulated in this By-law, shall be repealed from the date of promulgation of this By-law.

40. Short title and Commencement

These By-laws will be called the Rates By-Law, 2019, and shall come into force and effect on publication in the Official Gazette.

MUNICIPAL NOTICE 130 OF 2019**GREATER KOKSTAD MUNICIPALITY****PROPERTY ENCROACHMENT BY-LAW**

The Municipal Manager hereby publishes, in terms of section 162 of the Republic of South Africa Act [Act No. 108 of 1996], read with section 13 of the Local Government: Municipal Systems Act [Act No. 32 of 2000], the Property Encroachment By-law.

ARRANGEMENT OF SECTIONS

1. Definitions
2. Principles and objectives
3. Application of By-Laws
4. Permit and application
5. Tenant at will
6. Prescribed fee
7. Rules for the construction of encroachments
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1. Definitions

In these By-laws, unless the context otherwise indicates –

- 1.1 “Council”** means the Greater Kokstad Municipality Council, or an official of the Council to whom an instruction has been given or a power, function or duty has been delegated or sub-delegated, or a service provider to whom a power, function or duty of the Council has been assigned;
- 1.2 “council property”** means any property, including but not limited to public roads -
(a) which is owned by the Council;
(b) over which the Council has control over; or
(c) in respect of which a servitude or other property right has been registered in favour of the Council;
- 1.3 “encroachment”** means a physical object which intrudes on municipal property;
- 1.4 “municipal property”** means property which the Council has control over, or property in respect of which servitude or other property right has been registered in favour of the Council;
- 1.5 “prescribed fee”** means a fee determined by the Council by resolution in terms of section 6;
- 1.6 “public road”** means a road, street or thoroughfare or place which is commonly used by the public or section of the public or to which the public or section of the public has a right of access, and includes -
(a) the verge of such road, street or thoroughfare;
(b) a bridge, ferry or drift traversed by such road, street or thoroughfare; and
(c) work or an object which forms part of or which is connected with or which belongs to such road, street or thoroughfare, and any word or expression that has been defined in the National Building Regulation and Building Standards Act, 1977 (Act 103 of 1977), has that meaning.

2. Principles and objectives

The Council, aware of its duty to safeguard safety of all persons within the area under jurisdiction or control of the Council, and being obliged, by the laws of the country, to create and maintain an aesthetically pleasing and safe environment, adopts these By-laws with the aim of regulating and controlling encroachments on municipal property.

3. Application of By-laws

These By-laws apply to a person who intrudes, or intends to intrude on municipal property by means of an encroachment in a manner specified in these By-laws.

4. Permit and application

- (1) Subject to sub-section (4) and (5), no person may, without a permit issued by the Council -
- (a) construct, erect or allow a projection, structure or thing such as, but not limited to -
 - (i) a building,
 - (ii) a platform;
 - (iii) a step;
 - (iv) a ramp;
 - (v) a balcony;
 - (vi) a veranda; Vii. a Sign; Vili, a colonnade
 - (vii) a bay window;
 - (viii) a pavement light;
 - (ix) a showcase;
 - (x) a cat-crane or lifting crane; a window on a ground story level, if the window opens over a public place and the window is at any point lower than 2,3 m measured vertically from the surface of the level of the public place; a gate or door which opens outwards thus projecting over or across a portion of a public place;
 - (b) alter an existing building or structure; or
 - (c) allow a branch of a plant such as, but not limited to a tree or shrub, growing on his or her premises, so as to encroach, hang over suspend or intrude in whatever manner, from his or her premises on, into, over, or under municipal property, such as, but not

limited to encroachment beyond the street line into a public place or over a part of a public road or pavement opening in or under a public road, and a permit issued by the Council includes approval by the Council of the design, arrangement and construction of an encroachment over a public road, as well as the paving, kerb and gutter thereof, and should a person fail to obtain a permit, the Council may issue a demolition order, as contemplated in section 8, on the person.

- (2) A person who wishes to obtain a permit must submit to the Council for consideration a complete form similar to the form contained in schedule 1 and the Council may require, for its consideration, drawings, plans or other information as it may deem fit.
- (3) The Council may refuse to grant a permit, or may grant a permit, similar to the permit in schedule 4, which schedule refers, and should the Council grant a permit it may do so unconditionally, subject to the provisions of sub-section (4) or upon such conditions as the Council may deem fit, and subject to the payment of the prescribed fee, as contemplated in section 6, for each encroachment.
- (4) In the instance where the Council grants a permit contemplated in sub-section (3), a particular encroachment must comply with the requirement set out in schedule 5, which schedule refers.
- (5) The Council may, instead of issuing a permit or demolition order as contemplated in sub-section (1), require the owner of the premises contemplated in sub-section (1) to enter into a lease with the Council over the portion of the municipal property into which the encroachment encroaches.
- (6) A permit is not required in the instances where –
 - a) an owner has alienated to the Council an area reserved for road purposes in terms of a scheme and has retained a right to project a portion of a building under or over such area; and
 - b) a flagpole is erected and used for the sole display of the national flag of a country on a building that is wholly or partly occupied by the consulate or embassy of that country.

5. Tenant at will

- (1) The owner of land and the person who has erected or constructed an encroachment on, into, under or over municipal property is a tenant at will in respect of the encroachment.
- (2) The owner of the building in connection with which any encroachment exists must allow the Council to erect on, or attach to the encroachment anything required in connection with electrical or other services.
- (3) Where an encroachment has been erected or constructed in front of a building which adjoins a footway or building, the owner must at his or her expense, and in accordance with the provisions set out in schedule 6, which schedule refers –
 - (a) pave the footway or pavement under the encroachment or in front of the building for the full width of the footway or pavement; and
 - (b) lay the street kerbing and guttering in front of the building for the full width of the footway or pavement.

6. Prescribed fee

- (1) The prescribed fee contemplated in section 4(3), as determined by the Council, is payable in advance at the beginning of each year which is calculated from date of approval or the period determined by the Council, and the owner of the encroachment is liable for the payment of the prescribed fee as specified in schedule 3, which schedule refers.
- (2) Where a person –
 - (a) requires a special service from the Council;
 - (b) requests the Council to attend at a building to give advice as to the effect of these By-laws on proposals put forward by architects, builders or owners; or
 - (c) has been ordered by the Council to have the Council attend at a building to give advice as to the effect of these By-laws on proposals put forward by architects,

builders or owners, he or she must pay the prescribed fee before such special service is rendered or before the Council attends at a building.

- (3) The Council, in determining the fee to be prescribed, may distinguish and differentiate between type and dimensions of encroachment and the nature of the municipal property.
- 4) The owner of any existing encroachment must within three months after the date of commencement of these By-laws make application to the Council on the prescribed form for permission for the existence of the encroachment in terms of these By-laws.

7. Rules for the construction of encroachments

- (1) The design, arrangement and construction of verandas, balconies, bay windows and other encroachments over council property, as well as the paving, kerb and gutter thereof, must be to the satisfaction of and to the levels approved by the Council.
- (2) If corrugated iron is used for covering a veranda, its exposed surfaces must be painted.
- (3) A veranda over a public road must correspond in line, height and detail with existing adjoining verandas.

8. Columns

- (1) The Council may determine areas within the municipal boundary where no person is permitted to place veranda columns over any public road or pavement.
- (2) No person may place any veranda column -
 - (a) over any pavement where such pavement is less than 2,6 m wide;
 - (b) more than 3 m from the building line measured to the outside of the column or less than 3 m centre to centre;
 - (c) over any pavement at the corner of a public road that is beyond the alignment of the building lines; and
 - (d) at a distance less than 600 mm back from the front edge of any kerb.

- (3) No person may place a twin or double veranda column over any public road or pavement.
- (4) Where verandas are supported on columns –
 - (a) the columns may not have square arras;
 - (b) no base may project more than 50 mm beyond the bottom diameter of the column; and
 - (c) the maximum horizontal axial dimensions of such base may not exceed 350 mm.
- (5) Where the form of a column is classic in character, the shaft must have suitable entasis and cap and base in due proportions.
- (6) Columns, including cap and base, may not be less than 3 m or more than 3,6 m in height and not more than 4,5 m including plinth.
- (7) The minimum height from the footway or sidewalk to the underside of each cantilever or fascia girder is 3 m.
- (8) A coping, blocking course or balustrade, if any, may not extend less than 750 mm nor more than 1,05 m above the floor of a balcony.
- (9) Nothing in these By-laws prohibits –
 - (a) the erection and use of a party column common to two adjoining verandas if the column stands partly on the extended boundary lines of two properties or adjoins the same; or
 - (b) in the case of adjoining verandas, the placement of any column upon a plinth if this is necessary for alignment and all the other provisions of these By-laws are observed.

9. Balconies and bay windows

- (1) Balconies, bay windows or other similar encroachments may not -
 - (a) overhang a public road if they are at a height of less than 3 m above the pavement;

- (b) encroach more than 1,35 m over any public road; or
 - (c) encroach more than 900 mm over any public road.
- (2) The aggregate horizontal length of bay windows at any level over a public road may not exceed one-third of the length of the building frontage to that road.
 - (3) Any balcony superimposed upon any veranda must be set back at least 1,2 m from the line of such veranda.
 - (4) No part of any balcony that is attached to any veranda, may be carried up to a height greater than two storeys above the pavement level except that, where the top portion of the balcony is roofed with a concrete flat roof forming a floor, a balustrade not exceeding 1 m in height is allowed above the level of the floor.
 - (5) Any dividing wall across a balcony over a public road may not exceed 1 m in height or 225 mm in thickness.
 - (6) A balcony over any public road may not be the sole means of access to any room or apartment.
 - (7) No person may place or permit or cause to be placed any article upon any balcony over a public road, except ornamental plants, tables, chairs, canvas blinds and awnings not used for signs or advertisements.
 - (8) Where any floor of a building is used solely for the parking of a motor vehicle, bay windows at the level of the floor may not project over any public road for more than 1,35 m for the full length of the building frontage to that road.

10. Plinths, pilasters, corbels and cornices

- (1) No plinths, pilasters or other encroachments beyond building lines carried up from ground level are permitted to encroach on a public road.
- (2) Any pilaster, cornice, corbel or similar architectural feature that is at least 3 m above the ground may not exceed the following level of encroachment over a public road -

- (a) a pilaster: 450 mm the total aggregate frontage length of the pilaster may not exceed one-fifth of the building frontage and bay windows in the same storey must be included in the calculation of the maximum aggregate length for bay windows;
- (b) a fire-resisting ornamental hood or pediment over a door: 600 mm and in any part not less than 2,75 m in height above the footway or pavement; or
- (c) a cornice: 1,05 m where not exceeding 10,5 m above the footway or pavement and one-tenth of the height from the footway or pavement if exceeding 10,5 m with a maximum of 1,8 m.

11. Verandas around corners

Where verandas are built around corners of public roads they must be properly splayed or rounded to follow the curves of the kerb.

12. Pavement openings

- (1) No pavement opening may -
 - (a) be the sole means of access to any vault or cellar; and
 - (b) extend more than 1,2 m beyond the building line.
- (2) Where flaps are permitted in pavement openings each flap may not exceed 0,75 square m in area and must open upwards and while open, must be provided with stout iron guard rails and stanchions.
- (3) Flap openings may be opened and used only for the purpose of lowering and raising goods and must be kept closed except when lowering and raising operations are in progress.
- (4) The front wall or wall parallel to the kerb in every opening must be built with a suitable batter to the satisfaction of the Council.
- (5) No pavement opening may be covered with metal bar gratings or with metal plates or with wood.

13. Encroachment erected in front of building

Where any encroachment has been erected or constructed in front of any building, the owner must at his, her or its own expense -

- (1) pave the whole of the footway or pavement under the encroachment or in front of the building in which the pavement opening is fixed; and
- (2) lay the road kerbing and guttering and paving in front of the building for the full width of the footway or pavement.

14. Maintenance, removal and tenancy of projections

The owner of an encroachment must maintain the encroachment in proper repair and outward appearance, and where an encroachment is not being maintained in such state, the Council may act in terms of section 16.

15. Encroachments

- (1) Any person other than the owner wishing to erect or construct an encroachment or any other fixture on, under or over any public road, or any immovable property owned by or vested in the Council, must apply to the Building Control Officer on a form provided by the Council for that purpose.
- (2) Where in the opinion of the Building Control Officer drawings are required for the conclusion of an encroachment agreement, the prescribed charge in addition to any other prescribed charge is payable to the Council.
- (3) The owner of the building in connection with which any encroachment or fixture exists, or is proposed —
 - (a) must defray any cost incurred in connection with wires or property of the Council; and
 - (b) must allow the Council to erect on, or attach to the encroachment or fixture or anything required in connection with electrical or other activities.

16. Demolition order

- (1) A person on whom a demolition order has been served in terms of section 4(1) or 14, must demolish so much of the encroachment as is encroaching in, into, under, over or on municipal property, and remove the materials and restore the surface of municipal property to its former condition.
- (2) The Council may dispose of the whole or any part of the materials from any building, whether wholly or partly removed or demolished, by public auction or public tender.
- (3) The exercise of any powers set forth in subsection (2) and (3) shall not prejudice or diminish the rights of the Municipality to recover in terms of other provisions of this code.
- (4) Notice of compliance and representations:

Where a person fails to comply with the provisions of section 16, the Council may serve a notice of compliance on the person, which notice must state –

- (a) the name and residential or postal address of the affected person;
 - (b) the measures required to restore the encroachment to the state contemplated in section 16;
 - (c) that the person must within a specified period take the measures to comply with the notice and to complete the measures before a specified date; and
 - (d) that the person may within 14 days make written representations in the form of a sworn statement or affirmation to the Council at a specified place.
- (5) The Council, when considering any measure or period envisaged in sub-section (4)(b) or (c), must have regard to the principles and objectives of these By-laws, the nature of the non-compliance, and other relevant factors.
 - (6) Where a person does not make representations in terms of sub section (4)(d), and the person fails to take the measures before the date contemplated in sub-section (4)(c), he or she commits an offence, and the Council may, irrespective of any fines which may be imposed under section 20, act in terms of sub-section (5).

- (7) Representations not lodged within the time contemplated in sub-section (4)(d) will not be considered, except where the person has shown good cause and the Council condones the late lodging of the representations.
- (8) The Council must consider the timely representations and any response thereto by an authorized official.
- (9) The Council may, on its own volition, conduct any further investigations to verify the facts if necessary, and the results of the investigation must be made available to the permit holder, who must be given an opportunity of making a further response if he or she so wishes, and the Council must also consider the further response.
- (10) The Council must, after consideration of the representations and any further response, make an order in writing and serve a copy of it on the person, which order must confirm, in whole or in part, alter, or set aside the notice of compliance, and where the notice of compliance is confirmed, in whole or in part, or altered, the Council must inform the person that he or she must, within the period specified in the order and that failure to do so constitutes an offence.
- (11) Where a person fails to discharge the obligations contemplated in sub-section (4)(d), he or she commits an offence and the Council may, irrespective of any fines which may be imposed under section 20, act in terms of sub-section (5).
- (12) The Council may take such measures as it deems necessary to remedy the situation, and the cost thereof must be paid to the Council in accordance with section 17.

17. Costs

- 1) Should a person fail to take the measures required of him or her by a notice of compliance contemplated in section 16, the Council may, subject to sub-section (3), recover, as a debt, all costs incurred as a result of it acting in terms of section 16(5) from that person and any or all the following persons -
 - a) the owner of the land, building or premises; or
 - b) the person or occupier in control of the land, building or premises or any person who has or had a right to use the land at the time when the situation came about.

- 2) The costs recovered must be reasonable and may include, without being limited to, costs relating to labour, water, equipment, administrative and overhead costs incurred by the Council under section 9(5).
- 3) If more than one person is liable for costs incurred, the liability must be apportioned as agreed among the persons concerned according to the degree to which each was responsible for the emergency resulting in their respective failures to take the required measures.
- 4) The owner of the building in connection with which any encroachment exists must defray any cost incurred in connection with wires or property of the Council.

18. Authentication and service of notices and other documents

- (1) A notice issued by the Council in terms of these By-laws is deemed to be duly issued if it is signed by an officer authorized by the Council.
- (2) Any notice or other document that is served on a person in terms of these By-laws is regarded as having been duly served –
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgement of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates; in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate; or when it has been delivered, at the request of that person, to his or her e-mail address;

- (f) service of a copy is deemed to be service of the original; or
- (g) When any notice or other document is served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, or holder of the property or right in question, and it is not necessary to name that person.

19. Appeal

- (1) A person whose rights are affected by a decision of an official of the Council acting in term of these By-laws may appeal against that decision by giving written notice of the appeal and reason to the Municipal Manager within 21 days of the date of the notification of the decision.
- (2) The appeal authority contemplated in sub-section (3) must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (3) When the appeal is against a decision taken by -
 - (a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
 - (b) the Municipal Manager, the Executive Committee is the appeal authority; or
 - (c) a political structure or political officer bearer, or a Councilor, the Council is the appeal authority.
- (4) The appeal authority must commence with an appeal within 6 weeks of receipt of the notice of appeal and decide the appeal within a reasonable time.

20. Offences and penalties

A person who has committed an offence in terms of these By-laws is, on conviction, and subject to penalties prescribed in any other law, liable to a fine or in default of payment, to imprisonment for a period not exceeding 3 months, or a fine of R1 000.00 or to such imprisonment without the option of a fine, or to both such fine and imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, imprisonment for a period not exceeding 3 months.

21. Regulations

The Municipality may make regulations not inconsistent with this By-law, prescribing -

- (a) any matter that may or must be prescribed in terms of this By-law; and
- (b) any matter that may facilitate the application of this By-law.

22. Repeal of By-laws

Any By-laws promulgated by the Municipality pertaining to any matter regulated in this By-law, shall be repealed from the date of promulgation of this By-law.

23. Short title and commencement

This By-law is called the Property Encroachment By-law, 2019, and takes effect on a date determined by the Municipality by proclamation in the Official Gazette.

MUNICIPAL NOTICE 131 OF 2019**GREATER KOKSTAD MUNICIPALITY****PARKING BYLAWS**

Be it enacted by the Council of the Greater Kokstad Municipality, and approval of the Member of the Executive Council responsible of the local government 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: Municipality System Act No. 32 OF 2000, as follows:

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CHAPTER 1

DEFINITIONS

1. Definitions

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

- 1.1 **“association”** means person who are self-employed and have organised themselves into a car guard association:
- 1.2 **“ authorised official”** means any inspector of license , a traffic officer, peace officer in terms of section 334 of the Criminal Procedure Act , 1977 (Act No.51 Of 1977), or a police officer in terms of the police Act, 1958 (Act No. 7of 1958), and includes any other person whom the Provincial Minister of local Government may from time to time be regulation declare to be an authorised officer.
- 1.3 **“council”** means the Council of the Greater Kokstad Municipality
- 1.4 **“ nuisance:** means any condition, thing, act or emission which is offensive or injurious or which tends to prejudice the safety , good order, peace of the area or part thereof or rights of reasonable comfort, convenience , peace or quiet of any neighbourhood within the area and includes any act, exhibition or publication contrary to public decency or morals.
- 1.5 **“peace officer”** shall mean a peace officer as comp templated in Section 334 of the Criminal Procedure Act , 1977 (Act No.51 Of 1977),
- 1.6 **“Public road”** means a public road as described under Section 1 of the Road Traffic Act , 1996 (Act No. 93 OF 1996).
- 1.7 **“park”** means to keep vehicle, whether occupied or not , stationery for a period of time longer than is responsible necessary for the actual loading or unloading of a person or goods, but does not include any such keeping of a vehicle by reason of cause beyond the control of thr person in charge of such vehicle.
- 1.8 **“parking bay”** means a demarcated area within which a vehicle is to be parked in terms of these by –laws, demarcated as such upon the surface of a parking area or a floor thereof.
- 1.9 **“parking area”** means any area of land any any building set aside by the Council as a parking area or garage for the parking of vehicles by members of the public or

parking area along a road , whether or not a prescribed fee has been determined for the use thereof.

- 1.10 **“parking meter parking area”** means a parking area or any part thereof where parking is controlled by means of parking meters.
- 1.11 **“ parking meter”** means a device that is fixed or hand held device that is manned by an marshal / parking attendant that is used for registering and visibly recording the passage of time in accordance with the insertion of a coin into the meter or by means of a marshal/ parking attendant that collected payment and inserts your information into a hand held parking meter.
- 1.12 **“marshal”** means a person that is employed / appointed to attend to motorist and to collect payment and operate a hand held parking meter
- 1.13 **“parking period”** means that period of time, including reflected on a parking meter, on any one day during which vehicles are permitted to park in a parking area or parking bay or as indicated by a road traffic.
- 1.14 **“ pay and display machine”** means a machine that is installed at a pay and display parking area for the sale of tickets or a machine that is hand held and operated by a marshal that's collects payment for the sale of ticket.
- 1.15 **“pay and display area”** means parking area , or any part thereof, where a notice is erected by the Council at the entrance thereof indicated that the parking area concerned or part thereof is a pay and display parking area.
- 1.16 **“pound”** means an area of land or place set aside by the Council for the custody of vehicles removed from a parking areas in terms of these by-laws
- 1.17 **“prescribed”** means determined by resolution of the Council from time to time.
- 1.18 **“prescribed fee ”** means a fee determined by the Council by resolution in terms of any other applicable legislation.
- 1.19 **“ticket controlled parking area”** means a parking area or any part thereof where parking is controlled by means of tickets.

CHAPTER 2

CHAPTER 2: TICKET CONTROLLED PARKING AREAS

2. Parking fees

Any person making use of a parking area or parking bay in a ticket controlled parking area must pay the prescribed fee.

3. Conditions of parking in ticket – controlled parking grounds

- (1) No person may park a vehicle or cause or permit a vehicle to be parked or allow it to be or remain in a ticket controlled parking area, wherein parking is controlled by the issues of tickets.-
 - (a) Except in a parking bay and in compliance with any directions which may be given by authorised official or where no such bay has been marked, except in a place indicted by the authorised official.
 - (b) After an authorised official has indicted to the person that the parking area is full or
 - (c) After the expiry of the parking period.
- (2) No person may remove or cause or permit the removal of any vehicle from a parking area unless-
 - (a) That person has produced to the authorised official a ticket authorised him or her to park in the parking area and which was issued to that person entering or leaving the parking area and
 - (b) That person has upon entering or leaving the parking area paid the prescribed fee to the authorised official
- (3) If a person fails to produce a ticket authorised him or her to park in a parking area, that person is deemed to have parked the vehicle from 08h00 on the day in question until the time that person wants to remove the vehicle and he or she must pay the prescribed fee for that period.
- (4) No person may, after failing to produce a ticket, remove or cause or permit the removal of any vehicle parked in the parking area until that person has produced other proof, to the satisfaction of an authorised official, of his or her right to remove such vehicle.
- (5) An authorised official may require a person referred to in subsection (4) to furnish prescribed security.
- (6) If a vehicle has not been removed from a parking area by the end of the parking period for which the prescribed fee has been paid, a further prescribed fee is payable for the next parking period.

CHAPTER 3**PARKING METER PARKING AREAS****4. Parking fees**

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

5. Place of parking

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

6. Conditions of parking

- (1) No person may park a vehicle or cause any vehicle to be parked in a parking bay unless a coin or other prescribed object is forthwith inserted payment is collected by a marshal in control of a hand held meter.
 - (a) Into the meter allocated to that parking or
 - (b) If a meter controls more than one parking bay, in the meter controlling the parking bay concerned as indicated by any marking or sign on the surface or floor of the parking bay or the surface or floor adjacent thereto, and that meter is put into operation in accordance with the instructions appearing thereon so that the meter registers and visibly indicates the parking period appropriate to the inserted coin or other prescribed object.
 - (c) If a hand held meter is controlled by a marshal for one or more than one parking bay, to submit payment to the marshal controlling the parking bay or area concerned as indicated by any marking or sign on the surface or floor of the parking bay or the surface or floor adjacent thereto, and that the hand held meter is put into operation in accordance with the instructions appearing thereon so that the marshal in control of the hand held meter register and the meter visibly indicates the parking period appropriate to the payment received by the marshal as indicated on the ticket printed by the marshal.
- (2) Notwithstanding the provisions of subsection
 - (a) A person may, subject to provision of subsection (5), park a vehicle in a vacant parking bay without inserting a coin or other prescribed object or paying a marshal, providing that such a person does not park the vehicle in that parking bay for a period exceeding the maximum ordinarily allowed by that parking meter or hand held meter.
 - (b) if a person has ascertained that the parking meter for any parking bay is not operating properly, he or she is, entitled to park a vehicle in that parking bay without inserting, a coin or other prescribed object or paying a marshal in control of a hand held meter, provided that such person does not park the park in that parking for a period exceeding the maximum ordinarily allowed by that parking meter.

- (3) The insertion of a coin or other prescribed object into a parking meter or the payment to a marshal in control of a hand held parking meter entitles the person inserting it or paying the marshal in control of a hand held parking meter, to a park a vehicle in the appropriate parking bay for the period corresponding with the payment so made.
- (4) The period during which a vehicle may be parked in a parking bay and the coin or other prescribed object or payment made via a marshal in control of a hand held parking meter to be inserted / paid in respect of that period into the parking meter allocated to that parking bay or parking area, must be in accordance with the prescribed fee and the period and the coin or other prescribed object to be inserted thereof or payment made via hand held meter in control if a marshal. Must at all times be clearly on the parking meter?
- (5) No person may either with or without the insertion of an additional coin or other prescribed object into a parking meter, or payment made via hand held parking meter in control of a marshal, leave a vehicle in a parking bay after the expiry of the period indicated on the parking meter or return the vehicle to that bay within fifteen minutes after such expiry, or obstruct the use of that bay by any other person

7. Proof of time

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

CHAPTER 4:

PAY AND DISPLAY PARKING GROUNDS

8. Parking fees

- (1) No person may park or cause or permit to be parked any vehicle or allow a vehicle to be or remain in a pay – and- display parking area unless immediately upon entering the parking area
 - (a) The person purchases a ticket issued by means of a pay and display machine in that parking area in accordance with the instructions displayed on, or within a distance of not more than one common five meters of such machine and
 - (b) The person displays such ticket by affixing it to the inside of the driver's side of the front widescreen of the vehicle in such a manner and place that information printed on the ticket by the pay and display machine is readily legible from the outside of the vehicle.
- (2) The period during which a vehicle may be parked in a pay and display parking area and the coin or other prescribed object or hand held parking meter machine in control of a marshal to be inserted in respect of the period into the pay and display machine, must be indicated on such machine.

(3) Tickets issued by the pay and display machine must reflect:

- (a) The date or day of issue of the ticket
- (b) The amount paid for the ticket
- (c) The departure time and
- (d) The machine code number.

9. Parking

No person may allow a vehicle to remain in a pay and display parking area after the expiry of the departure time indicated on ticket.

10. Proof of date and time of departure.

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

CHAPTER 5

VEHICLES

11. Abandoned vehicles

- (1) Any vehicle which has been left in the same place in a parking ground for a continuous period of more than fourteen days may, unless otherwise authorised by the Council, be removed by or at the instance of an authorised officer.
- (2) the Council must take all reasonable steps to trace the owner of a vehicle removed in terms of subsection (1) and if, after the lapse of ninety days from the date of its removal the owner or person entitled to its possession cannot be found, the vehicle may, subject to the provisions of subsection (3), be sold by the Council by public auction.
- (3) the Council must fourteen days prior to the date of an auction a sale contemplated in subsection (2) publish a notice thereof in at least two newspaper circulating within the municipal area of the Council: provided that a vehicle may not be sold at the auction if:
 - (a) at any time before the vehicle is sold, the owner or any person authorised by the owner or otherwise lawfully entitled thereto, claims the vehicle; and
 - (b) every prescribed fee payable in respect thereof in terms of these by-laws and all costs referred to in subsection (4) are paid to the Council.
- (4) The proceeds of a sale concluded in terms of this section must be applied first in payment of every fee referred to in subsection (3) and to defray the following:

- (a) the costs incurred in endeavouring to trace the owner in terms of subsection (2)
 - (b) The costs of removing the vehicle and effecting the sale of the vehicle.
 - (c) The pro-rata costs of publication in terms of subsection (3), taking into account the number of vehicles to be sold at the auction and
 - (d) The costs of keeping the vehicle in the pound which must be calculated at the prescribed rate.
- (5) any balance of the proceeds referred to in subsection (4), must be paid to the owner of the vehicle or any person lawfully entitled to receive it upon that person establishing his or her right thereto to the satisfaction of the Council and if no claim is established within one year of the date the sale, the balance will be forfeited to the Council.

12 Vehicle of excessive size

- (1) unless a road traffic sign displayed at the entrance to a parking area indicated otherwise no vehicle which together with any load, exceeds five meters in length , may be parked in a parking area
- (2) no person shall park a vehicle with a gross vehicle mass exceeding three thousand five hundred kilograms, or any trailer with a gross vehicle mass exceeding one thousand kilograms, on a public road or road reserve within the area of jurisdiction of the Greater Kokstad Municipal or property of the Greater Kokstad Municipality, for a period of more than two hours, unless.-
 - (c) a temporary parking permit has been issued to such a vehicle or trailer by the municipality;
 - (d) Such vehicle or trailer is parked in a parking bay specifically provided for the parking of such vehicles or trailers.
- (3) No person shall park a caravan on a public road or road reserve within the area of jurisdiction of the Greater Kokstad Municipality, for a period or more than twenty –four hours.
- (4) The municipality shall on application, issued a temporary parking permit vehicles and trailers, which must park for specific periods on public roads or rod reserves, because agricultural activities.
- (5) Any person who contravenes any provisions of this by-law shall be guilty of an offence and liable on conviction to a penalty not exceeding R1,000.00

13 Parking after parking period

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

14 Defective vehicles

No person may park or cause or permit any vehicle to be parked or to be or remain in any parking area which is mechanically defective or for any reason incapable of movement unless a vehicle has, after, after having been parked in a parking area, developed a defect which

immobilise and the person in control of it shows that he or she took reasonable steps to have the vehicle repaired or removed within a reasonable time.

15 parking of a vehicle in parking area

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

16 Cleaning and repair of vehicle

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

17 tampering with vehicles and obstructions

- (1) no person may in any parking area without reasonable cause or without the knowledge and consent of the owner or person in lawful control of a vehicle , enter or climb upon that vehicle or set the machinery thereof in motion or in any way tamper or interfere with it machinery or any other part of it with its fitting, accessories or contents.
- (2) no person may in any parking area-
 - (a) parking any vehicle so that any part of it extends across any white line forming a boundary of a parking bay or that it is not entirely within the confines of the bay , or
 - (b) Performing any act or introduce anything which obstructs or is likely to obstruct the movement of persons or vehicles.

18 Parking after parking period

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

CHAPTER 6

MISCELLANEOUS

19 Refusal of admission

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

20 Medical practitioners exempt

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

21 Parking directives

- (1) No driver or person in charge of a vehicle shall park such vehicle or cause it to be parked-
 - (a) in a demarcated parking bay across any painted line marking the confines of the parking bay or in such a position that the said vehicle is not entirely within the area demarcated
 - (b) in a demarcated parking bay which is already occupied or partly occupied by another vehicle.
 - (c) In a area demarcated for commercial loading purposes, unless it is lawful to do so for the purpose of commercial loading.
- (2) the person or driver in charge of a vehicle shall park such vehicle in a demarcated parking bay-
 - (a) if the demarcated parking place is parallel to the curb or sidewalk of the public road, in such a way that it shall be headed in the general direction of the movement or traffic on the side of the road on which the vehicle is parked and so that the left hand wheels of the vehicle are substantially parallel to and within four hundred and fifty millimetres of the left hand curb : provided that where in a one –way street such demarcated parking places is in existence on the right hand side of the road the same shall apply to the right hand wheel and the right hand curb respectively and
 - (b) if the demarcated parking place is at an angle to the curb or sidewalk of public road, in such a manner that it is headed substantially in the general direction of the movement of traffic on the side of the road on which vehicle is parked.
- (3) where by reason of the length of any vehicle such vehicle cannot be parked wholly within a demarcated parking place, it shall be lawful to park such vehicle be encroaching upon a demarcated parking place adjoining the first mentioned parking place , if such be the case, and any person so parking shall be liable for payment of parking fees in respect of both the said place.

23 Offences and penalties

Any person who-

- (a) contravenes or fails to comply with any provision of these by-laws
- (b) fails to comply with any notice issued in terms of these by-laws
- (c) fails to comply with any lawful instruction given in terms of these by-laws

- (d) who obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these by-laws, is guilty of an offence and liable on conviction to a fine not exceeding R1,000.00 or to imprisonment for a period not exceeding three months.

24 Monthly tickets

- (1) Notwithstanding anything to the contrary contained in these by-laws, the Council may in respect of any parking area controlled by the issue of tickets, issue at a prescribed fee a ticket that entitles the holder to park a vehicle in that area for area for one calendar month or any lesser period specified therein, at the times specified in the ticket, if a parking bay is available.
- (2) The council may issue to any of its employees a ticket which entitles the holder, when using a vehicle regarding the business of the Council to park it in a parking area specified in the ticket, if a parking is available in the parking area.
- (3) A ticket issued in terms of subsection (1) or (2), may not be transferred to any other person or be used in respect of any vehicle other than the vehicle specified in the ticket without the prior written permission of the Council
- (4) A ticket issued in terms of subsection (1) or (2), must be affixed be the holder of the ticket to the vehicle in respect of which it is issued in such manner and place that the written or printed text of the ticket is readily legible from the outside of the vehicle.

25 Closure of parking areas

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

26 Parking according

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

27 Prohibitions relating to parking meters

No person may-

- (a) Insert or attempt to insert into a parking meter a coin or object except
- (i) a coin a south Africa currency of a denomination as prescribed; or
- (ii) an object which is prescribed as another method of payment a contemplate in section 8 (1).
- (b) Insert or attempt to insert into a parking meter any false or counterfeit coin or prescribed object or any foreign object.
- (c) Tamper with damage deface or obscure a parking meter.

- (d) In any whatever cause or attempt to cause a parking meter to record the passage of time otherwise than by the insertion of a coin or other prescribed object
- (e) Jerk, knock , shake or interfere with a parking meter which is not working properly or at all in order to make it do so or for any other purpose, or
- (f) Obscure a parking meter or any part thereof or remove or attempt to remove it from the post or other fixture to which it is attached.

28 Prohibitions relating to pay and display machines

No person may-

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

CHAPTER 7

GENERAL PROVISIONS

29. Regulations The municipality may make regulations not inconsistent with this by-law, prescribe –

- (a) Any matter that may or must be prescribed in terms of this by-law and-
- (b) Any matter that facilitate the application of this by-law

30. Repeal of by-laws

Any by-laws relating to parking adopted by the municipality or any erstwhile municipal council now comprising an administrative unit of the municipality shall be repealed from the date of promulgation of this by-law.

31. Short title and commencement

This by-law is called the parking by-law, 2019 and takes effect on a date determined by the municipality by proclamation in the provincial Gazette.

MUNICIPAL NOTICE 132 OF 2019**GREATER KOKSTAD MUNICIPALITY****OUTDOOR ADVERTISING AND SIGNAGE BY-LAW**

The Municipal Manager hereby, publishes in terms of section 162 of the Constitution of the Republic of South Africa Act [Act No. 108 of 1996], read with section 13 of the Local Government: Municipal Systems Act [Act No. 32 of 2000], the Outdoor Advertising and Signage By-law.

Purpose of By-law

The purpose of this By-law is to:

- (1) regulate all signage, advertisements displayed or to be displayed within the area of jurisdiction of the Council; and
- (2) provide for procedures, methods and practices to regulate signage, advertisements displayed or to be displayed within the area of jurisdiction of the Council.

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CHAPTER 1: DEFINITIONS

1. Definitions

In this Bylaw, unless the context otherwise indicates

- 1.1 **“advertisement”** means any visible representation of a word, name, object or of an abbreviation of a word or name, or of any sign or symbol which is not intended solely for illumination or as a warning against any danger;
- 1.2 **“advertising”** means the act or process of displaying an advertisement and **“advertise”** has a corresponding meaning;
- 1.3 **“authorised official”** means any official of the Council who has been authorised by the Council to administer, implement or enforce the provisions of these By-laws;
- 1.4 **“building control officer”** means any person appointed or deemed to be appointed as a building control officer by the Council in terms of section 5 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);
- 1.5 **“Council”** means the council of the Greater Kokstad Municipality and its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these By-laws;
- 1.6 **“display”** means, in relation to an advertisement, to display the advertisement within public view;
- 1.7 **“flat signboard-board”** means any signboard affixed to a wall and which at no point projects more than 230mm from the surface of the wall;
- 1.8 **“ground signboard”** means any sign which is affixed to the ground and is not attached to a building;

- 1.9 “Head”** means the head of the relevant unit in the Municipality who is responsible for the regulation of outdoor advertising;
- 1.10 “projecting sign-board”** means any signboard affixed to a wall and which at any point projects more than 230mm from the surface of the wall;
- 1.11 “roof”** means any roof of a building but does not include that portion of a roof which is the roof of a verandah or balcony;
- 1.12 “signboard”** means any structure or device used or intended or adapted for the display thereon of an advertisement;
- 1.13 “sky sign—board”** means any signboard affixed to a roof or the top of a parapet of a roof; and
- 1.14 “wall”** means any external wall of a building, but does not include a parapet balustrade or railing of a verandah or balcony.

CHAPTER: 2 APPLICATION

2. Application of By-law

- (1) Subject to the provisions of subsection (2), this By-law shall apply to all advertisements displayed or to be displayed within the area of jurisdiction of the Council and is binding on all persons to the extent applicable.
- (2) The following categories of advertisements shall be exempted from the provisions of this By-law:
- (a) An advertisement, commonly referred to as builders' or contractors' boards, displayed within the boundaries of any erf during the course of building operations including plumbing, electrical wiring, painting and renovations;

- (b) An advertisement relating to the immediate sale of newspaper within the public road; provided the advertisement does not obstruct vehicular or pedestrian traffic or the lines of sight of drivers or pedestrians;
- (c) An advertisement required to be displayed By-law;
- (d) An advertisement displayed on any vehicle which is being used on a public road; provided that the main purpose for which that vehicle is being used is not to display such advertisement;
- (e) An advertisement affixed to or painted on any part of any building other than a dwelling-house which indicates only the following;
 - (i) the name or address of such building;
 - (ii) the name of the occupier or owner thereof;
 - (iii) a general description of the type of business lawfully carried on in such building;
 - (iv) the hours of attendance or business; and
 - (v) the telephone number of such business provided that such advertisement, including any sign-board on which it is displayed, does not exceed 0,8m² in area and does not project more than 100 mm from the surface to which it is affixed.
- (f) an advertisement affixed to or painted on any part of any building used as a dwelling-house which merely indicates —
 - (i) the name or address of the dwelling—house; and
 - (ii) the name of the owner or occupier the dwelling house provided that such advertisement, including any signboard on which it is displayed, does not exceed 0,8m² in area and does not project more than 100 mm from the surface to which it is attached.
- (g) an advertisement designed solely for the issuing of any direction, request or warning to any person entering upon an erf or premises on the erf; provided that such advertisement

is displayed within the boundaries of the erf and provided that the advertisement, including any signboard on which it is displayed, does not exceed 0,8m² in area.

- (h) an advertisement advertising the sale or lease of any erf, or the fact that such erf has been sold; provided that such advertisement is displayed within the boundaries of the erf and provided that the advertisement, including any sign—board on which it is displayed, does not exceed 0,8m² in area; and
- (i) an advertisement displayed from the interior of any building enclosed by walls, windows and doors.

CHAPTER: 3 TYPES OF ADVERTISEMENTS

3. Temporary and portable advertisements

(1) Any advertisement —

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

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

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

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

- (4) Any person who, having displayed or caused to be displayed any advertisement in respect of which approval has been given under subsection (1), fails to remove it or cause it to be removed within the relevant time, shall be guilty of an offence and the authorised official shall be entitled to remove any such advertisement and deduct from any deposit made in terms of subsection (6) the sum of R5000 in respect of each and every advertisement so removed; provided that any excess shall be a civil debt due to the Council; provided further that when any advertisement is so removed in terms of these regulations the Council shall be entitled to destroy any such advertisement without giving notice to anyone, after a period of 14 days from the date of such removal.
- (5) Any person who displays or causes, permits or suffers to be displayed any advertisement referred to in sub—section (1) shall be presumed to be the displayer until it is proved to the contrary.

4. Display of permanent advertisements prohibited

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

5. Application for display of permanent advertisements

- (1) Any person who wishes to—
- (a) display an outdoor advertising sign; or
 - (b) alter an existing outdoor advertising sign, other than an exempted outdoor advertising sign, must make written application to the Municipality for a permit to display or alter the sign.
- (2) A written application for a permit contemplated in subsection (1) must –
- (a) be lodged in duplicate on the prescribed form;
 - (b) contain the requirements for the type of outdoor advertising sign applied for;
 - (c) include payment of the prescribed fee and where applicable, a deposit;
 - (d) include a locality plan indicating the proposed position of the outdoor advertising sign;

- (e) include additional drawings, diagram, Environmental Impact Assessments, photographs and approved building plans which are necessary in the opinion of the Municipality to reflect the true nature and scope of the application;
 - (f) include any assessment, consent or approval which may be required by the Municipality in respect of the application;
 - (g) include any further documents, certificates or information which may be required for that particular outdoor advertising sign;
 - (h) proof of compliance with any other applicable legislation;
 - (i) include authorisation from an organ of state or state owned enterprise if required for that type of sign;
 - (j) where applicable, include a copy of the Title Deed of the premises on which the sign is to be displayed;
 - (k) provide a copy of the applicant's latest municipal consolidated billing account;
 - (l) copy of any applicable lease agreement; and
 - (m) an address at which notification or service of a document may be delivered, including a physical address, facsimile address or e-mail address.
- (3) Every application must where applicable include the written consent of the owner of the premises on which an outdoor advertising sign is to be displayed, as well as the owner's written undertaking to be bound by this By-law and to indemnify the Municipality in the event of non-compliance with this By-law.
- (4) The Municipality must take into account the following factors when considering an application for a permit—
- (a) the type of outdoor advertising sign to be displayed;
 - (b) the provisions of this By-law;
 - (c) any Advertising Control Map, and accompanying schedule of conditions, issued by the Municipality in terms of this By-law;
 - (d) any other applicable law; and
 - (e) any other consent or authorisation which may be required by an organ of state, state owned enterprise or line department of the Municipality.
- (5) The Municipality must consider an application for a permit to display or alter an outdoor

advertising sign and may—

- (a) approve it subject to any conditions including, but not limited to, the period of validity of the permit;
 - (b) request that additional information or required amendments be furnished within a specified time frame; or
 - (c) reject the application.
- (6) An application for a permit in respect of which the Municipality has requested additional information or required amendments must be deemed to have been refused if—
- (a) such additional information has not been submitted; or
 - (b) the required amendments have not been effected to the satisfaction of the Municipality, within 90 days after the date of request for additional information or required amendments was made.
- (7) The applicant may re-submit an application within 12 months of the date of the initial application.
- (8) The Municipality must within 21 days from the date of a decision in terms of subsection (5) in writing, notify the applicant of its decision and must provide written reasons for its decision on receipt of a written request by the applicant.
- (9) The Municipality must for its record purposes retain every application, plans, drawings and other documentation submitted in terms of subsection (2) in accordance with the National Archives and Records Service of South Africa Act, 1996 (Act No. 43 of 1996) and any other applicable legislation or policies regulating the retention of records.

6. Indemnity

A person who applies for a permit to display or alter an outdoor advertising sign must—

- (1) indemnify the Municipality against any claim arising from the display of the outdoor advertising sign; and

- (2) where application has been made for an outdoor advertising sign to extend beyond the boundary of any street or public place, in addition indemnify the Municipality in respect of any claim arising from such encroachment.

7. Application fees and levies

- (1) The Municipality is entitled to charge any person who applies for a permit to display or alter an outdoor advertising sign an application fee on submission of each application as may be prescribed.
- (2) The Municipality may provide for a pre-assessment process in term of which the balance of the application fee is only payable after a non-locality advertising sign has been pre-approved by the Municipality.
- (3) All approved signs on private property will be charged an annual levy in accordance with the tariff which amount shall be determined in terms of a Council resolution.
- (4) Approved signs on municipal property will be charged a prescribed levy in accordance with the tariff, and where applicable, in terms of written agreements or contracts entered into by the Municipality and the contracting party.

8. Display of approved outdoor advertising signs

- (1) A person may not display or alter an outdoor advertising sign except in accordance with this By-law and any conditions imposed by the Municipality as contained in the permit.
- (2) The owner and permit holder are jointly responsible for undertaking and completing, within the time limits specified in the permit, the display of an approved outdoor advertising sign and its supporting framework.
- (3) Any person who displays an approved sign must notify the Municipality within 14 days of such sign being erected.

- (4) If an approved sign in term of subsection (2) is not erected within the specified time limits in term of the permit, or any further period which the Municipality on good cause shown allows in writing, the approval lapses and a new application must be submitted.

9. Amendment of conditions and suspension or withdrawal of permits

- (1) The Municipality may withdraw a permit, or impose additional conditions on the display of an outdoor advertising sign, if the sign has become a nuisance, is offensive or is a threat to the safety of persons or property.
- (2) If the Municipality is of the opinion that there are reasonable grounds, including any contravention of the conditions imposed in terms of a permit, for suspending or withdrawing a permit to display an outdoor advertising sign, or imposing additional conditions on the display of an outdoor advertising sign, the following procedure must be followed;
- (a) the Municipality must give the permit holder and the owner at least 21 days written notice of the Municipality's intention to suspend or withdraw the permit;
- (b) the notice referred to in paragraph (a) must include—
- (i) a statement setting out the nature of the proposed action;
 - (ii) the reasons for the proposed action;
 - (iii) an invitation to make written representations on the matter within a prescribed period;
 - (iv) an address at which representations may be submitted; and
 - (v) the date, time and place of a hearing, which may not be less than 15 days from the date of the notice, to consider the suspension or withdrawal, and an indication that the permit holder and the owner may submit representations and appear at the hearing.
- (3) The permit holder and the owner must be given an opportunity, either personally or through his or her duly authorised representative, to appear at a hearing and make representations.

- (4) If the permit holder and owner wish to appear at a hearing and to oppose the proposed action, he or she must, within seven days of receiving the notice or within a further period that the Municipality may allow, submit representations in writing to the address indicated in the notice.
- (5) The Municipality must give a ruling on whether or not to suspend or withdraw the permit, or impose additional conditions, and must give the permit holder and the owner reasons for the ruling in writing not later than 14 days after the date of the conclusion of the hearing.

10. Permit is non-transferable

- (1) A permit to display or alter an outdoor advertising sign is non-transferable and may not be leased, sold, exchanged or otherwise disposed of.
- (2) Notwithstanding the period of validity for such permit, the permit shall lapse when the permit holder ceases to occupy the premises or conduct the business or undertaking to which the sign relates.
- (3) The permit holder and the owner must be given an opportunity, either personally or through his or her duly authorised representative, to appear at a hearing and make representations before the Municipality, and where applicable, must notify the Municipality within 14 days from the date he or she ceases to occupy or own the premises or to conduct the business or undertaking to which the sign relates.

11. Lapsing of permits

A permit to display or alter an outdoor advertising sign lapses if an approved outdoor advertising sign is—

- (1) not displayed within six months from the date of approval, unless the permit holder makes written application for an extension, which may only be granted for an additional period of six months; or

- (2) altered or added to without the further approval of the Municipality, provided that the Municipality may approve minor alterations by means of an endorsement on the original application.

12. Advertising Advisory Committee

- (1) The Head may establish an Advertising Advisory Committee comprised of officials to consider and make recommendations on identified applications for the display of signs.
- (2) The Head shall appoint a Chairperson and Deputy Chairperson for the Committee.
- (3) Three members of the Advertising Advisory Committee constitute a quorum and must be present in order for a meeting to proceed.
- (4) The Advertising Advisory Committee must meet as often as required in order to perform their duties and functions.
- (5) The Head shall determine the Term of Reference for the Committee.

13. Signboards affixed to buildings - Flat signs

- (1) Flat signs are permitted in all areas of control.
- (2) Environmental Impact Assessment
Applications for remote flat signs which exceed 36m² must be accompanied by an Environmental Impact Assessment and an approved building plan for the structure.
- (3) Size and Height;
 - (a) The maximum projection of any part of a flat sign shall be 180mm where the underside of such sign measures less than 2,4m from a footway or pathway immediately below it,

and the maximum projection shall be 300mm where the underside of such sign measures more than 2,4m above such footway or ground level.

- (b) A flat sign may not exceed 54m² in total area or exceed 50% of the visible wall surface area to which they are attached, affixed or painted, whichever is the lesser position
- (4) On-site, locality bound flat signs shall be permitted to be attached to the front, side and back walls of a building:
 - (a) On site, non-locality bound flat signs shall only be permitted to be attached to the side and back walls of buildings which do not fulfil the function of a building facade.
 - (b) A non-locality bound flat sign may only be permitted on blank return and back walls that have no sections which may be opened or that compromise any architectural features of the building.
 - (c) A flat sign shall not extend beyond the ends of the wall to which it is attached in any direction.
 - (d) A flat sign may not cover any windows or other external openings of a building or obstruct the view from such openings.
- (5) Only one flat sign per enterprise per wall may be permitted by the Municipality.
- (6) Duration of Permit;
 - (1) A non-locality sign which is considered in the assessment thereof to be a billboard may be displayed for a maximum of 5 years.
 - (2) A locality bound sign may be displayed for a period as specified in the permit.
- (7) A locality bound flat sign may not contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof.
- (8) A flat sign displayed in urban landscapes of partial to maximum control may not exceed 50% of the visible wall surface area.

14. Projecting signs**(1) Area of Control**

- (a) Projecting signs may be permitted in areas of partial and minimum control.

(2) Size and Height

- (a) Projecting signs may have a maximum thickness of 300mm.
- (b) The minimum clear height of a projecting sign shall be 2,4m.

(3) Position

- (a) Projecting signs may not extend beyond the ends of the wall to which it is attached.
- (b) Projecting signs must have a minimum clearance of 450mm from the edge of a roadway and 1,5m from any overhead electricity wires or cables.
- (c) The maximum projection of a sign may—
 - (i) be 1,5m in the case of a projecting sign which has a clear height of more than 7,5m; or
 - (ii) 1m where the sign has a clear height of less than 7,5m.
- (d) Projecting signs must be installed at right angles to the street facade or to the direction of oncoming traffic.
- (e) A projecting sign may not be displayed within 5m of any other projecting sign displayed on the same building.

(4) Number

Only one projecting sign per enterprise per street-facing is permitted.

(5) Duration of Permit

- (1) A projecting sign shall be permitted for the duration of the business.
- (2) A projecting sign may not be displayed where a business is no longer in operation.

(6) General

- (1) All projecting signs must be locality bound.
- (2) Projecting signs may not contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof.
- (3) Letters on a projecting sign must be written horizontally.

15. Advertisement painted on buildings

- (1) Only the following types of advertisements may be painted on buildings;
 - (a) Advertisements painted on the walls of buildings; and
 - (b) Advertisements painted on the roofs of buildings used in connection with industry or a manufacturing process.
- (2) No advertisement painted on a wall of a building shall exceed 15% of the height of the building from the ground to the eaves or 15% of the area of the wall on which it is painted.
- (3) An advertisement painted on the roof of a building shall contain only the name (or an abbreviation thereof) of the person, firm, company, society or association occupying such building.

16. Roof signs.**(1) Area of Control**

Roof signs may only be permitted in industrial zones and in commercial zones below road level.

(2) Size and Height

The maximum permitted size of a roof sign shall depend on the area of the specific roof, the character of the building and a consideration of the urban- and streetscape as a whole.

(3) **Position**

Roof signs must be placed in such a manner so as not to interfere with the run-off of rainwater from the roof of the building.

(4) **Design and Construction**

(1) Roof signs must be thoroughly secured and anchored to the building on or over which they are to be erected and all structural loads shall be safely distributed to the structural members of the building without the use of guys, stays or other restraining devices.

(b) A roof or sky sign, including all its supports and framework, shall be constructed entirely of non-combustible materials approved by the Municipality and if illuminated, shall not be placed on or over the roof of any building unless such sign, as well as the entire roof construction, is constructed of non-combustible material.

(5) **General**

(a) Locality bound roof signs may be permitted with the consent of the Municipality.

(b) Roof signs may not obstruct the view or affect the amenity of any other building.

(c) Roof signs shall not contain advertising matter other than locality bound roof signs. An locality bound roof sign may not have more than 50% of the area of the face of the sign containing advertising matter.

(d) A roof sign may not be used for third party advertising.

17. Ground signboards

(1) **Area of Control**

Ground signs may be permitted in all areas of control.

(2) Size and Height

A remote, non-locality bound ground sign which does not have an overall height in excess of 7m above the ground at any point nor dimensions which exceed 6m in length and 3m in height, and a total area of 18m² per face, shall be deemed to be of appropriate dimensions.

(3) Position and number of signs

(1) Only one on-site, locality bound, freestanding ground sign per premises may be permitted where—

- (a) it is necessary to facilitate the location of the entrance or access to a business premises;
- (b) it is not reasonably possible to affix appropriate signs to the building;
- (c) the business premises is so set back as to make proper visibility of signs on the building not feasible; or
- (d) the existence of a freestanding composite sign may prevent the proliferation of signage.

(2) An on-site, locality bound freestanding ground sign in the form of a business sign and tower structure may be permitted in terms of the National Building Regulations and applicable laws, provided that no such sign may—

- (a) exceed 7m in overall height;
- (b) have a clear height of less than 2,4m, excluding service facility signs and free standing composite signs;
- (c) exceed 12m² (measured as total height x total width of the advertising structure) when such sign is a combination sign;
- (d) be restricted to one such sign per site per street frontage or as otherwise permitted at the Municipality's discretion; and
- (e) contain advertising matter other than exclusively directional on more than 50% of the area of any face thereof.

(3) A ground sign with dimensions which exceed those contemplated in subsection (2) shall not be erected unless, in the opinion of the Municipality, such sign screens premises which detract or are likely to detract from the amenities of the neighbourhood by reason of their appearance or the use to which they are put

(4) Duration of Permit

- (1) A non-locality sign which is a billboard may be displayed for a maximum of 5 years.
- (2) A locality bound sign may be displayed for a period as specified in the permit.

(5) General

- (1) This class of sign includes service facility signs, such as those displayed at filling stations.
- (2) Any area between a ground sign and the street line shall be grassed or otherwise ornamented at the expense of the applicant and to the satisfaction of the Municipality.
- (3) Ground signs shall include project boards and development boards.

18. Development boards.

- (1) Development boards may
 - (a) be a maximum of 18m² in size; and
 - (b) be displayed for a maximum of 24 months.
- (2) If a development takes longer than 24 months to complete, a new application for the display of a development board must be submitted.
- (3) The following information must be displayed on a minimum of 50% of development boards while the picture of the development shall take up the rest of the space—
 - (a) name and type of development;
 - (b) developer's details;
 - (c) opening date;
 - (d) estate agents' details; and
 - (e) on-show details.

19. Flashing advertisements.

The Council shall only approve flashing illuminated advertisements if it is of the opinion that, having regard to the proposed position and characteristic of the advertisement, the display of the advertisement will not be likely to distract or disturb persons using any public road or to create the conditions contemplated in section 20 (1).

20. Prohibited outdoor advertising signs

- (1) The following outdoor advertising signs may not be displayed:
 - (a) any outdoor advertising sign which—
 - (i) does not comply with the requirements of the permit, this By-law, any applicable law or the land use scheme of the Municipality;
 - (ii) obscures, obstructs or interferes with any traffic sign or signal for traffic control;
 - (iii) inhibits, obstructs or interferes with road traffic safety, pedestrian safety, aircraft safety or the safety of the public in general;
 - (iv) obstructs any street, fire escape, exit way, window, door or other opening used as a means of entering or exiting or for ventilation or fire fighting purposes, or which constitutes a fire risk in the opinion of the Municipality;
 - (v) in the opinion of the Municipality, is indecent, obscene, offensive or otherwise objectionable;
 - (vi) is painted onto or attached in any manner to any tree, plant, rock or to any other natural feature;
 - (vii) is displayed on posters, banners or flags on Municipal property that is of a purely commercial nature, without the Municipality's approval;
 - (viii) moves or which has moving components;
 - (ix) obscures, whether partially or wholly, any other approved outdoor advertising sign which is being lawfully displayed;
 - (x) constitutes a danger or imminent danger to any person or property as contained in the National Building Regulations;
 - (xi) encroaches over the boundary line of the property on which it is erected; or
 - (xii) is detrimental to the environment in which it is located by reason of scale,

intensity of illumination or design;

- (b) outdoor advertising signs on top of a canopy or veranda unless the outdoor advertising sign consists of—
 - (i) individually cut-out fabricated or boxed letters not exceeding the prescribed height; and
 - (ii) not more than two symbols not exceeding one metre in height, which must be mounted separately to the letters.
- (c) any illuminated outdoor advertising sign which causes a nuisance.
- (d) any handbills or promotional item;
- (e) any fly posters;
- (f) any flag unless the flag has been approved by the Municipality which—
 - (i) relates to a current or forthcoming event and is displayed on or within the curtilage of premises used for public entertainment;
 - (ii) is displayed during public celebrations or festive occasions and relates to those celebrations or occasions;
 - (iii) is a national flag which does not carry any advertisement;
 - (iv) is a flag carried as part of a procession; or
 - (v) is on-site and displays the name of a business conducted on that site;
- (g) any advertisement on a portable board displayed in a public place or visible from a public place;
- (h) any roof sign in an area other than in an industrial, harbour or airport zone: provided that the Municipality may approve an appropriate roof sign in any area where a building is situated below street level;
 - (i) any flashing outdoor advertising sign;
 - (j) any animated advertisement;
 - (k) any third-party advertising on a container;
 - (l) any teardrop flags;
 - (m) any unauthorised attachment on an advertising vehicle;
 - (n) walking advertisements or sandwich boards; and
 - (o) directional signs: Provided that an estate agents board displaying the words “on show” and other temporary signs in respect of an event may be permitted.

21. Alterations of and additions to permanent advertisements

- (1) Any person wishing to alter or add to any permanent advertisement, including any signboard on which it is displayed, shall first apply to the Council in writing for its approval.
- (2) An application referred to in subsection (1) shall specify the nature and extent of the proposed alteration or addition.
- (3) A person who has applied in terms of subsection (2) for the Council's approval shall furnish such additional particulars in connection with his application as the Council may require.

22. Removal of permanent advertisements

- (1) Where there is displayed a permanent advertisement –
 - (a) for which no approval was granted under section 4; or
 - (b) which is displayed in contravention of this By-law, the Council may, by notice in writing, direct the person having possession or control of the advertisement to remove it or to effect such alterations as may be prescribed in the notice and to effect such removal or alteration within such period (not less than 14 days from the date of the notice) as may be specified in the notice.
- (2) If a person to whom a notice has been given in terms of subsection (1) fails to comply with a direction contained in that notice within the period therein specified, the Council may, at any time after the expiration of that period, through the agency of any person authorised thereto by the Council, enter upon the land upon which the advertisement to which the notice relates and remove the advertisement or effect the alterations prescribed in the notice.
- (3) The Council may recover the expenses which it incurred by any action taken under subsection (2) from any person to whom the notice in question was given.

23. Removal of signs and impoundment

- (1) An authorised official may remove and impound an unlawful outdoor advertising sign

as provided for in section 22 of this By-law or in terms of a court order.

- (2) The removal and impoundment of any outdoor advertising sign in terms of subsection (1) may be effected irrespective of whether or not such sign is in the possession or under the control of any third party at the time.
- (3) In the event that any goods to be impounded are attached to immovable property or a structure, an authorised official may order any person who appears to be in control of the immovable property or structure to remove the goods to be impounded.
- (4) If the person contemplated in subsection (3) refuses or fails to comply
 - (a) such person is guilty of an offence; and
 - (b) the authorised official may remove the goods him or herself.
- (5) Any authorised official who removes and impounds goods in term of subsection (1) must issue the permit holder or owner of premises with a receipt which—
 - (a) captures the full name, identity number and contact details of the person;
 - (b) states the relevant section of the By-law contravened;
 - (c) itemises and describes the goods to be removed and impounded;
 - (d) provides the address where the impounded goods will be kept;
 - (e) states the period of impoundment;
 - (f) states the term and conditions which must be met to secure the release of the impounded goods;
 - (g) states the impoundment fee to be paid to secure release of the impounded goods;
 - (h) states the terms and conditions on which unclaimed goods will be sold or otherwise disposed of;
 - (i) provides the name and address of a municipal official to whom any representations regarding the impoundment may be made and the date and time by which representations must be made;
 - (j) contains an acknowledgement signed or marked by the person confirming that—
 - (i) the contents of the receipt are correct;
 - (ii) the contents of the receipt have been explained to him or her; and
 - (iii) he or she understands the consequences of impoundment and the

-
- requirements for the release of such impounded goods; and
- (k) contains the name of the authorised official concerned and the date and time of impoundment.
- (6) An authorised official must, immediately upon removing the goods, transport such goods to the place of impoundment stated on the receipt issued to the person in terms of subsection (5).
- (7) The Municipality must—
- (1) keep a register of impounded goods at all places of impoundment;
- (a) immediately enter in the register the—
- (i) details of the permit holder or owner of premises;
- (ii) details of the goods removed and impounded, including the condition of such goods;
- (iii) place and area where such goods were removed from;
- (iv) name of the authorised official who attended to the removal and impoundment of the goods; and
- (v) time and date of such removal and impoundment, upon the presentation of such goods at the place of impoundment.
- (8) Items which have been impounded may be released after payment of the prescribed impoundment and storage fees.
- (9) Impounded goods may be disposed of by the Municipality if the owner of the outdoor advertising sign does not, or is unable to, pay the impoundment fee within 30 days from the date of impoundment of those goods.
- (10) If impounded goods are disposed of by the Municipality in terms of subsection (9), the Municipality may, if the goods are claimed by the rightful owner, pay such person the proceeds of the sale less the prescribed impoundment and storage fees.
- (11) After the 30 day period mentioned in subsection (9) has lapsed, the Municipality must serve a notice on such person concerned advising him or her—

- (1) that the Municipality intends selling his or her impounded goods as a result of his or her failure to secure the release of such goods within the specified time;
- (2) of the date, time and place where representations may be made by the person as to why the Municipality should not sell his or her goods; and
- (3) of the date, time and place of such sale should the person prove to be unsuccessful in his or her attempt to have such goods released as per paragraph (b).

24. Delegation of Council's powers

- (1) Subject to the Constitution and applicable national and provincial laws, any—
 - (a) power, excluding a power referred to in section 160(2) of the Constitution;
 - (b) function; or
 - (c) duty conferred, in terms of this By-law, upon the Council, or on any of the Municipality's other political structures, political office bearers, councillors or staff members, may be delegated or sub-delegated by such political structure, political office bearer, councillor, or staff member to an entity within, or a staff member employed by, the Municipality.
- (2) A delegation contemplated in subsection (1) must be effected in accordance with the system of delegation adopted by the Council in line with section 59(1) of the Local Government: Municipal System Act, 2000 (Act No.32 of 2000), subject to the criteria set out in section 59(2) of said Act.
- (3) Any delegation contemplated in this section must be recorded in the Register of Delegations, which must contain information on the—
 - (a) entity or person issuing the delegation or sub-delegation;
 - (b) recipient of the delegation or sub-delegation; and
 - (c) conditions attached to the delegation or sub-delegation.

25. Amenity

An outdoor advertising sign may not be detrimental to the environment or to the amenity of the human living environment by reason of size, shape, colour, texture, intensity of

illumination, quality of design or materials or for any other reason.

26. Aesthetics

- (1) An outdoor advertising sign may not be detrimental to the built or natural environment, detract from buildings or natural features, conflict with the harmony of any existing environment or detract from the general amenity of the neighbourhood.
- (2) An outdoor advertising sign must—
 - (a) be suitable for the environment in which it is to be displayed;
 - (b) be suitably placed so as to achieve an uncluttered effect;
 - (c) be constructed, executed and finished in an appropriate manner so that the structure and content of the sign is neat; and
 - (d) consist of durable materials suitable for the function, nature and permanence of the outdoor advertising sign.

27. Safety

- (1) An outdoor advertising sign must comply with the provisions of the National Road Traffic Act and any other applicable law.
- (2) An outdoor advertising sign may not be displayed in a position where it may cause danger, obstruction or a nuisance to any person, or damage to any property or the environment, including roads and pedestrian traffic ways.
- (3) The prohibitions contemplated in subsection (2) include but are not limited to—
 - (a) obscuring any traffic signs or signals;
 - (b) inhibiting any pedestrian's or drivers' visibility;
 - (c) obstructing any road or access; and
 - (d) any nuisance caused by light.
- (4) An outdoor advertising sign positioned along a road and which targets road users, must—
 - (a) be concise and legible;
 - (b) contain the minimal text; and
 - (c) comply with the guidelines for control of bits and the size of information set out in

CONTINUES ON PAGE 386 - PART 4

KwAZULU-NATAL PROVINCE

KwAZULU-NATAL PROVINSIE

ISIFUNDAZWE SA KwAZULU-NATALI

Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe

(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)
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3 OCTOBER 2019
3 OKTOBER 2019
3 KUMFUMFU 2019

No. 2123

this By-law.

- (5) An outdoor advertising sign must comply with the safety conditions and principles contained in this By-law.

28. Illumination

- (1) An outdoor advertising sign may not exceed the maximum luminance levels per square m as set out below:

Illuminated Area Maximum Luminance:

- (a) Less than 0,5 m² 1000 candela per m²
 - (b) 0,5 to 2,0 m² 800 candela per m²
 - (c) 2,0 to 10 m² 600 candela per m²
 - (d) 10 or more m² in visual zones 350 candela per m²
 - (e) 10 or more m² in other areas 400 candela per m²
- (2) An electronic and illuminated outdoor advertising sign may not be so placed or contain an element which distracts or hinders the attention of drivers in a manner likely to lead to unsafe driving conditions.
 - (3) An electronic and illuminated outdoor advertising sign must be positioned in such a manner to ensure effective distribution of light and to minimise light wastage or spill.
 - (4) An outdoor advertising sign may not be illuminated on a freeway, irrespective of the area of control, unless the freeway is lit by overhead lighting over the full distance within which the advertisement sign is visible from the freeway.
 - (5) The extent of illumination of an outdoor advertising sign may not cause discomfort, harm or danger to any person.
 - (6) The light source emanating from floodlights shall not be visible to traffic travelling in either direction.

- (7) Floodlighting shall be positioned to ensure effective distribution and to minimise light wastage or spill.
- (8) In respect of urban freeways, irrespective of the area of control, billboards, temporary advertisements, product replicas and three-dimensional signs, roof signs, flat signs, signs painted on walls and roofs, signs incorporated in the fabric of a building, advertising on towers, bridges and pylons, advertisements on construction site boundary walls and fences, aerial signs, and trailer advertising may not be illuminated in any way unless the freeway is lit by overhead lighting over the full distance within which the advertisement sign is visible from the freeway.

29. Environmental impact

- (1) An outdoor advertising sign must be satisfactorily integrated into the environment to ensure that the Municipality's tourism and development potential is characterised by a high standard of user-friendly signage.
- (2) The position, size, design, construction and content of all signs must take cognisance of high quality, historically and environmentally sensitive green belts and open space areas.
- (3) An outdoor advertising sign may not cause harm to the environment.

30. Position of outdoor advertising signs

- (1) The position of an outdoor advertising sign must be in accordance with the provisions of the National Road Traffic Act, this By-law and any other applicable law.
- (2) Advertising signs may not be—
 - (a) positioned on a road island or road median unless they are street name advertisements;
 - (b) suspended across a road with the exception of signs permitted on bridges across certain urban roads other than freeways or highways, advertising on towers, bridges and pylons as well as banners suspended across urban roads other than freeways and as part of a street-scaping project; or

- (c) erected within or suspended above a road reserve or within the limited use area outside the road reserve boundary or freeways.
- (3) Sponsored road traffic projects, tourism signs, vehicular advertising and citi-lites may be allowed within all road reserves subject to approval by the Municipality.
- (4) Temporary advertisements such as project boards which concern road construction may be allowed within all roads reserves.
- (5) Posters and advertisements on street furniture, banners and flags, suburb-name advertisements, projecting signs, veranda, balcony, canopy and under awning signs and functional advertisements by organs of state or state owned enterprises may be allowed within all urban road reserves other than freeways.
- (6) Temporary advertisements such as pavement posters and notices, street name advertisements, and signs on bridges may be allowed within urban road reserves other than freeways, but only in urban areas of minimum and partial control.
- (7) Neighbourhood watch and similar schemes signs may be allowed within road reserves other than on freeways in urban, rural, and natural environments subject to approval by the Municipality.
- (8) Flat signs, projecting signs, and veranda, balcony and under awning signs, may be allowed within the limited use area along freeways if the main building housing an enterprise is within 50m from the road reserve boundary of a freeway and if there is no other appropriate means of indicating that particular enterprise facing another public road carrying through passing traffic.
- (9) The Municipality may within vision zones, with regards to advertising restrictions on urban freeways, identify areas in which relaxation may be allowed to change the area of control of such visual zone, and in such instances, the Municipality may also stipulate any term and conditions it deem fit.
- (10) Advertising signs may not be permitted within a restricted area at urban street corners,

with the exception of temporary window signs, street name advertisement, flat signs, projecting signs, veranda, balcony and under awning signs, window signs, signs incorporated in the fabric of a building and illuminated signs within restricted areas at signalised street corners which signs have a clear height of at least 6m if such signs contain the colours red, green or amber.

31. Temporary outdoor advertising signs

- (1) Any person who wishes to display a temporary outdoor advertising sign must apply to the Municipality for a permit to display the temporary sign.
- (2) A temporary outdoor advertising sign may only be used in connection with an event.
- (3) A temporary outdoor advertising sign may be displayed for a prescribed period of time as determined by the Municipality in the permit and must be removed within the prescribed period of time after the event has taken place.
- (4) A directional sign may not be misunderstood to represent a road traffic sign due to any factor, including the following—
 - (a) any form of arrow or other directional device;
 - (b) any symbol, logo or other devised as used on a road traffic sign;
 - (c) use of combination of colours specified for road traffic signs; or
 - (d) statements call for a driver to turn off the route on which he or she is travelling or to make a U-turn.

32. Maintenance

- (1) The owner and the permit holder are jointly responsible for maintaining an outdoor advertising sign, as well as its supporting structure, in a state of good repair, both structurally and aesthetically.
- (2) An outdoor advertising sign, as well as its supporting structure, must be—
 - (a) treated against corrosion and painted;
 - (b) cleaned on a regular basis;

- (c) regularly maintained in good repair and in a safe condition, and according to the highest standard as regards quality of structures, posting and content in terms of the National Building Regulations and any other applicable law; and
- (d) designed and positioned, where possible, to discourage vandalism.

33. Electrical and fire prevention requirements

- (1) An electronic and illuminated outdoor advertising sign, including its supporting structure must be constructed entirely of non-combustible materials and must be installed in accordance with the provisions of the Municipality's By-laws dealing with electricity and electricity supply, the Code of Practice for the wiring of premises in accordance with the South African Bureau of Standards (SABS), any applicable legislation and any policy adopted by Council regulating electricity requirements for illuminated signage.
- (2) An electronic and illuminated outdoor advertising sign must—
 - (a) have power cables, and conduits containing electrical conductors, positioned and fixed so that they are not unsightly;
 - (b) be provided with an external weather proof isolator in an accessible position and at a height of at least 3m from the ground where the electricity supply to the advertisement may be switched off;
 - (c) contain a maximum of six bits of information displayed at any instant in time;
 - (d) contain a maximum height of text of 500mm; and
 - (e) have a clearance to the underside of the sign of 2.2m where such sign is over a pedestrian path.
- (3) The installation and maintenance of an electronic or illuminated advertising sign may only be conducted by a registered electrician who shall at the request of the owner or Municipality issue a certificate confirming he or she is satisfied that the wiring and installation is in accordance with the provisions of all applicable laws.
- (4) If an outdoor advertising sign is to be displayed on premises in a hazardous location as contemplated in SANS 10108 or on premises where flammable liquids and flammable gases

are manufactured or stored in an outdoor location, the owner and the permit holder must ensure compliance with SANS 10108.

- (5) No movement of the electronic sign face is permitted except for the instant change from one message to another and the duration of the continuous display of each message shall not be less than 30 seconds.

34. Structural requirements

- (1) An outdoor advertising sign must be properly–
 - (a) constructed and erected; and
 - (b) secured, fixed and anchored,
to the satisfaction of an engineer who is responsible for the design, supervision and certification of the display of the sign.
- (2) A sign, including its supports and frameworks, must be constructed of non-combustible, durable and safe materials, suitable for the particular design of the sign in accordance with the applicable laws.
- (3) Adequate provision must be made for the drainage of all outdoor advertising signs.
- (4) The supporting structure of any sign must be neatly constructed, designed and supervised by an engineer as an integral part of the design of the sign, or be otherwise concealed from view to the satisfaction of the Municipality.
- (5) No free-standing outdoor advertising sign exceeding 3.4m in height may be built without a certificate from an engineer confirming that the sign is structurally stable and safe.
- (6) The Municipality may at any time require that an engineer certify that the–
 - (a) design of an advertising sign and supporting structure is structurally stable and safe; and
 - (b) completed advertising sign and supporting structure is structurally stable and safe.
- (7) The supporting structure may only be erected once the Municipality has granted its

approval for the erection of the sign in term of the National Building Regulations.

35. Signs on Municipal property

- (1) A person may not display or alter an outdoor advertising sign or cause or permit any outdoor advertising sign to be displayed or altered on municipal property, without the prior written permission of the Municipality.
- (2) Where a person makes application for the display of a billboard on municipal property the Municipality shall only consider applications for the display or altering of a billboard not exceeding 36m² in size.
- (3) The display or altering of any outdoor advertising sign, other than a billboard contemplated in subsection (2), on municipal property shall be regulated in terms of the Municipality's Supply Chain Management Policy and procurement processes.
- (4) A person who wishes to display an outdoor advertising sign on municipal property must–
 - (a) make an application in writing to the Municipality for permission; and
 - (b) pay the prescribed fee as may be imposed by the Municipality.

36. Types of signs

- (1) The approval and display of an outdoor advertisement for a specific type of sign must be in accordance with this By-law and any other applicable law, and is furthermore subject to any additional requirements pertaining to a specific type of sign contained in the schedules contemplated in subsection (2).
- (2) The Schedules which relate to specific types of signs are as follows:
 - (a) Billboards: Schedule 2;
 - (b) Ground signs: Schedule 3;
 - (c) Flat signs: Schedule 4;
 - (d) Projecting signs: Schedule 5;
 - (e) Roof signs: Schedule 6;

- (f) Sky signs: Schedule 7;
 - (g) Veranda, Balcony, Canopy and Under-awning Signs: Schedule 8;
 - (h) Posters, Banners and Flags (Temporary signs): Schedule 9;
 - (i) Aerial advertisements: Schedule 10;
 - (j) Advertising vehicles: Schedule 11;
 - (k) Flags on-site (Private property) : Schedule 12;
 - (l) Estate Agents Boards and Contractors Boards: Schedule 13;
 - (m) Community Policing Forum (CPF) and Conservancy Signs: Schedule 14;
 - (n) Signs at stadia and sports grounds : Schedule 15;
 - (o) Signs at schools: Schedule 16;
 - (p) Home Business Signs: Schedule 17; and
 - (q) Building wrap signs: Schedule 18.
- (3) The schedules contemplated in subsection (2) contain further requirements, criteria, conditions and minimum standards to which any person must comply with for a specific type of sign.

37. Architecturally Significant Buildings

- (1) The Municipality may from time to time identify buildings which are considered architecturally significant due to their architecture, location, age and any other relevant factors.
- (2) Any application for a permit for outdoor advertising which affects an architecturally significant building must be accompanied by written approval from the eThekweni Municipality Architectural Department.
- (3) A building may only be declared an Architecturally Significant building through a Council resolution and after following a public participation process.

38. Designated areas

- (1) The Municipality may identify and designate areas where outdoor advertising is prohibited or restricted and such designated areas may only be declared as such in terms of a Council Resolution.
- (2) Any outdoor advertising in designated areas may be restricted in terms of—
 - (a) the type of sign displayed;
 - (b) the time period permitted for the display of the sign;
 - (c) the content of the sign; and
 - (d) any other condition which may be prescribed by the Municipality.
- (3) Any outdoor advertising sign in a designated area may only advertise an event which will take place in the designated area.

CHAPTER 4: GENERAL PROVISIONS**39. Lawful instructions**

- (1) Failure to comply with a lawful request by an authorised official in accordance with the provisions of this By-law constitutes a contravention of this By-law.
- (2) An authorised official may enter onto any premises after reasonable notice has been given and at a reasonable time in order to conduct an inspection necessary for the proper enforcement and administration of this By-law.
- (3) In the event of the display of an unauthorised advertisement for an event held on private premises, the owner or person in charge of the premises must upon request by an authorised official provide the following information:
 - (a) name of event organiser; and
 - (b) any contact details of the event organiser.
- (4) Failure by the owner or person in charge to provide the information contemplated in subsection (3) will result in the owner or person in charge being guilty of an offence.

40. Notice to rectify or remove a sign

- (1) If an outdoor advertising sign contravenes—
 - (a) a provision of this By-law;
 - (b) any condition of a permit to display or alter an outdoor advertising sign;
 - (c) an Advertising Control Map or the accompanying schedule of conditions which may be issued in terms of this By-law, the Municipality must serve a contravention notice on the owner or permit holder.
- (2) The contravention notice must direct the owner or permit holder within the time period determined by the Municipality to cease with the unlawful display of the sign, and may include an instruction to—
 - (a) demolish or remove any unauthorised structure or sign and where necessary rehabilitate the land to its original form; or
 - (b) submit an application for a permit in terms of this By-law within 30 days of the service of the contravention notice and pay the contravention penalty.
- (3) In the event that an application lodged in terms of sub-section 2(b) is refused, the owner or permit holder must demolish or remove the unauthorised structure or sign within a prescribed period.
- (4) The contravention notice contemplated in subsection (1) must—
 - (a) identify the person to whom it is addressed to;
 - (b) provide a description of the immovable property on which the sign is located;
 - (c) indicate whether an approval has or has not been granted for the display of the sign;
 - (d) state that the display of the sign is illegal and indicate which provision of the Bylaw, condition or other provision the display of the sign contravenes;
 - (e) indicate the steps the person must take and the period within which such person must do so;
 - (f) direct the person's attention to the following:
 - (i) that the person could be prosecuted for and convicted of an offence;
 - (ii) that on conviction, the person will be liable for the penalties as provided for;

- and
 - (iii) that in addition to the conviction and imposition of a penalty, the person could be required by an order of the court to demolish or remove the unauthorised structure or sign and where applicable, allow the Municipality to enter the property to demolish or remove the unauthorised structure or sign; and
 - (g) in the case of an application for the authorisation of the sign as contemplated in section 2(b), that a contravention penalty including any costs incurred by the Municipality shall be imposed.
- (5) Where the court convicts a person of an offence contemplated in section 44 of this By-law, it may—
- (a) at the written request of the Municipality summarily enquire into and determine the monetary value of any advantage which that person may have gathered as a result of that offence; and
 - (b) in addition to the fine or imprisonment contemplated in section 45 of this By-law, order an award of damages, compensation or a fine not exceeding the monetary value of any advantage which the person may have gained as a result of that offence in favour of the Municipality.
- (6) Notwithstanding the provisions of section 40(1), in the event that an outdoor advertising sign—
- (a) constitutes an imminent or irreversible threat or danger to the environment or the health, safety or well-being of any person, property or the public;
 - (b) in the opinion of the Municipality, is indecent, obscene, offensive or otherwise objectionable; or
 - (c) is displayed on Municipal property and has not been approved the Municipality may immediately and without notice to any person remove or rectify the sign.
- (7) The remedies provided for in this By-law are in addition to any other statutory or common law criminal or civil remedies that a Municipality may have at its disposal.
- (8) The Municipality may implement a property rates adjustment in accordance with the use of the property where it has confirmed a contravention of this By-law.

41. Recovery of costs

- (1) Where the Municipality removes or rectifies a sign or undertakes any remedial action, the owner and the permit holder shall be liable jointly and severally for the costs incurred by the Municipality in taking such action.
- (2) The recovery of costs contemplated in subsection (1) is in addition to any fine which may be imposed on those persons.
- (3) No person shall be entitled to compensation for any loss or damage arising out of any *bona fide* action or decision taken by the Municipality or any authorised official in terms of this By-law.

42. Vicarious liability

- (1) Where there has been a contravention of this By-law or a condition of a permit to display or alter an outdoor advertising sign, the owner of the premises on which an outdoor advertising sign is displayed, the permit holder or owner of the sign is deemed to have committed such contravention unless he or she satisfies the court that he or she took reasonable steps to prevent such contravention.
- (2) The fact that the owner, permit holder or owner of the sign contemplated in subsection (1) issued instructions to the employee or agent, prohibiting such contravention, must not in itself constitute sufficient proof of such reasonable steps.

43. Service of notices

- (1) Whenever a notice is required to be served on a person in terms of this By-law, it is deemed to have been effectively and sufficiently served on such person –
 - (a) when it has been delivered to him or her personally;
 - (b) when it has been left at his or her place of residence or business in the Republic of South Africa with a person apparently over the age of 16 years;
 - (c) when it has been posted by registered or certified mail to his or her last known

residential or business address in the Republic of South Africa and an acknowledgement of the posting thereof is produced;

- (d) if his or her address in the Republic of South Africa is unknown, when it has been served on his or her agent or representative in the Republic of South Africa in the manner contemplated in paragraphs (a), (b) or (c); or
 - (e) if his or her address and agent in the Republic of South Africa are unknown, when it has been affixed to a conspicuous place on the building.
- (2) The date of notification in respect of any notice served in terms of this By-law is—
- (a) on the fourth day after the postmarked date upon the receipt for registration, when it is served by registered mail;
 - (b) the date of delivery, when it is served on the person personally;
 - (c) the date that the notice was left at a person's place of residence or place business in the Republic with a person apparently over the age of sixteen years;
 - (d) the date on which the notice was successfully transmitted, if the document is served by electronic transmission to the e-mail address or facsimile address;
 - (e) the date on which the notice was displayed in a conspicuous place on the property or premises to which it relates, is the date on which the notice was posted or affixed to such place; or
 - (f) in the case of a juristic person, to its registered address or principal place of business.

44. Offences

- (1) A person commits an offence if he or she—
- (a) contravenes any—
 - (i) provision of this By-law;
 - (ii) condition of a permit which has been issued to him or her; or
 - (iii) provision of a Advertising Control Map issued by the Municipality in terms of this By-law;
 - (b) fails to comply with any lawful instruction or notice given in terms of this By-law;
 - (c) threatens, resists, interferes with or obstructs any authorised official in the performance of official duties or functions in terms of or under this By-law; or
 - (d) deliberately furnishes false or misleading information to an authorised official.

- (2) A person commits a continuing offence if he or she continues with an offence –
 - (a) after the notice has been served on him or her in term of this By-law requiring him or her to cease committing such offence; or
 - (b) continues with an offence after he or she has been convicted of such offence.

45. Penalties

- (1) Any person who is convicted of an offence under this By-law is liable to a fine or imprisonment not exceeding 2 years, or both such fine and imprisonment.
- (2) In the case of a continuing offence, an additional fine or imprisonment for a period not exceeding three months, for each day on which such offence continues or both such fine and imprisonment, will be imposed.

46. Presumptions

Any person charged with an offence in terms of this By-law who is–

- (1) alone, or jointly with any other person, responsible for organising, or in control of any meeting, function or event, to which an outdoor advertising sign relates, is deemed, until the contrary is proved, to have knowingly displayed every unlawful sign displayed in connection with such meeting, function or event or to have caused or allowed it to be so displayed;
- (2) the person whose name appears on an unlawful outdoor advertising sign, or whose product or services are advertised on such sign, is deemed, until the contrary is proved, to have displayed such sign, or to have caused or allowed it to be displayed;
- (3) the owner of any land or building on which any unlawful outdoor advertising sign was or is displayed, is deemed, until the contrary is proved, to have knowingly displayed such sign, or caused or allowed it to be displayed;
- (4) in possession of ten or more identical handbills in a public place is deemed, until

the contrary is proved, to be handing out such handbills; and

- (5) the owner of an advertising vehicle parked on private property but in view of a public place is deemed, until the contrary is proved, to have knowingly displayed the outdoor advertising sign on the advertising vehicle.

47. Regulations

The Municipality may make regulations not inconsistent with this By-law, prescribing -

- (1) any matter that may or must be prescribed in terms of this by—law; and
- (2) any matter that may facilitate the application of this by—law.

48. Repeal of By-laws

Any By-laws promulgated by the Municipality pertaining to any matter regulated in this By-law, shall be repealed from the date of promulgation of this By-law.

49. Short title

This By-law is called the Outdoor Advertising and Signage By-law, 2019, and takes effect on a date determined by the Municipality by proclamation in the Official Gazette.