



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)*  
*(Irejistiwee njengephephandaba eposihhovisi)*

**PIETERMARITZBURG**

**Vol. 14**

18 JUNE 2020  
18 JUNIE 2020  
18 KUNHLANGULANA 2020

**No. 2189**

**PART 1 OF 2**

**We all have the power to prevent AIDS**



**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

**Prevention is the cure**

**N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes**

ISSN 1994-4558



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**IMPORTANT NOTICE OF OFFICE RELOCATION****government  
printing**Department:  
Government Printing Works  
REPUBLIC OF SOUTH AFRICAPrivate Bag X85, PRETORIA, 0001 149 Bosman Street, PRETORIA  
Tel: 012 748 6197, Website: [www.gpwonline.co.za](http://www.gpwonline.co.za)**URGENT NOTICE TO OUR VALUED CUSTOMERS: PUBLICATIONS  
OFFICE'S RELOCATION HAS BEEN TEMPORARILY SUSPENDED.**

Please be advised that the GPW Publications office will no longer move to 88 Visagie Street as indicated in the previous notices.

The move has been suspended due to the fact that the new building in 88 Visagie Street is not ready for occupation yet.

We will later on issue another notice informing you of the new date of relocation.

We are doing everything possible to ensure that our service to you is not disrupted.

As things stand, we will continue providing you with our normal service from the current location at 196 Paul Kruger Street, Masada building.

Customers who seek further information and or have any questions or concerns are free to contact us through telephone 012 748 6066 or email Ms Maureen Toka at [Maureen.Toka@gpw.gov.za](mailto:Maureen.Toka@gpw.gov.za) or cell phone at 082 859 4910.

Please note that you will still be able to download gazettes free of charge from our website [www.gpwonline.co.za](http://www.gpwonline.co.za).

We apologies for any inconvenience this might have caused.

Issued by GPW Communications

**IMPORTANT NOTICE:**

**THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.**

**No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.**

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government  
printing

Department:  
Government Printing Works  
REPUBLIC OF SOUTH AFRICA

## HIGH ALERT: SCAM WARNING!!!

### TO ALL SUPPLIERS AND SERVICE PROVIDERS OF THE GOVERNMENT PRINTING WORKS

It has come to the attention of the *GOVERNMENT PRINTING WORKS* that there are certain unscrupulous companies and individuals who are defrauding unsuspecting businesses disguised as representatives of the *Government Printing Works (GPW)*.

The scam involves the fraudsters using the letterhead of *GPW* to send out fake tender bids to companies and requests to supply equipment and goods.

Although the contact person's name on the letter may be of an existing official, the contact details on the letter are not the same as the *Government Printing Works*. When searching on the Internet for the address of the company that has sent the fake tender document, the address does not exist.

The banking details are in a private name and not company name. Government will never ask you to deposit any funds for any business transaction. *GPW* has alerted the relevant law enforcement authorities to investigate this scam to protect legitimate businesses as well as the name of the organisation.

Example of e-mails these fraudsters are using:

[PROCUREMENT@GPW-GOV.ORG](mailto:PROCUREMENT@GPW-GOV.ORG)

Should you suspect that you are a victim of a scam, you must urgently contact the police and inform the *GPW*.

*GPW* has an official email with the domain as [@gpw.gov.za](mailto:@gpw.gov.za)

Government e-mails DO NOT have org in their e-mail addresses. All of these fraudsters also use the same or very similar telephone numbers. Although such number with an area code 012 looks like a landline, it is not fixed to any property.

*GPW* will never send you an e-mail asking you to supply equipment and goods without a purchase/order number. *GPW* does not procure goods for another level of Government. The organisation will not be liable for actions that result in companies or individuals being resultant victims of such a scam.

*Government Printing Works* gives businesses the opportunity to supply goods and services through RFQ / Tendering process. In order to be eligible to bid to provide goods and services, suppliers must be registered on the National Treasury's Central Supplier Database (CSD). To be registered, they must meet all current legislative requirements (e.g. have a valid tax clearance certificate and be in good standing with the South African Revenue Services - SARS).

The tender process is managed through the Supply Chain Management (SCM) system of the department. SCM is highly regulated to minimise the risk of fraud, and to meet objectives which include value for money, open and effective competition, equitability, accountability, fair dealing, transparency and an ethical approach. Relevant legislation, regulations, policies, guidelines and instructions can be found on the tender's website.



## Fake Tenders

National Treasury's CSD has launched the Government Order Scam campaign to combat fraudulent requests for quotes (RFQs). Such fraudulent requests have resulted in innocent companies losing money. We work hard at preventing and fighting fraud, but criminal activity is always a risk.

### How tender scams work

There are many types of tender scams. Here are some of the more frequent scenarios:

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to a company to invite it to urgently supply goods. Shortly after the company has submitted its quote, it receives notification that it has won the tender. The company delivers the goods to someone who poses as an official or at a fake site. The Department has no idea of this transaction made in its name. The company is then never paid and suffers a loss.

OR

Fraudsters use what appears to be government department stationery with fictitious logos and contact details to send a fake RFQ to Company A to invite it to urgently supply goods. Typically, the tender specification is so unique that only Company B (a fictitious company created by the fraudster) can supply the goods in question.

Shortly after Company A has submitted its quote it receives notification that it has won the tender. Company A orders the goods and pays a deposit to the fictitious Company B. Once Company B receives the money, it disappears. Company A's money is stolen in the process.

Protect yourself from being scammed

- If you are registered on the supplier databases and you receive a request to tender or quote that seems to be from a government department, contact the department to confirm that the request is legitimate. Do not use the contact details on the tender document as these might be fraudulent.
- Compare tender details with those that appear in the Tender Bulletin, available online at [www.gpwonline.co.za](http://www.gpwonline.co.za)
- Make sure you familiarise yourself with how government procures goods and services. Visit the tender website for more information on how to tender.
- If you are uncomfortable about the request received, consider visiting the government department and/or the place of delivery and/or the service provider from whom you will be sourcing the goods.
- In the unlikely event that you are asked for a deposit to make a bid, contact the SCM unit of the department in question to ask whether this is in fact correct.

Any incidents of corruption, fraud, theft and misuse of government property in the *Government Printing Works* can be reported to:

Supply Chain Management: Ms. Anna Marie Du Toit, Tel. (012) 748 6292.  
Email: [Annamarie.DuToit@gpw.gov.za](mailto:Annamarie.DuToit@gpw.gov.za)

Marketing and Stakeholder Relations: Ms Bonakele Mbhele, at Tel. (012) 748 6193.  
Email: [Bonakele.Mbhele@gpw.gov.za](mailto:Bonakele.Mbhele@gpw.gov.za)

Security Services: Mr Daniel Legoabe, at tel. (012) 748 6176.  
Email: [Daniel.Legoabe@gpw.gov.za](mailto:Daniel.Legoabe@gpw.gov.za)

# Closing times for **ORDINARY WEEKLY** 2020

## KWAZULU-NATAL PROVINCIAL GAZETTE

*The closing time is **15:00** sharp on the following days:*

- **23 December 2019**, Monday for the issue of Thursday **02 January 2020**
- **02 January**, Thursday for the issue of Thursday **09 January 2020**
- **09 January**, Thursday for the issue of Thursday **16 January 2020**
- **16 January**, Thursday for the issue of Thursday **23 January 2020**
- **23 January**, Thursday for the issue of Thursday **30 January 2020**
- **30 January**, Thursday for the issue of Thursday **06 February 2020**
- **06 February**, Thursday for the issue of Thursday **13 February 2020**
- **13 February**, Thursday for the issue of Thursday **20 February 2020**
- **20 February**, Thursday for the issue of Thursday **27 February 2020**
- **27 February**, Thursday for the issue of Thursday **05 March 2020**
- **05 March**, Thursday for the issue of Thursday **12 March 2020**
- **12 March**, Thursday for the issue of Thursday **19 March 2020**
- **19 March**, Thursday for the issue of Thursday **26 March 2020**
- **26 March**, Thursday for the issue of Thursday **02 April 2020**
- **02 April**, Thursday for the issue of Thursday **09 April 2020**
- **07 April**, Thursday for the issue of Thursday **16 April 2020**
- **16 April**, Thursday for the issue of Thursday **23 April 2020**
- **22 April**, Wednesday for the issue of Thursday **30 April 2020**
- **29 April**, Wednesday for the issue of Thursday **07 May 2020**
- **07 May**, Thursday for the issue of Thursday **14 May 2020**
- **14 May**, Thursday for the issue of Thursday **21 May 2020**
- **21 May**, Thursday for the issue of Thursday **28 May 2020**
- **28 May**, Thursday for the issue of Thursday **04 June 2020**
- **04 June**, Thursday for the issue of Thursday **11 June 2020**
- **10 June**, Wednesday for the issue of Thursday **18 June 2020**
- **18 June**, Thursday for the issue of Thursday **25 June 2020**
- **25 June**, Thursday for the issue of Thursday **02 July 2020**
- **02 July**, Thursday for the issue of Thursday **09 July 2020**
- **09 July**, Thursday for the issue of Thursday **16 July 2020**
- **16 July**, Thursday for the issue of Thursday **23 July 2020**
- **23 July**, Thursday for the issue of Thursday **30 July 2020**
- **30 July**, Thursday for the issue of Thursday **06 August 2020**
- **05 August**, Wednesday for the issue of Thursday **13 August 2020**
- **13 August**, Thursday for the issue of Thursday **20 August 2020**
- **20 August**, Thursday for the issue of Thursday **27 August 2020**
- **27 August**, Thursday for the issue of Thursday **03 September 2020**
- **03 September**, Thursday for the issue of Thursday **10 September 2020**
- **10 September**, Thursday for the issue of Thursday **17 September 2020**
- **17 September**, Thursday for the issue of Thursday **24 September 2020**
- **23 September**, Wednesday for the issue of Thursday **01 October 2020**
- **01 October**, Thursday for the issue of Thursday **08 October 2020**
- **08 October**, Thursday for the issue of Thursday **15 October 2020**
- **15 October**, Thursday for the issue of Thursday **22 October 2020**
- **22 October**, Thursday for the issue of Thursday **29 October 2020**
- **29 October**, Thursday for the issue of Thursday **05 November 2020**
- **05 November**, Thursday for the issue of Thursday **12 November 2020**
- **12 November**, Thursday for the issue of Thursday **19 November 2020**
- **19 November**, Thursday for the issue of Thursday **26 November 2020**
- **26 November**, Thursday for the issue of Thursday **03 December 2020**
- **03 December**, Thursday for the issue of Thursday **10 December 2020**
- **09 December**, Wednesday for the issue of Thursday **17 December 2020**
- **17 December**, Wednesday for the issue of Thursday **24 December 2020**
- **23 December**, Wednesday for the issue of Thursday **31 December 2020**

# LIST OF TARIFF RATES

## FOR PUBLICATION OF NOTICES

**COMMENCEMENT: 1 APRIL 2018**

### NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1008.80 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	252.20
Ordinary National, Provincial	2/4 - Half Page	504.40
Ordinary National, Provincial	3/4 - Three Quarter Page	756.60
Ordinary National, Provincial	4/4 - Full Page	1008.80

### EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3026.32** per page.

## GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

### CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.

2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website [www.gpwnonline.co.za](http://www.gpwnonline.co.za)

All re-submissions will be subject to the standard cut-off times.

**All notices received after the closing time will be rejected.**

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Petrol Price Gazette	Monthly	Tuesday before 1st Wednesday of the month	One day before publication	1 working day prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00 for next Friday	3 working days prior to publication
Unclaimed Monies (Justice, Labour or Lawyers)	January / September 2 per year	Last Friday	One week before publication	3 working days prior to publication
Parliament (Acts, White Paper, Green Paper)	As required	Any day of the week	None	3 working days prior to publication
Manuals	Bi- Monthly	2nd and last Thursday of the month	One week before publication	3 working days prior to publication
State of Budget (National Treasury)	Monthly	30th or last Friday of the month	One week before publication	3 working days prior to publication
<i>Extraordinary Gazettes</i>	As required	Any day of the week	<i>Before 10h00 on publication date</i>	<i>Before 10h00 on publication date</i>
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 working days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 working days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days <b>after</b> submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 working days prior to publication
North West	Weekly	Tuesday	One week before publication	3 working days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 working days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 working days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 working days prior to publication

**GOVERNMENT PRINTING WORKS - BUSINESS RULES**

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 working days <b>after</b> submission deadline
Mpumalanga Liquor License Gazette	Bi-Monthly	Second & Fourth Friday	One week before publication	3 working days prior to publication

**EXTRAORDINARY GAZETTES**

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

**NOTICE SUBMISSION PROCESS**

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website [www.gpwonline.co.za](http://www.gpwonline.co.za).
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
  - 8.1. Each of the following documents must be attached to the email as a separate attachment:
    - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
      - 8.1.1.1. For National *Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
      - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
    - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice. (*Please see Quotation section below for further details*)
    - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
    - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (*Please see the Copy Section below, for the specifications*).
    - 8.1.5. Any additional notice information if applicable.

**GOVERNMENT PRINTING WORKS - BUSINESS RULES**

9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by “walk-in” customers on electronic media can only be submitted in *Adobe* electronic form format. All “walk-in” customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

**QUOTATIONS**

13. Quotations are valid until the next tariff change.
  - 13.1. **Take note:** **GPW**'s annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the e*Gazette* Contact Centre for a quotation.
  - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
  - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
  - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
  - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
    - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
  - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
  - 19.1. This means that the quotation number can only be used once to make a payment.

**GOVERNMENT PRINTING WORKS - BUSINESS RULES****COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03
- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.
- The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:
- Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;
- Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;  
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

**CANCELLATIONS**

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

**AMENDMENTS TO NOTICES**

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

**REJECTIONS**

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.



**GOVERNMENT PRINTING WORKS - BUSINESS RULES****APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

**GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY**

27. The Government Printer will assume no liability in respect of—
  - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
  - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
  - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

**LIABILITY OF ADVERTISER**

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

**CUSTOMER INQUIRIES**

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

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

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

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.



**GOVERNMENT PRINTING WORKS - BUSINESS RULES****PAYMENT OF COST**

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za) before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

**PROOF OF PUBLICATION**

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website [www.gpwnonline.co.za](http://www.gpwnonline.co.za) free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette*(s)

**GOVERNMENT PRINTING WORKS CONTACT INFORMATION****Physical Address:**

**Government Printing Works**  
149 Bosman Street  
Pretoria

**Postal Address:**

Private Bag X85  
Pretoria  
0001

**GPW Banking Details:**

**Bank:** ABSA Bosman Street  
**Account No.:** 405 7114 016  
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# PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

## PROVINCIAL NOTICE 57 OF 2020

### **UGU DISTRICT MUNICIPALITY**

#### **TARIFF OF CHARGES 2020/2021 WITH EFFECT FROM 1 JULY 2020 (EXCLUDING VAT)**

##### **1. COUNCIL'S CHARGES FOR WATER SUPPLIED TO CONSUMERS**

- (a) All consumers with a private water connection will be liable for the payment of a basic cost irrespective if water is supplied or not. The basic cost shall be calculated by multiplying the quota of a consumer by the amount of the basic cost.
- (b) In 2020/2021 financial year there will be no increment on the basic charge.
- (b) Charges for water supplied shall be calculated by multiplying the consumption of the consumer by the applicable tariff code, by category of consumer.
- (c) The following tariff and basic costs will be implemented on all accounts submitted on or after **1 July 2020** based on the quota as allocated to the meter.
- (d) The production cost incurred by the municipality in producing one (1) kilolitre of water is **R15.98 excluding VAT**.
- (e) The 6 kilolitres free will only be limited to indigent customers. None indigent customers will be charged on all water usage.
- (f) All overdue accounts will be charged 6.5% interest per annum.
- (g) The deposit amounts for existing connections on the tariff schedule R550.00 – Urban, R200 – Rural and R1000 – Tenants

##### **CONSUMPTION CHARGE**

##### **1. Properties zoned as Special and General Residential -Category A AND E**

##### **A: INDIGENTS CUSTOMERS**

	2019/2020	2020/2021	% increase	
0 to 6 Kl	Free	Free	Indigent only	Indigent customers
7 – 39kl	15.25	16.47	8%	
40 – 51kl	24.31	26.25	8%	
>52kl	27.39	29.58	8%	

**B: NON-INDIGENTS CUSTOMERS**

	2019/2020	2020/2021	% increase	
0 – 39kl	15.25	16.47	8%	
40 – 51kl	24.31	26.25	8%	
>52kl	27.39	29.58	8%	

2. **Multi unit residential - Estates AND OTHER bulk users****Total Monthly Quota as per Service Level Agreement- Category B**

	2019/2020	2020/2021		
For water consumption	15.98	15.98	Adjusted to normal residential tariff	
For water drawn in excess of quota	27.46	29.66	8%	

3. **Commercial, Industrial or other- Category C**

For water consumption up to quota	15.24	15.24	Business and government charged R1 more than Residential which is R1 above break-even
For water drawn in excess of quota	30.46	32.89	8%

4. **Special Category - Category D**

Basic to be determined as per Service Level Agreement
Water Consumption determined as per Service Level Agreement

**BASIC CHARGE****Category A to D (i.e. Residential and Special Residential Properties)**

- (d) A monthly basic charge per kilolitre quota (or part thereof) per day which cost shall be paid at Council's option by the consumer and/or legal owner of the property serviced by the meter – **R165.11.**

Consumers residing in areas currently categorised as rural areas by the municipality will receive a 75% rebate on the basic charge.

**Category E (i.e. Sub-economic such as Townships)**

- (e) A monthly basic charge per kilolitre quota of **0.71 kilolitres** per day, which cost shall be paid at Council's option by the consumers residing in areas currently categorised as sub-economic by the municipality – **R110.99.**

(f) **Water and Sanitation Basic Charges- other**

Category	Adjusted billing to
Schools	One Basic per meter + Charge per Kilolitre
Religious institutions & non-profit organisations	One Basic per meter + Charge per Kilolitre
Industrial	Calculated Quota
Category E	Sub-economic
Category F	Indigent

2. **COUNCIL'S CHARGE FOR A NEW WATER AND SANITATION CONNECTION****2.1 WATER**

SIZE	2019/2020	2020/2021	% Increase
15 mm [Other]	3,741.60	4,040.93	8%
20 mm	6,777.68	7,319.90	8%
25 mm	8,789.63	9,492.80	8%
40 mm	13,748.27	14,848.14	8%
SIZE		Deposit Required	
50mm	Cost plus 10%	12,000.00	
75mm	Cost plus 10%	13,000.00	
100mm	Cost plus 10%	14,000.00	
50mm combination	Cost plus 10%	16,000.00	

SIZE	2019/2020	2021/2021	% Increase
110mm standard connection, 6m from the boundary of the property to be connected	2,384.77	2,575.55	8%
160mm Standard connection 6m from the boundary of the property to be connected	3,067.50	3,312.90	8%
SIZE	2019/2020	2020/2021	
110mm under gravel, situated more than 6m from boundary of the property to be connected	Cost plus 10%	Cost plus 10%	
160mm under gravel, situated more than 6m from boundary of the property to be connected	Cost plus 10%	Cost plus 10%	
110mm under tarmac road, situated more than 6m from boundary of the property to be connected	Cost plus 10%	Cost plus 10%	
160mm under tarmac road, situated more than 6m from boundary of the property to be connected	Cost plus 10%	Cost plus 10%	

### 3. **COUNCIL'S CHARGES FOR MISCELLANEOUS SERVICES**

	SERVICE	2019/2020	2020/2021	% INCREASE
1.	Testing water meters 15 mm and 20 mm	1,537.99	1,661.03	8%
2.	Reconnection/Requested Disconnection of supply	324.58	350.55	8%
3.	Reconnection of supply outside working hours	1,415.62	1,528.87	8%
4.	Restriction (Credit control)	332.49	359.09	8%
5.	Disconnection (Credit control)	775.80	837.87	8%
6.	Special meter readings	1,108.26	1,196.92	8%
7.	Inspection of leaks in terms of Section 23(c)	1,479.31	1,597.65	8%
8.	Any other service	N/A	N/A	
9.	For water drawn from an unmetered point of supply per hour or part thereof	1,130.44	1,220.88	8%
10.	For water drawn from a hydrant standpipe	15.25	16.47	8%
11.	Availability charge per fire hydrant standpipe	116.81	126.15 per month per fire hydrant	8%
12.	Water supplied by tanker less/equal to 6kl	1,598.66	1,726.56	8%
13.	Plan approval fee	351.71	379.85	8%
14.	Inspection Fee per visit	715.80	773.06	8%
				8%

15.	Clearance Certificates	369.66	399.23	8%
16.	Drainage Certificate Fee	290.66	313.91	8%
17.	Application in terms of New Planning Act	3,615.17	3,904.38	8%
18.	Town Planning Applications	351.71	379.85	8%
19.	Miscellaneous charges		Cost + 10%	8%
20.	Administration fee/ Town Planning related matters	284.72	307.50	8%
21.	Administration fee/ Town Planning related matters	715.80	773.06	8%

5. **WATER AVAILABILITY CHARGE** for the year 2020/2021 raised in terms of gazetted water bylaws of the municipality the Council levy a uniform **WATER RATE** on all vacant land to cater for capital cost of the water infrastructure already invested in the area. The owner of such land should have a title deeds to prove ownership of the land. An increment of 8% as from 01 July 2020 shall apply.

**A UNIFORM CHARGE OF R2,525.23 (2019/2020: R2,338.18) PER YEAR PER RATED LOT IRRESPECTIVE OF AREA**

The final date for payment of such charge shall be **30 NOVEMBER 2020**.

5. **COUNCIL'S CHARGES FOR SANITATION SERVICES**

		2019/2020	2020/2021	% INCREASE (DECREASE)
5.1	<b>Waterborne Sanitation (All Areas)</b>			
	Residential			
	Basic Charge (per unit / per property)	269.16	269.16	0.00%
	Charge per kilolitre (water consumption)	4.74	5.12	8%
	Conservancy with a Main line facility to Pay 2 x basic fee	538.30	538.30	0.00%
	<b>Industrial/Commercial</b>			
	Basic Charge (per quota)	269.16	269.16	0.00%
	Charge per kilolitre	4.75	6.91	8%
	For any sewage effluent delivered to the sewerage works for processing, per kilolitre or part thereof	35.61	38.46	8%
5.3	<b>Conservancy Tank Clearances (All Ugu)</b>			
	Residential			
	Basic Charge (per unit/ per property)	269.16	269.16	0.00%
	Charge per kilolitre (water consumption)	4.74	5.12	8%
	<b>SINGLE RESIDENTIAL UNITS</b>			
	▪ FIRST LOAD 100% OF APPROVED TARIFF -	495.13	750.00	Market related
	▪ SECOND LOAD 70% OF APPROVED TARIFF-	346.59	525.00	30% rebate
	▪ THIRD LOAD AND MORE 50% OF	247.55	375.00	50% rebate

		2019/2020	2020/2021	% INCREASE (DECREASE)
	<p>APPROVED</p> <p>ON CONDITION THAT THERE IS A SPLIT OF GREY AND BLACK WATER As approved by a municipal inspector</p> <p><b>Industrial/Commercial</b> Basic Charge (per quota) Charge per kilolitre <i>Conservancy tank customers will receive one load per month included in the basic charge tariff</i></p>	269.16 5.9	269.16 6.9	0.0% 8%
5.4	<p><b>Adhoc Vacuum tanker services (All Ugu)</b> For each draw requested</p>	675.67	750.00	Market related
5.5	<p>Removal of conservancy tank effluent: -</p> <ul style="list-style-type: none"> <li>- For the removal of conservancy effluent per load or part thereof after normal office hours (Monday to Friday).</li> </ul> <p>An applicant for the supply of a conservancy service shall pay a deposit equivalent to the rand value of the number of estimated additional monthly draws anticipated.</p>	2,801.50	3,025.62	8%
5.6	<ul style="list-style-type: none"> <li>1) Conservancy tank additional draws are performed on a cash basis, unless there is a consumer account reflecting an appropriate deposit.</li> <li>2) Conservancy tank draws shall be performed within 48 hours of request and/or confirmation of receipt of monies.</li> <li>3) It is the responsibility of the person requesting a draw to get a reference number for follow-up queries.</li> </ul>	572.13 475.19 339.43	617.9 513.2 366.58	8% 8% 8%
5.7	<p>Septic Tank Charge:</p> <ul style="list-style-type: none"> <li>- Umdoni Municipality</li> <li>- Per Draw</li> </ul> <p>Provided:</p> <ul style="list-style-type: none"> <li>i) The septic tank must be located and exposed by the owner.</li> <li>ii) The effluent in the septic tank must be liquefied by the owner.</li> <li>iii) The septic tank must be accessible for removal.</li> </ul> <p>This service is performed on a cash basis only.</p>	1,780.71	1,923.17	8%
5.8	<p>Leachate Removal Charge:</p> <ul style="list-style-type: none"> <li>- Umdoni Municipality</li> <li>- Per Draw</li> </ul>	319.65	345.22	8%



**6. Tariff of charges for GIS Copies of Maps – all prices excl vat**

Size	Colour Copy		Black and White Copy		Standard photo Copy		% Increase / (Decrease)
	2019/2020	2020/2021	2019/2020	2020/2021	2019/2020	2020/2021	
AO	363.20	392.26	181.59	196.12		-	8%
A1	272.39	294.18	136.18	147.08		-	8%
A2	181.59	196.12	84.84	91.63		-	8%
A3	107.92	116.56	54.47	58.83	9.06	9.79	8%
A4	90.79	98.05	45.38	49.01	3.62	3.91	8%
Electronic Soft copy on CD	90.79	98.05			-	-	8%
Images (per MB)	74.13	80.06	45.38	49.01			8%

**7. 1 CAPITAL CONTRIBUTIONS FOR 2020/2021**

Capital contribution shall be based on the actual demand and actual current cost that each development requires as calculated by a registered Civil Engineer and agreed to by Ugu Water Services Authority. The design shall be in terms of the Guidelines for Engineering Services and the National Building Regulations (SANS 0400). Failing to submit an Engineers report the following will apply:

**SANITATION**COST PER  
QUOTA2019/2020 2020/2021 (i.e.  
8%)

OUTFALL SEWER/PUMPING MAIN	R9,303.12	R10,047.37
WASTE WATER TREATMENT WORKS	R8,837.96	R9,545.00
<b>TOTAL</b>	<b>R18,141.08</b>	<b>R19,592.37</b>
<b>ONE QUOTA = 1000 LITERS</b>		
<b>WATER</b>	<b>COST PER QUOTA</b>	
NETWORK	R2,713.41	R2,930.48
DAM	R2,713.41	R2,930.48
SUPPLY PIPELINE	R2,465.33	R2,662.55
PUMPSATION	R3,504.18	R3,784.51
RESERVOIR	R2,635.88	R2,846.75
WATER PURIFICATION WORKS	R3,256.09	R3,516.58
<b>TOTAL</b>	<b>R17,288.30</b>	<b>R18,671.36</b>
<b>ONE QUOTA = 1000 LITERS</b>		



CONTRIBUTIONS				
		WATER QUOTA		SANITATION QUOTA
	2020/2021	2019/2020	2020/2021	2019/2020
<b>RESIDENTIAL 1</b>				
SUB ECONOMIC (250 TO 400)	0.33	0.31	0.22	0.20
LOW (401 TO 700M <sup>2</sup> )	0.79	0.73	0.54	0.50
MIDDLE (701 TO 900 M <sup>2</sup> )	1.06	0.98	0.70	0.65
HIGH (901 TO 2000)	1.32	1.22	1.08	1.00
GRANNY FLAT	0.66	0.61	0.43	0.40
		<b>WATER QUOTA</b>		<b>SANITATION QUOTA</b>
<b>RESIDENTIAL 2 AND 3</b>				
LOW (30 TO 60 M <sup>2</sup> )	0.65	0.60	0.66	0.61
MIDDLE (61 TO 200 M <sup>2</sup> )	0.86	0.80	0.85	0.79
HIGH (201 TO 500)	1.08	1.00	1.32	1.22
<b>RESIDENTIAL 4 (HIGH RISE)</b>	1.08	1.00	1.32	1.22
LOW (30 TO 50 M <sup>2</sup> )	0.49	0.45	0.53	0.49
MIDDLE (51 TO 80 M <sup>2</sup> )	0.65	0.60	0.66	0.61
HIGH (81 TO 200 M <sup>2</sup> )	0.81	0.75	0.92	0.85
<b>OFFICE /100M<sup>2</sup></b>	0.43	0.40	0.53	0.49
<b>SHOPS/100M<sup>2</sup></b>	0.43	0.40	0.53	0.49
	2020/2021	2019/2020	2020/2021	2019/2020
<b>CLINIC/BED</b>	0.27	0.25	0.27	0.25
<b>RETIREMENT VILLAGE/PERSON</b>				
FRAIL CARE/PERSON	0.27	0.25	0.27	0.25
BEDSITTER/PERSON	0.27	0.25	0.27	0.25
UNITS/UNIT	0.54	0.50	0.54	0.50
<b>HOSTELS/PUPIL</b>	0.16	0.15	0.16	0.15
<b>CRECHE/PUPIL</b>	0.02	0.02	0.02	0.02
<b>SCHOOLS/PUPIL</b>	0.02	0.02	0.02	0.02
<b>HOSPITAL/BED</b>	0.27	0.25	0.27	0.25
<b>RESTAURANT/SEAT</b>	0.10	0.09	0.10	0.09
<b>WAREHOUSE/ VEHICLE SHOWROOM (EXCL. OFFICE) /100 M<sup>2</sup></b>	0.22	0.20	0.22	0.20
<b>INDUSTRIAL (EXCL. OFFICE) /100M<sup>2</sup></b>	0.43	0.40	0.43	0.40
<b>CARAVAN PARK/SITE</b>	0.65	0.60	0.54	0.50
<b>CONFERENCE CENTRE/HALL / PER SEAT</b>	0.10	0.09	0.10	0.09
<b>GOLF ESTATE /HECTARE</b>	5.40	5.00	6.59	6.10
<b>SERVICE STATION/WORKSHOP/100M<sup>2</sup></b>	0.43	0.40	0.43	0.40
<b>B&amp;B AND GUESTHOUSE/LODGE/ROOM</b>	0.65	0.60	0.54	0.50
<b>HOTEL/ROOM</b>	0.65	0.60	0.65	0.60
<b>CHURCH/RELIGIOUS INSTITUTIONS</b>	1.08	1.00	1.08	1.00
<b>HALLS AND CLUB HOUSES</b>	1.08	1.00	1.08	1.00
<b>CAR WASH</b>	8.29	7.68	8.29	7.68

QUOTA		
	WATER QUOTA	SANITATION QUOTA
<b>RESIDENTIAL 1</b>		
SUB ECONOMIC (250 TO 400)	0.26	0.26
LOW (401 TO 700M <sup>2</sup> )	0.66	0.53
MIDDLE (701 TO 900 M <sup>2</sup> )	0.92	0.79
HIGH (901 TO 2000)	1.32	<b>1.32</b>
GRANNY FLAT	0.66	0.53
<b>RESIDENTIAL 2 AND 3</b>		
LOW (30 TO 60 M <sup>2</sup> )	0.79	0.66
MIDDLE (61 TO 200 M <sup>2</sup> )	1.06	0.79
HIGH (201 TO 500)	1.32	<b>1.32</b>
<b>RESIDENTIAL 4 (HIGH RISE)</b>		
LOW (30 TO 50 M <sup>2</sup> )	0.53	0.53
MIDDLE (51 TO 80 M <sup>2</sup> )	0.79	0.66
HIGH (81 TO 200 M <sup>2</sup> )	1.30	1.12
<b>OFFICE /100M<sup>2</sup></b>	0.53	0.53
<b>SHOPS/100M<sup>2</sup></b>	0.53	0.53
<b>CLINIC/BED</b>	0.26	0.26
<b>RETIREMENT VILLAGE/PERSON</b>		
FRAIL CARE/PERSON	0.26	0.26
BEDSITTER/PERSON	0.26	0.26
UNITS/UNIT	0.66	0.66
<b>HOSTELS/PUPIL</b>	0.22	0.19
<b>CRECHE/PUPIL</b>	0.02	0.02
<b>SCHOOLS/PUPIL</b>	0.03	0.03
<b>HOSPITAL/BED</b>	0.26	0.26
<b>RESTAURANT/SEAT</b>	0.13	0.13
<b>WAREHOUSE (EXCL. OFFICE) /100 M<sup>2</sup></b>	0.13	0.13
<b>INDUSTRIAL (EXCL. OFFICE) /100M<sup>2</sup></b>	0.40	0.26
<b>CARAVAN PARK/SITE</b>	0.53	0.53
<b>CONFERENCE CENTRE/SEAT</b>	0.13	0.12
<b>GOLF ESTATE /HECTARE</b>	7.05	7.05
<b>SERVICE STATION/WORKSHOP/100M<sup>2</sup></b>	0.26	0.26
<b>B&amp;B AND GUESTHOUSE/LODGE/ROOM</b>	0.66	0.53
<b>HOTEL/ROOM</b>	0.66	0.53
<b>CHURCH/RELIGIOUS INSTITUTIONS</b>	1.32	1.32
<b>HALLS AND CLUB HOUSES</b>	1.32	1.32

**7.2 QUOTA**

Quota can be bought at the rate (tariff) applicable when the development was constructed.

**7.3 NUMBER OF BASIC CHARGES**

Number of Basic charges shall be based on the actual number of units for each property. The number of basic charges shall be calculated as per the Guidelines for Engineering Services and based on the number of units, unit size and consumption per unit.

**8. INDUSTRIAL EFFLUENT CHARGES**

- The charges payable by the owner or occupier, as the case may be, of the manufacturing premises for the use of the Council's sewers in respect of the discharge and conveyance therein of trade effluent from the manufacturing premises, including the use of the Council's sewage purification works for purification of the trade effluent, shall be determined in accordance with the provisions of this by-law. Accounts will be rendered as soon as possible after each period of six months ending on 31<sup>st</sup> December, or 30<sup>th</sup> June of each year and shall apply to such periods. Where during any such six monthly period there has been a change of ownership or occupancy necessitating an apportionment of the amount due to the Council, the Council will apportion the amount between the parties concerned in a manner proportionate to the quantity of trade effluent discharged during the relevant respective periods of ownership or occupancy. Nothing herein shall be construed as preventing the Council from submitting accounts on a monthly basis should such practice be considered more expedient by the Council.

The General Manager: Water Services may base the trade effluent charge as described in paragraph (p) section (a), on the highest COD of one, or more samples collected from the trade effluent sampling point.

The charge to be levied by the General Manager: Water Services in respect to trade effluent discharged into its sewers from manufacturing premises shall be assessed in accordance with the following formula: -

$$R = A + ((\text{COD}/1000) \times B)$$

WHERE

- R is the rate in cents per kilolitre due to the Council.
- A is the basic carriage tariff expressed in cents per kilolitre, determined annually in advance by the Council. The value of A is R 8.12 (8%)
- B is the basic treatment tariff expressed in cents per kilogram of COD, determined annually in advance by the Council. The value of B is R0.77 (8%)
- COD is the chemical oxygen demand value expressed in milligram of COD per litre of effluent recorded in snap samples of effluent collected as and when deemed fit by the General Manager: Water Services.

The charges payable by the owner or occupier will also include any other charges as may be applicable.

- A copy of the methods of chemical analysis and testing procedures used to determine the COD for the purpose of calculating the charge equation described above shall be kept available by the General Manager: Water Services for inspection by the owner or occupier of any premises concerned. The method of chemical analysis will in all respects follow the STANDARD METHODS FOR WATER ANALYSES published by the SOUTH AFRICAN BUREAU OF STANDARDS being SABS METHOD 1048 – CHEMICAL OXYGEN DEMAND OF WATER.
- In the absence of any direct measurement, the quality of trade effluent discharged into the Council's sewers

from any manufacturing premises during any period shall be estimated and determined by the General Manager: Water Services by reference to the quantity of water consumed on such premises during such period. The quantity of water consumed on such premises shall be determined by reference to the Council's water meters in the case of water obtained from the Council and by meter or by calculation in the case of water obtained from any other source, including water emerging from material processed on the premises. In determining the quantity of trade effluent so discharged, due allowance shall be made for the quality of water which it is estimated is used for domestic purposes including gardening on such premises or any other purpose not resulting in the discharge of trade effluent and for water lost by reaction or evaporation during any processes on the manufacturing premises concerned and for water present in the final products or materials produced on such premises and, generally, the District Municipality shall take into consideration such matters as will enable it to estimate for the purpose of the by-laws the quantity of trade effluent discharged as aforesaid during any given period.

Industries linked to water borne sewer will be liable for the sanitation basic fee and charges per kilolitre as per charges set, over and above the industrial effluent charge, based on the calculated quota.

#### 9. **ACCEPTANCE OF SEWAGE DELIVERED BY ROAD HAULAGE**

Description	2019/2020	2020/2021
	<b>R</b>	<b>R</b>
The charges for any sewage delivered for disposal to any Council facilities shall be assessed by an authorised officer in accordance with the prescribed tariff of charges:		
(a) Disposal of trade effluent from within the Council's area of jurisdiction delivered by private road tanker to Council facilities		
Per tanker load	R782.81	R845.44
(b) Disposal of trade effluent from without the Council's area of jurisdiction delivered by private road tanker to Council facilities		
Per tanker load	R1,404.45	R1,516.80
(c) Disposal of domestic effluent from within or without the Council's area of jurisdiction to Council facilities		
(i) delivered by private road tanker per kilolitre, measured as the nominal carrying capacity, of the tanker	R234.06	R252.79
(ii) delivered by private road haulage in drums per drum of capacity not exceeding 150 litres	R46.80	R50.54

#### 10. **TARIFFS FOR INSTALLATION OF BASE TELECOMMUNICATION STATIONS**

The MONTHLY tariffs for the new installation and the renewal of existing leases of base telecommunication stations on municipal property shall be as per the below mentioned tariff of charges:

- R8,104.43 (R7,504.10) on property with an existing structure.

*Tower erected on Municipal land (a Greenfield site)*

- R4,052.21(R3,752.05) for Co-Locators (Sub-leases)

*Billed to the main lessee, applicable to new leases signed or renewed after 1 July 2012*

-R1,620.88 (R1,500.82) for antennae's with no base stations

*Dependant on technical criteria, frequency emissions and site size being no greater than 5m2*

It should be noted that for a single installation, a lease agreement will be entered into with one service provider. In the event of co-use of telecommunications masts by cellular network providers, the primary service provider with whom the municipality entered into lease agreement will be responsible for the account.

#### 11. **OFFENCES AND PENALTIES**

Any offences and/or penalties raised by the municipality shall be affected as per Part 7 (General Provisions), clause 34, of the Gazetted Water Services Bylaws, as adopted in terms of Section 21 of the Water Services Act, Act No. 108 of 1997.

#### 12. **SPORTFIELDS AND MULTI – COURTS TARIFFS 2020/2021**

The municipal has leased out the Ugu Sports and Leisure Centre to Cyassound Holdings for a period of 5 years ending 28 February 2020. The tariffs for the use of the facility will be determined by the lessor until the expiry of the lease contract. However, the lease agreement in question has been terminated. The property is now managed by the municipality itself.

#### 13. **PROMOTION OF ACCESS TO INFORMATION ACT (PAIA) SCHEDULE OF FEES**

(Act No. 2 of 2000) [Regulation 6]

A request for access to a record, as contemplated in Section 18(1) of the Act, must be made in the form of Form A – PAIA REQUEST FOR ACCESS TO RECORD.

##### 1. **FEE STRUCTURE**

Fees chargeable for the records of Ugu District Municipality;

<b>A.</b>	<b>REPRODUCTION FEES</b>	
1.	For every photocopy of an A4 Size page or part thereof	R1.17
2.	For every printed copy of an A4 size page or part thereof held on a computer in electronic or machine readable form	R0.83
3.	For a copy in a computer readable form on;	
3.1	Compact Disc (CD)	R77.74
3.2	Digital Video Disk (DVD)	R77.74
4.		
4.1	For transcription of visual images for an A4 size page or part thereof	R42.74
4.2	For a copy of visual images	R123.05
5.		
5.1	For a transcription of an audio record, for an A4 size page or part thereof	R24.60
5.2	For a copy of an audio record	R33.03
6.	The request fee payable by every requested, other than a personal requestor referred to in section 22(1) of the Act	R67.97

<b>B. ACCESS FEES</b>		
	Access fees payable by a requester referred to in section 22(7) of the Act, unless exempted under section 22(8) of the Act	
1.	For every photocopy of an A4 Size page or part thereof	R1.17
2.	For every printed copy of an A4 size page or part thereof held on a computer in electronic or machine readable form	R0.87
3.	For a copy in a computer readable form on;	
3.1	Compact Disc (CD)	R77.74
3.2	Digital Video Disk (DVD)	R77.74
4.		
4.1	For transcription of visual images for an A4 size page or part thereof	R42.74
4.2	For a copy of visual images	R116.57
5.		
5.1	For a transcription of an audio record, for an A4 size page or part thereof	R23.33
5.2	For a copy of an audio record	R64.37
6.	To search for the record for disclosure, excluding the first hour, reasonably required time for such a search.	R29.13 per hour or part of an hour

### **COUNCIL'S TARIFF OF CHARGES FOR ATMOSPHERIC EMISSIONS LICENCE PROCESSING**

- (a) All activities listed in terms of section 21 of the NEM-Air Quality Management Act (Act no. 39 of 2004) and Section 6 of Ugu District Municipality Air Quality Management by-law will be subject to the payment of an AEL processing fee.
- (b) The cost shall be calculated by using the AEL processing fee calculator which is prescribed by Ugu District Municipality with due consideration given to a myriad of factors.
- (c) The fee shall be implemented on all AEL applications submitted to the Air Quality Officer (AQO) for scrutiny and approval.

#### **EXISTING AEL FEE BANDS**

<b>APPLICATION BANDS</b>	<b>BAND SIZE</b>		<b>FEE SCHEDULE (R)/YEAR</b>
Band 1	0	13	6,453.27
Band 2	14	21	16,133.16
Band 3	22	40	25,813.08
Band 4	41	60	35,493.00
Band 5	61	80	96,799.08
Band 6	81	100	129,065.43



**UGU DISTRICT MUNICIPALITY**  
**NEW ATMOSPHERIC EMISSIONS LICENCE (AEL) FEES 2020/21 FOR POST 2013 (NEW) AELS**

<b>Number of 21 listed activities</b>	<b>New application</b>	<b>Review</b>	<b>Renewal</b>	<b>Transfer</b>	<b>Service fee (consideration of annual reports)</b>	<b>Penalty for late submission of annual report</b>
1 unit of listed activities	26,352	13,176	13,176	13,176	6,588	12% of the outstanding amount
2 to 5 units of listed activities	65,880	32,940	13,176	13,176	16,470	12% of the outstanding amount
6 to 10 units of listed activities	131,760	65,880	13,176	13,176	32,940	12% of the outstanding amount
11 and more units of listed activities	527,040	263,520	13,176	13,176	26,352	12% of the outstanding amount

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**MUNICIPAL NOTICES • MUNISIPALE KENNISGEWINGS**

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**MUNICIPAL NOTICE 29 OF 2020****MUNICIPAL OUTDOOR ADVERTISING SIGNS BYLAWS**

*The uMhlathuze Municipality has, in terms of Section 156 of the Constitution, 1996 (Act No 108 of 1996) read in conjunction with section 12(3) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), passed a resolution for the adoption of the Municipal Outdoor Advertising Bylaw was below, which will come into operation on the date of publication hereof. The Municipal Advertising Sign Bylaw as promulgate in the Provincial Gazette Number 17 of 2002 under Notice Number 17 dated 7 June 2002 (as amended) is hereby repealed.*

**uMHLATHUZE MUNICIPALITY****MUNICIPAL OUTDOOR ADVERTISING SIGNS BYLAWS**

*The Council of the uMhlathuze Municipality has in terms of section 156 of the Constitution, 1996 (Act No 108 of 1996), read in conjunction with section 11 of the Municipal Systems Act, 2000 (Act No 32 of 2000), and The South African Manual for Outdoor Advertising Control made the following bylaws:*

**BY-LAW FOR THE CONTROL OF OUTDOOR ADVERTISING SIGNS**

This bylaw is applicable to and regulates all outdoor advertising in the City of uMhlathuze area of jurisdiction.

The bylaw shall –

- strike a balance between Outdoor Advertising opportunities and economic development on the one hand and the conservation of visual, tourism, traffic safety, environmental and heritage characteristics on the other hand; and
- set out the legal requirements for aspects such as application procedures, safety, amenity and decency, the design and construction of signs, offences and penalties, as well as the types of signs and the regulation of their display.

**PREAMBLE**

**WHEREAS** section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the right to administer local government matters listed in Part B of Schedules 4 and 5; and



**WHEREAS** section 156(2) of the Constitution empowers municipalities to make and administer by-laws for the effective administration of the matters they have the right to administer; and

**WHEREAS** the control of outdoor advertising falls within the ambit of the powers vested in a municipality; and

**WHEREAS** the uMhlathuze Municipality has resolved to promulgate the by-law as set out below in terms of section 12 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000); and

**WHEREAS** the erection of a sign in terms of this By-law is regarded as a use of a property over and above the provisions of uMhlathuze Land Use Scheme; and

**WHEREAS** the uMhlathuze Municipality in terms of the Local Government Property Rates Act, 2004 may determine the categories of rating in terms of section 8 of the said Act where signs have been erected without the express written permission of the City; and

**WHEREAS** in the control and management of advertising the property may only be “permitted to be used” for advertising, if such advertising is approved in terms of this By-law; and

**WHEREAS** the uMhlathuze Municipality seeks to manage signs that are erected on land where it is not permitted herein;

**BE IT THEREFORE ENACTED** by the uMhlathuze Municipality as follows:

## **ARRANGEMENT OF BY-LAW**

### **CHAPTER 1**

#### **INTERPRETATIONS**

1. DEFINITIONS
2. SCOPE OF THIS BY-LAW
3. GENERAL PROVISIONS
4. APPLICATION FOR ERECTION OF SIGNS

### **CHAPTER 2**

#### **PROVISIONS APPLICABLE TO ALL SIGNS**

5. PUBLIC PARTICIPATION
6. AMENITY AND DECENCY
7. ADVERTISING CONTENT
8. DESIGN AND CONSTRUCTION
9. GLASS
10. ELECTRICAL
11. MAINTENANCE
12. ILLUMINATION AND ELECTRONIC SIGNS
13. SPACING OF HIGH IMPACT ADVERTISING SIGNS

**CHAPTER 3****GENERAL PROVISIONS**

- 14. SIGNS NOT DESCRIBED IN THE BY-LAW
- 15. CONTRADICTIONS
- 16. SIGNS FOR NATIONAL, PROVINCIAL, MUNICIPAL AND SIMILAR CAMPAIGNS
- 17. EXEMPT ADVERTISEMENTS AND SIGNS
- 18. DISCRETIONARY POWERS
- 19. SIGNS ACROSS BOUNDARIES OF PREMISES
- 20. REMOVAL OR CONFISCATING OF SIGNS
- 21. SERVING OF NOTICES
- 22. RESPONSIBLE PERSONS
- 23. APPEAL PROCEDURE
- 24. WITHDRAWAL OF AN APPROVAL
- 25. FEES/TARIFFS

**CHAPTER 4****TYPES OF SIGNS AND REGULATION OF THEIR ERECTION, OR DISPLAY SIGN TYPES AND CONTROL MEASURES**

- 26. CUSTOM-MADE BILLBOARDS
- 27. ELECTRONIC SIGNS
- 28. LARGE BILLBOARDS
- 29. SUPER BILLBOARDS
- 30. SPECTACULAR SIGNS
- 31. PRODUCT REPLICAS AND THREE-DIMENSIONAL SIGNS
- 32. GANTRY BILLBOARDS
- 33. SMALL BILLBOARDS ( NON-LOCALITY GROUND SIGNS)
- 34. ON-PREMISES BUSINESS SIGNS( LOCALITY GROUND SIGNS)
- 35. STREET FURNITURE SIGNS
- 36. FLAGS
- 37. SUBURB NAME SIGN ADVERTISEMENTS AND STREET NAME ADVERTISEMENTS
- 38. REAL ESTATE AGENT'S SIGNS

39. AUCTION POSTERS
40. POSTERS
41. HANDBILLS, LEAFLETS, PAMPHLETS AND COMMUNITY NEWSPAPERS
42. FUNCTIONAL SIGNS AT PUBLIC BODIES
43. PROJECT SIGNS
44. SECURITY SIGNS
45. BALCONY, VERANDA, CANOPY AND UNDER-AWNING SIGNS
46. FORECOURT SIGNS
47. RESIDENTIAL OR COMMUNITY SIGNS
48. BRIDGE SIGNS
49. CONSTRUCTION SITE SIGNS
50. BUILDING WRAP SIGNS
51. DEVELOPMENT SIGNS
52. AERIAL SIGNS
53. ROOF SIGNS
54. SKY SIGNS
55. FLAT SIGNS
56. SIGNS PAINTED ON WALLS AND ROOFS OF A BUILDING
57. WINDOW SIGNS
58. FREE-STANDING SIGNS AT EDUCATIONAL FACILITIES AND INSTITUTIONS
59. BOUNDARY WALL SIGNS
60. STACK SIGNS
61. VEHICULAR ADVERTISING
62. PROJECTING SIGNS
63. PYLON SIGNS
64. TOWER SIGNS
65. ADVERTISING VEHICLES (TRAILER)

## CHAPTER 5

**MISCELLANEOUS**

- 66. REPEAL OF BY-LAWS
- 67. OFFENCES AND PENALTIES
- 68. SHORT TITLE AND COMMENCEMENT
- 69. SIGNS EXEMPTED FROM THIS BYLAW
- 70. SAFETY

**CHAPTER 1****1. DEFINITIONS**

**“Advertisement”** means any representation of a word, name, letter, figure or object or an abbreviation of a word or name, or any sign or symbol, or any light which is not intended solely for illumination or as a warning against any danger, which has its object the furthering of any industry, trade, business undertaking, event, or activity of whatever nature and which is visible from any street or public place

**“Advertising Bylaws”** means the bylaws on outdoor advertising as adopted by Council of the City of uMhlathuze

**“Advertising signage structure”** means any physical structure built to display advertising

**“Advertising vehicle”** means a vehicle constructed or adapted for the display of advertisements, which includes a vehicle adapted with any structural appendage or fixture to accommodate the display of third party advertising, and includes a trailer capable of being towed by a vehicle and adapted to accommodate the display of third party advertising

**“Aerial advertisement”** means any advertisement displayed in the air by the use of a balloon, kite, inflatable, aircraft or any other means

**“Animated advertisement”** means an electric advertisement that contains variable messages in which representation is made by the appearance of movement through an electric light source or beam

**“Applicant”** means the person/s by whom an application for permission to erect a sign or display an advertisement is made, which application shall be endorsed by the owner of the premises upon which such advertisement or sign is to be located

**“Application”** in relation to advertising sign/s may include all proposed advertising signs per business per site

**“Appropriate”** means that the dimensions, installation, materials, place and/or supports are, in the opinion of Council, suitable for, and appropriate in, all circumstances of the case

**“Approval”** means written approval by the Council or its delegated officials

**“Area of Control”** reflects the degree of control to be applied to a certain landscape or part thereof which is a refinement of basic landscape sensitivity and includes those areas as defined and set out as maximum, partial or minimum control in the Council’s Bylaws on Outdoor advertising, in accordance with the visual sensitivity of the area and traffic safety conditions.

**“Authorised official”** any person declared in terms of Section 1 or section 334(1) of the Criminal Procedure Act, 1977 (Act no.51 of 1977) as a peace officer and who is competent under such sections to enforce by-laws and regulations of a Municipality “or any other person authorised to enforce the by-laws and regulations of the municipality” in terms of the Local Government: Systems Act, 2000 (Act no. 32 of 2000) to enforce the by-laws and the regulations of the municipality”.

**Balcony, veranda, canopy and under-awning sign**” means a sign that is affixed or painted–

- (a) on a parapet wall, balustrade or railing of a building or structure;
- (b) on a fascia of a building or structure;
- (c) on the fascia of a roof structure without walls;

*on a pillar, column or post supporting a roof structure without walls*

**“Banner”** means a piece of cloth or other flexible material as may be determined by the Municipality, upon which an advertisement is displayed in such a manner as to be fully legible, attached to poles or flagstaff projecting vertically, horizontally or at an angle by means of ropes or brackets, or is attached to buildings or special structures which in the opinion of the Municipality can be regarded as a banner, but excludes banners carried as part of a procession;

**“Billboard”** means any screen, board, hoarding, fence, wall or other structure larger than 4.5m<sup>2</sup> and in a fixed position used or intended to be used for the purpose of posting, displaying or exhibiting any advertisement

**“Bill-sticking”** means an advertisement or poster pasted directly onto an existing surface which is not intended specifically for the display of a poster or advertisement

**“Bit”** means the basic unit for measuring the length of advertising messages and consists of letters, digits, symbols, logos, graphics, illustrations or abbreviations. For the purposes of this by-law, bit values are calculated as follows:

Words such as “a”, “the”, “than”, “and”, “an”	0,25 bits
Words of up to eight letters	1,0 bit
Words of more than eight letters	2,0 bit
Numbers of up to four digits	0,5 bit
Numbers of five to ten digits	1,0 bit
Symbol or abbreviation	0,5 bit
Logos and graphics	0,5 bit

**“Bridge sign”** means an advertising sign - affixed to a bridge, or a bridge constructed for pedestrian movement, or a bridge constructed for other purposes as may be determined by the Municipality;

**“Boundary wall sign”** means an advertising sign painted or affixed onto a wall or fence intended as a boundary wall or structure within two metres (2m) of a boundary of a property (premises);

**“Building wraps sign”** means an advertising sign of vinyl mesh or similar material displayed on a building as may be determined by the Municipality from time to time;

**“Candela”** means a unit of luminance as determined from time to time by the International Commission on Illumination;

**“Consent”** means a written authorisation, issued by the Municipal Planning Approval Authority and may include **“consent uses”** and **“formal authority uses”** to use or develop a property for a permitted purpose or in a particular manner contemplated in the uMhlathuze Land Use Scheme and may include but not limited to formal authority and relaxations

**“Canopy”** means a rigid roof-like projection from the wall of a building

**“Cantilever”** means a projecting feature that is dependant for its support on the main structure of a building without independent vertical or other supports

**“Change of face”** means an alteration to the content of the advertisement displayed on an approved signage structure

**“Clear height”** in relation to a sign means the vertical distance between the lowest edge of the sign and the level of the ground, footway or roadway immediately below the sign

**“Combination sign”** means an advertising sign that consists of a number of smaller, individual panels, usually displaying different products or services, placed adjacent to each other on a single structure specially designed to accommodate more than one sign;

**“Commercial event”** means an event taking place on premises with the purpose of promoting the sale of a product or service;

**“Community newspaper”** means a newspaper containing community news, circulated free of charge in a specific geographical area;

**“Construction site sign”** means an advertising sign affixed against or behind a fence or wall;

**“Criminal Procedure Act”** means the Criminal Procedure Act, 1977 (Act no.51 of 1977)

**“Cultural event”** means an event promoting the fine arts or other human intellectual achievement and its purpose is not primarily of a commercial nature;

**“Custom-made billboard”** means an advertising sign not less than 18 m<sup>2</sup> and not more than 81 m<sup>2</sup>;

**“Council”** means the uMhlathuze Municipality and its successors in law, and includes the Council of that municipality or 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 Executive Committee has delegated any powers and duties with regard to these bylaws

**“Council Property”** includes all property, whether movable or immovable, which is owned by, vests in or is under the control of the Council

**“Curtilage”** is the whole of the area of land within the boundaries of the subdivision/s forming the site of any building

**“Depth of a sign”** means the vertical distance between the uppermost and lowest edges of the sign

**“Deemed to comply”** means that if an advertising signage structure meets certain specified criteria it may be deemed to satisfy the requirements of the Council for consent purposes

**“Designated areas”** are areas of maximum, partial or minimum control that have been specifically designated in the policy for the display of various types of advertising signs

**“Development sign”** means an advertising sign describing the type of development to be carried out or being carried out on a construction site;

**“Directional”** in relation to any advertisement or part thereof means that such advertisement or part conveys only the name and, in words, the nature of the industry, trade, business, undertaking or activity which is carried on within the building or premises on which the advertisement appears

**“Display”** means the display or erection of an advertising sign or structure

**“Dispose of”** means the destruction, overturning (or capsizing), auctioning, selling or recycling of any sign by the municipality and shall include, but not limited to advertising structures, trailers, advertisements, solar power kits and electricity meters attached to or part of a sign, including foundations and underground connections

**“Electronic sign”** means a sign that has an electronically controlled, illuminated display surface which allows the advertisement to be changed, animated or illuminated in various ways

**“Election advertisement”** means an advertisement used in connection with any national, provincial or municipal election, by-election or referendum

**“Engineer”** means an engineer registered in terms of relevant legislation;

**“Environmental Impact Assessment”** in relation to outdoor advertising means an assessment of the impact that an advertising sign or structure may have on the visual, social and traffic safety aspects of the specific environment

**“Fascia sign”** means a sign which is directly affixed or painted on the front of a canopy or verandah beam

**“Flag”** means a piece of cloth (or similar material) upon which an advertisement is displayed;

**“Flashing Advertisement”** means an electric advertisement which intermittently appears and disappears

**“Flat sign”** means any wall sign, other than a projecting sign, which is directly attached to the face of an external wall of a building or on a wall external to and not part of a building.

**“Forecourt”** means an outdoor area that forms a legal and functional part of the premises of a business enterprise, and includes the area of a filling station where the fuel pumps are situated, or a terrace in front of a restaurant, including enclosing fences, walls, screens or similar structures, and excluding sidewalk areas intended for pedestrian circulation;

**“Forecourt sign”** means an advertising sign on a forecourt of business premises;

**“Freeway”** means a road that has been designated as a freeway by appropriate road traffic sign in terms of the National Road Traffic Act as amended from time to time;

**“Free-standing”** means a structure supported by pole, base or foundation and shall exclude a building approved in terms of the National building regulations;

**“Free-standing sign at educational facilities and institutions”** means an advertising sign that may indicate the name and nature of the institution and the name of a sponsor, and that may also display commercial advertising;

**“Full video”** means a sign displayed as a video and that contains variable messages

**“Functional sign by a public body”** means an advertising sign displayed solely for announcement or direction or information related to any of the functions of local, provincial and national government or parastatal bodies and their operation;

**“Gantry billboard”** means an advertising sign that spans or partially spans across a road;

**“Gore”** means the area immediately beyond the divergence of two roadways bounded by the edges of those roadways

**“Ground Sign”** is a self-supporting sign erected on the ground in any manner whatsoever or attached to a pole, pylon, screen, fence or hoarding and which is not attached to a building or a wall

**“Hand-held sign”** means an advertising sign(s) carried by a person(s) to promote a sale, product, service and includes the promotion of hairstyles;

**“High-impact sign”** means a billboard, electronic sign, product replica and three-dimensional sign 18 m<sup>2</sup> or larger in sign area, or any other sign (which include smaller electronic signs) that in the opinion of the Municipality may have a high impact on road safety, aesthetic or environmental aspects;

**“Home enterprise”** means the practice of an activity, business, hobby or occupation in a dwelling unit, excluding a commune, guest house, block of tenements, boarding house, hostel and hotel, with the aim of deriving an income therefrom subject to Schedule 9 in the relevant land use scheme as amended from time to time sale, product, service and includes the promotion of hairstyles;

**“Illuminated Advertisement”** means an advertising signage structure which has been installed with electrical or other power for the purpose of illuminating the message of such sign

**“Locality-bound sign”** means an advertising sign displayed on specific property that refers to an activity, product, service or attraction located, rendered or provided on those premises;

**“Municipality”** means the City of uMhlathuze Municipality or its successor in title as envisaged in section 155(1) of the Constitution and established by Notice 1866 of 2010 in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and, for the purposes of this by-law, includes the head of the Spatial Planning department, outdoor advertising committee or official or group of officials duly delegated in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000) to perform any duties assigned to them in terms of this by-law, the Municipal Planning Tribunal or the authorised official, where the context so requires;

**“Municipal manager”** means the person appointed as the municipal manager for the City of uMhlathuze in terms of Section 82 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998), and includes any person acting in that position or to whom authority has been delegated;

**“National building regulations”** means the National Building regulations and Standards Act, 103 of 1977

**“Newspaper”** means a publication issued daily or weekly, usually consisting of folded unstapled sheets and containing news, articles and advertisements;

**“Non-motorised Transport (NMT)”** means human- and animal-powered transportation that includes activities such as walking, cycling, rick-shawing, skating/ rollerblading, as well as transportation such as shopping trolleys, manual wheelchairs and animal-drawn carts

**“Non-profit body”** is a body established to promote a social goal without the personal financial gain of any individual or profit-making commercial organisation involved



**“Occupier”** includes any person in actual occupation of land or premises without regard to the title under which he/she occupies

**“On site or directional”** in relation to any advertisement means that such advertisement conveys only the name and the nature of the industry, trade, business, undertaking or activity which is carried on within the building or premises on which the advertisement is displayed

**“Outdoor advertising”** means any form of advertising as defined, visible from any street or public place and which takes place out of doors

**“Overall height”** in relation to a sign, means the vertical distance between the uppermost edge of the sign and the level of the ground, pathway or roadway immediately below it

**“Owner** in respect of a sign means the owner of the sign or of the premises on which it is displayed or the person in possession of or having control over the sign or the premises

**“Real estate agent”** means any person as defined in the Estate Agency Affairs Act, 1976 (Act 112 of 1976);

**“Real estate agent sign”** means an advertising sign advertising the fact that land, premises, property, a development or other form of immovable property or interest or real right in property are for sale, sold, on show or to let, or directional information and “real estate agency sign” has the same meaning;

**“Portable board”** is any self-supporting sign or any other collapsible structure which is not affixed to the ground and which is capable of being readily moved

**“Posters”** are placards intended to be temporarily displayed in a street or public place as an announcement of a meeting, function or event relating to an election, activity or undertaking

**“Premises”** means any building together with the land on which such building is situated

**“Projected sign”** means any sign projected by a cinematograph or other apparatus but does not include a sign projected onto the audience’s side of a drive-in cinema screen during a performance

**“Property”** means any portion of land, erf, erven, lot, plot, stand, portion or part of farm portions of agricultural holdings, registered in the deeds registry as such;

**“Projecting sign”** means any wall sign which is affixed to a building and protrudes more than 300mm from the wall of such building

**“Public Place”** means any road, street, thoroughfare, bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space vested in the Council and to which the public has access

**“Public street”** means a road, street or thoroughfare or other right of way to which the public has a right of access or that is commonly used by the public for vehicular or pedestrian access and includes any portion of a public street between the edge of the roadway and the boundary of the land reserved for such public street, including a median, island, edge and sidewalk, and it includes provincial and national roads;

**“Pylon sign”** means an advertising sign consisting of a number of smaller, individual panels, usually displaying the identification of different commercial businesses, placed adjacent to each other on a single structure specially designed to accommodate more than one advertisement ;

**“Remote or third party advertising”** means that the content of such advertisement is unrelated to anything being undertaken on the premises on which such advertisement is displayed

**“Return Wall”** means any external wall of a building or any other wall, which faces any boundary other than a street façade

**“Road Reserve”** means the area contained within the statutory width of a road

**“Road reserve boundary”** means the boundary forming the outer edge of the road reserve;

**“Road Traffic Act”** means the National Road Traffic Act, 1996 (Act No.93 of 1996) and the Regulations promulgated in terms of this Act, as amended from time to time

**“Road Traffic Sign”** means any road traffic sign as defined in the Road Traffic Act

**“Roof sign”** means a sign painted or affixed directly onto the roof covering of a building

**“Rural area”** means an area of relatively low population density forming a transition between urban areas and natural areas and includes intensive agriculture, subsistence agriculture and smallholdings of a predominantly rural nature;

**“SAMOAC”** is the South African Manual for Outdoor Advertising Control, a national guideline document compiled and published in 1998 by the Department of Environmental Affairs and Tourism, and as amended from time to time

**“Security sign”** means an advertising sign for a neighbourhood watch, farm watch or similar schemes;

**“Sign”** means any physical structure or device intended for the display of an advertisement

**“Sign painted on the walls and roof of a building”** means an advertising sign painted directly onto the main walls or roof of a building used for commercial, office, industrial or entertainment purposes;

**“Signalised traffic intersection”** means an intersection controlled by traffic lights

**“Sky sign”** means a sign that is placed or erected on or above the roof, parapet wall or eaves of a building

**“Specific consent”** means the written approval of the Council which is required on submission of a formal application

**“Spectacular signs”** means advertising signs with a sign area exceeding 81m<sup>2</sup>;

**“Street furniture”** means public facilities and structures which are not intended primarily for advertising and includes seating benches, planters, sidewalk litter bins, reservoirs, community halls, sports facilities, pole-mounted bins, bus shelters, sidewalk clocks and drinking fountains, but excludes road signs, traffic lights, street lights, or any other road-related structures

**“Street name signs”** mean pole-mounted, double-sided, internally illuminated advertisements displayed in combination with street naming

**“Temporary sign”** means a sign, not permanently fixed and not intended to remain fixed in one position, which is used to display an advertisement for a temporary period

**“Third-party advertisement”** means an advertisement that is displayed or distributed on a property, which is unrelated to the business carried out on the property

**“Tri-vision”** means a display which, through the use of a triangular louvre construction, permits the advertising of three different copy messages in a predetermined sequence

**“Termination of a pregnancy”** means the separation and expulsion, by a medical practitioner registered as such under the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act no. 56 of 1974) or surgical means of the contents of the uterus of a pregnant woman;

**“Under-awning sign”** means a sign suspended or attached to the soffit of a canopy or veranda

**“Vehicle”** shall bear the meaning of “vehicle” under the Road Traffic Act

**“Vehicular advertising”** means outdoor advertising on self-driven vehicles that are normally driven on land or water and which are normally moving;

**“Veranda”** is a roofed structure attached to or projecting from the façade of a building and supported along its free edge by columns or posts

**“Visual zone”** means the road reserve of a road and any area that is visible from any spot on such road reserve, but does not include an area situated at a distance of more than 250m from the road reserve boundary of a freeway in an urban area

**“Wayleave”** means an application as determined in the Municipality’s work in the public road reserve bylaw as amended from time to time;

**“Window sign”** means advertisements that are painted on or attached to the window-glass of a building, or any other permanent sign that is displayed inside a building within 2 metres of any window or other external opening through which it can be seen from outside such a building.

**“Zone”** means the use zone as defined in the uMhlathuze Land Use Scheme.

## 2. SCOPE OF THIS BY-LAW

1. This by-law is applicable to and regulates outdoor advertising in the jurisdiction of the uMhlathuze Municipal area.
2. This by-law shall apply to any property and public space within the jurisdiction of the uMhlathuze Municipality irrespective of ownership or control and management of the property or public space by any sphere of government in so far as it relates to a sign as defined in terms of this by-law and related Municipal policies, read with Schedule 4 and 5 of the Constitution of South Africa, 1996.
3. This by-law shall apply to any person or organ of state advertising on any sign erected within the jurisdiction of the Municipality as defined in terms of this by-law.
4. This by-law shall apply irrespective of any zoning or other permission for the use of property or public space in terms of any other legislation or agreement that may have been entered into by any owner, occupant or user of any property or public space.
5. The approval of a sign in terms of this by-law must not be construed as approval in terms of any other act, ordinance, by-law or regulation, and approval must be obtained in the manner prescribed in the relevant act, ordinance, by-law or regulation.
6. Any sign as defined in terms of this By-law, indicated on any other application required by the Municipality in term of any legislation, as part of a requirement for information and evaluation, shall not be approved by virtue of that application, but shall be dealt with in terms of this By-law.
7. With the exception of street furniture signs, no person may allow another person to erect, distribute, maintain or display a third party advertisement, except where the

property or public space is in an area of partial or minimum control and only after the municipality has specifically consented to this.

8. No person may build, erect, distribute, hoist, maintain or display a sign or allow any other person to do so in a place or on a building or structure that it is visible from any property or public space without the consent of the Municipality.
9. Notwithstanding the area of control, the municipality may designate roads or portions of a road as a protected area where free-standing -and or street furniture signs shall not be permitted.

### **3. GENERAL PROVISIONS**

#### **TRANSITIONAL PROVISIONS**

1. Any approved site(s) not in the process of development or developed within three months from the date of promulgation of this bylaw will be invalid and the Municipality may accept new applications for the erection of an advertising sign(s) on the site and or immediate vicinity.
2. Any advertising sign which was erected or displayed prior to the date of promulgation of this bylaw but which is prohibited by this bylaw must be removed at the expiration of the approval period. If proof of approval by any former local authority can be furnished, the advertising sign may remain until the original approval period expires. If no approval period was specified, an approval period not exceeding three years from promulgation of this bylaw shall be valid where after the advertising sign must be removed within 30 days of the latter approval period having lapsed.
3. The owner of the advertising sign(s) erected or displayed on the date of promulgation of this bylaw but which in terms of this bylaw may not be so erected or displayed without the approval of the Municipality and/or another authority, must submit an application for consideration by the Municipality within ninety (90) days of the date of promulgation of this bylaw. If proof of approval by any former local authority can be furnished, the advertising sign may remain until the original approval period expires. If no such period was approved, an approval period not exceeding three (3) years shall be valid.
4. If approval for an advertising sign has been refused, the advertising sign must be removed by the owner within twenty one (21) days of receipt of notification of such refusal by the Municipality. Where such a notification has been sent by registered mail, the owner will be deemed to have received it eight days after being posted.
5. The Municipality may, after the expiry of an agreement signed prior to the commencement of this bylaw, decide whether such agreement may be renewed and determine the period of such renewal. No automatic renewal of any agreement shall be granted.

### **4. APPLICATION FOR ERECTION OF SIGNS**

1. Every application to display a sign on property or public space must be signed by the person(s) required by the Municipality and must be submitted in accordance with the application procedures approved by the Municipality as amended from time to time. And by the registered owner of the land or building on which the advertising sign is to be erected or displayed or, on behalf of the owner of the land or building, by his/her agent authorised in writing by such owner and shall be accompanied by the following plans drawn in accordance with the following requirements:

- (a) A locality plan drawn to scale showing the sign in relation to surrounding roads and structures within a 500m radius, where applicable.
  - (b) A site plan showing the position of the sign or advertisement on the premises, drawn to a minimum scale of 1:500 and giving all dimensions, showing the position of the sign in relation to the boundaries, other buildings, structures, services and features on the site and showing the streets and buildings on properties abutting the site.
  - (c) Detailed dimensioned drawings sufficient to enable the Council to consider the appearance of the sign or advertisement including materials, construction and illumination details.
  - (d) Detailed dimensioned drawings showing the full text and graphic details of the advertisement to a scale of minimum 1:20 where applicable.
  - (e) Detailed dimensioned elevations and sections to a scale of minimum 1:100 showing the position of the advertisement or sign in relation to the buildings, structures, features and other existing advertising signs on the site and in the surrounds.
  - (f) Coloured photographs to illustrate the position of the sign in relation to the buildings, structures, features and other existing advertising signs on the site and in the surrounds.
2. In certain circumstances, the Council may use discretion to accept drawings that show only a portion of the plan or elevation of a building/s, or drawings to a smaller scale, or computer generated graphics drawn to scale to illustrate the proposal where certain drawings may be difficult to provide or even photographs where this is considered sufficient.
  3. In addition, where required, the applicant shall submit additional structural and other drawings and certification as required giving full details of the calculations, size and materials used in the supporting framework, its fixings, securing and anchorage as well as for the structure and its advertisement to ensure the sign's structural stability, fire and safety compliance with the provisions of the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977) as well as the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993); as amended from time to time
  4. All signs to be erected or displayed must comply with the applicable uMhlathuze Land Use Management Scheme, as well as other relevant legislation, as amended from time to time.
  5. In considering applications, in addition to any other relevant factors, the Council shall ensure that the design and display of all advertising signs conforms to Council's Policy and to SAMOAC's guidelines for control in terms of the general conditions and principles as set out in these documents, as amended from time to time.
  6. The Municipality may request any additional information it considers necessary, including but not limited to an environmental impact assessment (EIA), approved site development plan, approved building plan, heritage impact study report, town-planning approval or independent traffic impact study report in order to consider an application.
  7. The Municipality may refuse any application submitted or grant its approval to any condition which it may deem expedient, including a condition that the owner of any sign or the owner of the land or building on which such sign is to be erected, or both such owners, indemnify the Council to its satisfaction against any consequence flowing from the erection, display or mere presence of such sign.

8. Every application (with the requisite documentation as specified in the outdoor advertising application procedure policy) must be accompanied by a full application fee.
9. In the evaluation of applications, the municipality may require from the applicant any other supporting documentation to substantiate an application received and may refuse the application or approve it, subject to any amendment or condition it considers appropriate.
10. The evaluation of applications includes the consideration of areas of control, environmental-, traffic safety-, non-motorised transport-, aesthetic -and architectural aspects and,
  - (a) notwithstanding the area of control, in relation to areas of minimum and partial control as defined in this bylaw, the municipality will determine where it is feasible to erect high impact signs;
  - (b) the Municipality shall have due regard in the evaluation of applications for any restrictive or other conditions specified in a title deed, land use scheme, conditions of establishment, building line, height and servitude conditions.
  - (c) More than one class of sign, and more than one sign in each such class, may be considered on a property or public space.
11. The Municipality may at its discretion and by public notice invite applications to erect non-locality-bound signs.
12. Only applications that meet the specified standard documentation requirements in terms of the application procedure policy (as amended from time to time) will be accepted and processed. The Municipality is not liable for any repercussions resulting from incorrect information supplied by the applicant.
13. The Municipality may at its discretion approve applications for the following types of sign in the public road reserve: billboards, small billboards, electronic signs, street furniture signs, direction signs to show houses, posters, large posters, functional signs by public bodies, street name signs, security signs at the entrances to suburbs or gated communities, stack signs, signs on bridges, signs for sponsored road traffic projects and any other signs deemed appropriate by the Municipality.
14. Save for Street furniture signs as defined herein, the approval period of signs may not exceed a period of three (3) years from the date of approval or commencement date of a municipal agreement for the erection of a sign. If an advertising sign approved in accordance with this bylaw, is not erected within six (6) months from the date of notification of such approval or within a time specified in such approval, the approval lapses. In the case of signs approved within a road reserve, such approval lapses within 2 months calculated from date of the municipality having issued a wayleave approval. No automatic renewal of any approval shall be granted.
15. All approved high impact signs shall display the application reference number (as indicated by the Municipality) on the bottom right-hand side of the frame of the structure in letter size not less than 100mm identifying the sign as having been approved by the Municipality. The name and or logo of the owner shall also be displayed on the advertising structure in font size not less than 100mm identifying ownership of the structure. The owner of the sign shall be responsible to provide and erect the information referred to in this section.
16. No person may to any degree or in any manner, way or form deviate from the conditions of approval of the Municipality, and any deviation will be dealt with in terms of clause 24 (Withdrawal of an approval) herein.



17. With the exception of temporary signs, the Municipality shall charge an annual consent fee (as determined in the Municipality's fee/tariff structure as amended from time to time) for third-party signs displayed on a property.
18. Approvals granted in terms of this by-law may be considered for renewal at the discretion of the Municipality after receipt of an application for such renewal, by-
  - (a) Making application for such renewal to the Municipality in the prescribed manner within 6 months prior to the expiration period and should an application not be received by the Municipality at the end of the initial approval period, such approval will automatically lapse and the Municipality shall issue a notice of removal to the sign(s) owner;
  - (b) Lodging the complete application with the requisite documentation (as specified in the outdoor advertising application procedure policy) together with the full application fee determined by the Municipality; and
  - (c) In the case of signs erected on any road reserves or municipal property, an agreement will be entered into with the relevant sign owner.
  - (d) The Municipality may withdraw an approval where the sign is not erected or displayed in accordance with the conditions of approval determined by the Municipality. After the expiry of an approval period as determined by the Municipality, the applicant's right to erect outdoor advertising on the property or public space shall cease to exist and no action on the part of the municipality will be construed as a tacit extension of the initial approval period.
  - (e) If in the opinion of the Municipality the sign to be erected will impact on the land use of the property on which the sign is to be erected, to the extent that the land use rights or zoning on the property may require a rezoning, change or relaxation in land use controls or the land use rights can no longer be exercised as a result of the erection of the sign, the Municipality may prior to the approval of any sign require that the owner of the property amend its land use rights to accommodate the said sign.
19. The owner of land on which a sign is erected or displayed in terms of an approval obtained under this by-law or the owner's legal agent or representative must retain certified copies of all documents related to the application and approval issued by the Municipality and or any renewal of these for as long as the sign is legally erected and must present it to any person authorised by the Municipality on request. The owner of the sign, if not also the owner of the land, must provide the owner of the land with certified copies of all relevant documents.
20. The Municipality may refer an application for the erection of any high impact sign to the Municipal Planning Tribunal, duly constituted in terms of the Spatial Planning and Land Use Management Act, 16 of 2013, where such application has an impact on land use for a recommendation.
  - (a) Where in terms of the National Building Regulations and Standards Act, Act 103 of 1977 (the "Act" - define) a building plan in terms of section 4 and 7 is required for the erection of any sign contemplated in terms of this By-law, the person erecting the sign shall comply with the provisions of the Act, in so far as it relates to the structure.
21. In the event of the sign being erected without the necessary building plans as contemplated in the Act, the approval granted in terms of this by-law shall lapse.

22. All changes to the content of an advertisement (graphic) are subject to specific consent in all categories of signs in this by-law and, when specified, to payment of an amount determined by the Municipality from time to time.
23. The owner of the sign will be held responsible for any damage or loss caused by the structure and/or due to the display of the sign.
24. The Municipality may govern advertising signs within its area of jurisdiction, provided that where an application is received on an land and or property which is owned, controlled or managed by any organ of state other than the municipality, the applicant shall refer the application to the organ of state responsible for the administration of the land for their comment and/or consent as may be determined by the municipality.
25. When the applicant refers the application to the organ of state as contemplated in subsection (24) above, the applicant shall provide proof to the satisfaction of the Municipality that it has provided a copy to the organ of state and in providing the said copy shall indicate that the comments of the organ of state should be provided within a period of 90 days failing which the Municipality may consider the application in terms of the provisions of this By-law.
26. Nothing contained herein shall prevent the Municipality from engaging with the relevant organ of state with regard to the consideration of the application for advertising signs.

## CHAPTER 2

### PROVISIONS APPLICABLE TO ALL SIGNS

#### 5. PUBLIC PARTICIPATION

Nothing contained in this bylaw may prevent the Municipality from requiring that any class of sign or sign within any area of control be brought to the attention of the public for purposes of soliciting comments and or objections on the application, therefore when and where specified by the Municipality, the applicant must –

1.
  - (a) publish once, at his own expense, a notice of such application in the *Provincial Gazette*, in English and one other official language simultaneously with notices published in two local newspapers (English and at least one other official language predominant in the municipal area) and once again one week thereafter in the same two local newspapers only: Provided that no such notices may be published during the period from 12 December to 3 January, both dates included;
  - (b) display in conspicuous positions (for a period of 14 days commencing from the date of first publication in the *Provincial Gazette* and two other local newspapers on the existing first immediate street lamp poles or similar structures on either side of the road where the outdoor advertising structure is to be erected) where it may be easily seen from public land or other such public space, a placard (poster indicating the description of work to be undertaken and contact details of the applicant and further relevant information) on both sides of the road where the application is applicable; and
  - (c) ensure that a copy of the notice is posted not later than the first day of publication of the notice mentioned in sub-clause 3(22)(1)(a) to each owner of land abutting or sharing a common boundary with the application site, including such properties separated by a road directly opposite the application site, and to any other owner of land that the Municipality may direct in writing not later



than the first day of publication of the notice by registered post to his or her last known address, and the applicant must provide proof that this notice was posted to the aforementioned owners;

(d) Furthermore:

- (i) The placards must be maintained in good order for at least 14 days from the day of the first publication of the notice in the *Provincial Gazette*.
- (ii) The information on every placard must be written or printed in a clearly legible script as prescribed in sub-clause 3(22)(1)(a) of this by-law, in such a way that it is legible from a distance of 2 metres from any person with normal eyesight, during the full 14 days of display.

(e) The notice and placard referred to in sub-clauses 3(22) (1) (a)-, (b) -and (c) must

- (i) contain the full name, business address and telephone number of the applicant;
- (ii) contain a full description of the site (indicating distances from intersections and the kerb of the road) and type of sign for which the application has been made;
- (i) state that the full details of the relevant application are available at the Municipality during normal office hours for a period of 28 days from the first day of publication of the notice in the *Provincial Gazette* and newspapers;
- (iv) be written in English and at least one other official language predominant in the municipal area; and
- (v) state that any objection or representation against such an application must be submitted in writing to the Municipality within 28 days, calculated from the first full day after appearance of the notice in the *Provincial Gazette*; the date of appearance of the notice in the *Provincial Gazette* as well as the closing date for acceptance of objections must be indicated on the placard.
- (f) The placard specified in sub-clause 3(22)(1)(b) may not be smaller than 594 mm x 420 mm and any letter on it must be at least 6 mm high and be written in legible upright printed letters.

2. Any person with objections to or who makes representations against the application must lodge his or her written objections or representations to the Municipality with the reasons therefore within the period mentioned in sub-clauses 3(22)(1)(a) and 3(22)(1)(e)(v) of this by-law. In the case of objections or representations being received, the Municipality will hear the objections or representations and inform the applicant and objectors in writing of its decision.

3. The applicant must –

submit in duplicate format to the Municipality on or before the date of publication of the notice in the Government Gazette and newspapers, the completed application form, application fees relevant documents; and

- (b) draw up a sworn affidavit to the effect that the provisions in sub-clause 3(22)(1)(b) of this by-law have been complied with no earlier than 14 days

after the day of publication of the notice, and submit the affidavit to the Municipality as soon as possible thereafter.

4. After consideration of the application, the Municipality may grant or refuse the application, and the parties will be informed of the decision.
5. The consent will be null and void if the requirements imposed for considering the application have not been complied with.
6. The Municipality may, at the written request of the applicant, grant permission for partial or total non-compliance with the provisions of clauses 3(22)(1), 3(22)(2) and 3(22)(3) if it is of the opinion that another way of giving the notice as prescribed by the Municipality will better inform the public, or that such non-compliance is not of such a material nature that it is likely to affect anyone detrimentally.
7. The Municipality may grant its consent to amend the conditions of approval, provided that this amendment does not substantially change the conditions approved, and provided that there were no objections to the initial application.

#### **6. AMENITY AND DECENCY**

1. No advertising sign may be displayed in places or in such a manner that it could, in the opinion of the Municipality, be detrimental to the character or amenity of the neighborhood or disfigure the surroundings.
2. No wall or similar structure shall be built to display advertisements within or visible from a road or in such a manner that it could, in the opinion of the Municipality, be detrimental to the character or amenity of the neighborhood or disfigure the surroundings.
3. No person shall paint or spray paint advertising messages on a sidewalk unless otherwise approved by the municipality.
4. No illuminated advertising sign may be erected in such a way that, in the opinion of the Municipality, it may have a detrimental effect on the amenity of a residential building, or could be detrimental to the character or amenity of the neighborhood.
5. An advertising structure or advertisement may not be detrimental to or have a negative aesthetic impact on the streetscape or character of the surrounding area due to design.
6. The Municipality may order that an advertising sign be painted, repainted, replaced, upgraded or relocated to a different position.
7. Notwithstanding any other provisions of this by-law, no advertising sign may –
  - (a) be detrimental to the environment due to size, colour, texture, intensity of illumination, quality of design or materials or for any other reason;
  - (b) display content that is objectionable, indecent (including graphics), offensive or suggestive of indecency or prejudicial to public morals; or
  - (c) obscure, partially or wholly, an advertising sign owned by another person that has earlier been legally erected and displayed.
8. The Municipality may increase the minimum spacing between signs, or place further restrictions on the position, size and content of any sign, if it considers this necessary in the interests of protecting the aesthetic environment.
9. The Municipality may designate in its outdoor advertising policy, a commercial or industrial node as an area where high-impact signs including illumination may be freely

considered for approval. The spacing requirements in relation to various sign types may be relaxed in this regard in the outdoor advertising policy.

10. No person who is registered or not accordingly registered as a medical practitioner under the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act no. 56 of 1974, may in any manner publicly advertise the surgical termination of a pregnancy at a facility not designated in terms of section 3(2) of the Choice on Termination of Pregnancy Act, 1996 (Act no. 92 of 1996) as a proper facility for conduct of such terminations.
11. No person shall exhibit in public or distribute any publication or child pornography as defined in the Films and Publications Act, 1996 (Act no.65 of 1996), without the necessary registration, holding a licence to conduct the business of adult premises or being entitled to any applicable exemption, contrary to the provisions of sections 24, 24A, 24B or 24C or not in accordance with any other provision of the Films and Publications Act, 1996 (Act no.65 of 1996).

## 7. ADVERTISING CONTENT

**As demographic and psychographic viewership profiles are unmanageable due to the general display of outdoor advertising content, the following general rules shall apply to advertising content:**

1. A sign positioned on or next to and visible from a road must be concise and legible and comply with the following requirements:
  - (a) Any single message displayed on a sign may not contain more than fifteen bits of information unless otherwise permitted in terms of this by-law.
  - (b) The sign content and signwriting of a sign must be neat, and must not contain untidy handwritten messages.
2. Advertising content may not be suggestive of any sexual derogatory messaging to the virtue of either gender.
3. No signs advertising an alcohol beverage brand or product will be placed within 500 meters of schools, community centers and churches.

Alcohol advertisements shall contain a statement that such products are not for sale to a specific segment of the population as determined

## 8. DESIGN AND CONSTRUCTION

1. Any advertising structure or advertisement must, to the satisfaction of the Municipality
  - (a) be neatly and properly constructed according to generally accepted design and construction standards;
  - (b) be painted in a colour as accepted by the Municipality;
  - (c) have a neat appearance and be made of durable materials suited to the function, nature and permanence of the sign;
  - (d) not deface building facades with electrical conduits and other accessories;

- (e) be rigidly secured or anchored and supported in a safe manner to prevent unwanted movement in any direction;
  - (f) be able to effectively support and maintain twice its mass or more, in case it is subjected to any additional force such as wind pressure;
  - (g) in accordance with the nature of the advertising sign, when attached to brickwork, masonry or concrete, be secured by means of bolts embedded in, or passing through such brickwork, masonry or concrete and secured on the other side;
  - (h) not be secured to the structure by water soluble adhesive, adhesive tape or similar material;
  - (i) have all exposed metalwork painted or otherwise treated to prevent corrosion, and all timber treated to prevent decay; and
  - (j) have measures taken to prevent entry of water into, and the accumulation of water or moisture on or in the advertising sign or any part of its supporting framework, brackets or other members.
2. If required by the Municipality the design of an advertising structure must be certified by an engineer.
3. The designs of any advertising sign must be to the satisfaction of the Municipality.
4. No advertising sign may:
- (a) obstruct any window or opening provided for the ventilation of a building, or any stairway or doorway or other means of exit from a building, or the movement of persons from one part of a roof to another part without the written consent of the Municipality's Fire and Emergency Services;
  - (b) be painted on any frame less a relaxation has been obtained in terms of the relevant Land Use Scheme as amended from time to time;
  - (c) be higher than 8,5 m within a road reserve, unless an application for the relaxation of the height of the structure has been submitted and approved in terms of this by-law;
  - (d) encroach on the building restriction area unless a relaxation has been obtained in terms of the relevant uMhlathuze Land Use Scheme as amended from time to time;
  - (e) cover or impede access to any maintenance or inspection points on street lamp poles or other equipment that the Municipality maintains;
  - (f) be constructed or erected in such a way that a street tree or similar planting must be removed or relocated to accommodate the sign; and
  - (g) be placed, wrapped, erected, hoisted on -or suspended between trees.

## 9. GLASS

1. All glass used in a sign, other than glass tubing used in a neon or similar sign, must be safety glass at least 6 mm thick.
2. Glass panels used in a sign must be securely fixed in the body of the advertising structure.

**10. ELECTRICAL**

Every illuminated advertising sign and every other advertising sign in which electricity is used, must:

- (a) have power cables and conduits containing electrical conductors positioned and fixed in such a manner that they are not unsightly;
- (b) be designed in such a manner that the advertising sign does not pose any fire risk;
- (c) be provided with an external switch in an accessible position and at a height of at least 3 m from the ground by means of which the electricity supply to the advertising sign may be switched off;
- (d) be wired and constructed in accordance with and subject to the provisions of all applicable laws and regulations.
- (e) Every electronic and illuminated advertising sign including its supports and framework shall be constructed entirely of non-combustible materials and shall be installed in accordance with the provisions of the Council's Standard Tariffs and Procedures and the Code of Practice for the wiring of premises in accordance with the SABS or applicable legislation/regulations.

**11. MAINTENANCE**

1. An advertising sign must:
  - (a) be located at a height that discourages vandalism;
  - (b) be serviced on a regular basis at the discretion of the Municipality;
  - (c) be maintained or repaired and in a safe and clear condition.
2. The owner of any sign will be responsible for the maintenance in a safe, tidy and proper condition of the sign and the surrounding area.

**12. ILLUMINATION AND ELECTRONIC ADVERTISING SIGNS**

- (1) Illumination is permitted on an advertising sign only if it does not lead to unsafe driving conditions, or does not have a detrimental effect on the surrounding area and where it is not specifically prohibited in the discretion of the Municipality.
- (2) The luminance level on any advertising sign where illumination is permitted, and where the applicable speed limit on the road is higher than 60 km per hour, must not exceed the following:

<b>Illuminated area</b>	<b>Maximum luminance</b>
Less than 0,5 m <sup>2</sup>	1 000 candela per m <sup>2</sup>
0,5 to 2,0 m <sup>2</sup>	800 candela per m <sup>2</sup>
2,0 to 10 m <sup>2</sup>	600 candela per m <sup>2</sup>
10 m <sup>2</sup> or more in visual zones	350 candela per m <sup>2</sup>
10 m <sup>2</sup> or more in other areas	400 candela per m <sup>2</sup>

- (3) A variable or animated message must not exceed the following frame update limits:

Speed limit 50 km per hour or less	Full video and frames that change continuously
Speed limit more than 50 km per hour	One single complete frame that changes at least every 30 seconds

- (4) An electronic advertising sign must not obstruct the view of a driver or pedestrian or be in the direct line of sight of a traffic light.
- (5) An electronic advertising sign must not have subliminal flashes.
- (6) Light not intended for illumination must only be utilised if it is allowed for in the environmental plans of the Municipality.
- (7) Any advertising sign that could interfere with radio or television reception must be equipped with suppressors that eliminate all forms of interference, and electrical wiring must comply with the provisions of the Municipality's Electricity by-law, any other legislation applicable to electric signs, and be approved by the Municipality's Energy and Electrical Services Department.

### 13. SPACING OF HIGH IMPACT ADVERTISING SIGNS

1. Read with Sections 4(3) and 5(9) herein, the spacing of all high-impact signs must be as follows, unless specifically stated otherwise:

On a road where a speed limit of more than 80 km/hour has been imposed	At least 250 m apart
On a road where a speed limit of more than 60 and less than or equal to 80 km/hour has been imposed	At least 200 m apart regardless of which side of the a road an advertising sign is displayed
On a road where a speed limit of 60 km/hour or less has been imposed	At least 120 m apart regardless of which side of the a road an advertising sign is displayed

2. High-impact advertising signs may not be permitted within a radius of 100 m from the centre of the intersection of arterial roads; and on a lower-order road may not be permitted within a radius of 50 m from the centre of the intersection of an arterial road and any lower-order road; and on an arterial road may not be permitted within a radius of 50m from the intersection of a lower order road with an arterial road; or on a lower-order road between two lower-order roads.

Where traffic lanes merge or diverge, the Municipality in its discretion may increase the requirements for distance from an intersection.

3. Notwithstanding Clause 12 (2) above, the road class shall be taken into account in determining the spacing of signs. Furthermore, regardless of the speed limit as described under Clause 12 (1) above, the spacing of high-impact signs in relation to gantry signs must be at least 250 m.
4. High impact signs may not be erected parallel to another sign on the opposite side of the road.

5. Notwithstanding the Clause 12(1), the municipality may designate roads or portions of a road where high impact signs shall not be permitted.
6. The spacing of any advertising sign in relation to street furniture signs shall be determined by the Municipality from time to time in accordance with its policy.
7. The Municipality may increase the minimum spacing between advertising signs, intersections or place further restrictions on the position, size and content of any sign, if it considers this necessary in the interests of reducing clutter and preserving the aesthetic environment.

## **CHAPTER 3**

### **GENERAL PROVISIONS**

#### **14. SIGNS NOT DESCRIBED IN THIS BY-LAW**

The Municipality may approve an application to display an advertising sign that is not referred to in this by-law, after having considered the application in terms of the Municipality's Outdoor Advertising Policy as amended from time to time.

#### **15. CONTRADICTIONS**

Where any contradiction, ambiguity or vagueness in the by-law may occur, the interpretation of the Municipality will be binding.

#### **16. SIGNS FOR NATIONAL, PROVINCIAL, MUNICIPAL AND SIMILAR CAMPAIGNS**

In the case of campaigns for parliamentary, provincial or municipal elections (including by-elections) and referendums, as well as campaigns by state and parastatal institutions to promote democracy, good governance and/or similar principles, or the promotion of any national, provincial or Municipal imbizo or similar event, the written consent of the Municipality must first be obtained.

#### **17. EXEMPT ADVERTISEMENTS & SIGNS**

1. Subject to the provisions of these Bylaws, advertisements or signs for which no approval is required are as follows:
  - (a) Any advertisement or sign not exceeding 2m<sup>2</sup> which is required to be displayed in terms of any national, provincial or municipal legislation; i.e. a company, close corporation, co-operative, licenced premises or professional offices, or any security sign limited to one per street frontage or premises;
  - (b) Any advertisement or sign over or near the main entrance to any premises in which a business is carried on and which bears only the name of the business;
  - (c) One advertisement or sign per street frontage indicating only the name and nature of an enterprise, practice, accommodation facility and place of residence as well as the name of the proprietor, partner or practitioner with a maximum area of 1,5m<sup>2</sup> per sign; or indicating the name and nature of institutions and other community facilities with a maximum area of 3m<sup>2</sup> per sign;
  - (d) Any non-illuminated advertisement displayed inside a building or on a display- or shop front window;
  - (e) Any advertisement not exceeding 4,5m<sup>2</sup>, displayed within the curtilage of the premises relating to the accommodation being offered to let or purchase in the building, limited

to one advertisement per advertising agent per street frontage and not displayed for longer than 30 days after the date of sale or lease;

- (f) Project boards advertising only the builders and professional consultants involved in a project, not exceeding 18m<sup>2</sup> and with a maximum erected height of 6m, displayed within the curtilage of the premises whilst building work is in progress, limited to one per street frontage and to be removed within 30 days of completion of the project;
- (g) A national flag of any country except when in the Councils' opinion more than one national flag is used to promote, advertise or identify an economic activity, in which case the provisions of these Bylaws shall apply;
- (h) Any change of face to any remote advertisement displayed or erected if approval has already been granted by the Council for the advertising signage structure;
- (i) Aerial advertising by means of an aircraft provided that the necessary approval has been obtained from Civil Aviation, including any conditions and requirements as prescribed.

## 18. DISCRETIONARY POWERS

1. The Council or its delegated officer/s shall exercise discretionary powers to permit or not to permit advertising signs in terms of the provisions of these Bylaws in the following cases:
  - (a) Any advertisements on a portable board displayed on a street pavement;
  - (b) Any mobile advertising vehicles and their approved designated positions of display as designated in the Advertising Policy;
  - (c) Advertisements or signs painted on or in any way affixed to the surface of any window other than a display window;
  - (d) Advertisement or signs on top of a canopy or veranda;
  - (e) Advertisements painted on roofs or displayed or erected as a sky sign in an area other than industrial or harbour zone;
  - (f) Advertisements or signs displayed or erected in an area other than industrial or general business zone;
  - (g) Advertisements or signs made of certain materials not considered by the Council to be suitable or appropriate for the intended purpose;
  - (h) Banners and flags affixed to flagpole/s as a ground sign or attached to an existing building or structure;
  - (i) Any remote or third party advertising signs, sponsored signs and signs for non-profit and charitable organisations and institutions; and
  - (j) Any advertisement on a structure by a media house (for example newspapers) announcing media headlines, at a fee to escalate annually.
  - (k) Any advertisements or signs of dimensions not in accordance with the provisions of these Bylaws or any other relevant legislation.
  - (l) Any minor amendment/s to an application at a reduced application fee.



- 2 Council or its delegated officer has the discretionary right to approve any sign that should present itself due to market changes and a new opportunities having been identified
- 3 Council has the right to identify and approve outdoor advertising signs and localities that may be required to go out on public tender should the need be identified
- 4 Council has the right to award outdoor advertising signs to applications that will generate maximum revenue to Council and this will be the sole determining factor in the award of an application

## **19. SIGNS ACROSS BOUNDARIES OF PREMISES**

The Municipality, in its sole discretion, may at any time direct the owner of a sign that wholly or partially projects over or encroaches on any boundary of premises, or the owner of the building to which such sign is attached, to remove part of or the whole portion that is projecting over or encroaching on the premises boundary, within 21 days of the date of notification, irrespective of whether the Municipality has approved the sign. Failure to comply with the notice will constitute an offence.

## **20. REMOVAL OR CONFISCATING OF SIGNS**

1. If any sign is so erected, distributed, hoisted or displayed that, in the opinion of the Municipality, it is detrimental to the environment, or to the amenity of the neighborhood, or is otherwise in contravention of any provision of this by-law:
  - (a) the Municipality or its authorised agent may dispose of such sign;
  - (b) shall serve a notice on the responsible person to remove such sign or
  - (c) may carry out such alteration thereto or do such other work as may be specified in such notice within a time specified in the notice.
2. The Municipality will, in removing or disposing of a sign contemplated in subsection (1) above, not be required to compensate any person in any way for loss or damage resulting from its removal.
3. If a sign constitutes a danger to life or property in any manner or is obscene, in the opinion of the Municipality, the Municipality may, without serving any notice, carry out the removal of such sign and dispose of within seven (7) days and the Municipality shall not be required to compensate any person in any way for loss or damage resulting from its removal or disposal.
4. If an advertisement is displayed or distributed without the specific consent of the Municipality, the Municipality may, without serving any notice, carry out the removal of such advertisement and dispose of it within seven (7) days and the Municipality shall not be required to compensate any person in any way for loss or damage resulting from its removal or disposal.
5. Any costs incurred by the Municipality in removing, storing, disposing or undertaking alterations to a sign will be recoverable from the responsible person.
6. The responsible person may within three (3) working days of the date of the removal or confiscation of the sign or advertisement apply in writing to the Municipality to have the sign or advertisement returned and if the application is approved, such person must pay the total cost incurred by the Municipality as well as any penalty that may have been imposed.

7. Should the responsible person omit to collect the sign within seven (7) days of the approval referred to in six (6) above, the sign may be disposed of by the Municipality in terms of the provisions of this bylaw as amended from time to time.
8. Should an application envisaged in six (6) above not be received by the Municipality within the prescribed period, the sign may be disposed of within seven (7) days of the date of removal or confiscation.
9. The Municipality is not liable for damages of whatever nature arising from the confiscation, removal or disposal of an advertisement or sign, that was or had been displayed in contravention of this By-law.

## 21. SERVING OF NOTICES

1. Any notice or other document that this by-law requires to be served on any person will be deemed to have been properly served if served personally on him or her agent, proxy or on any member of his or her household apparently over the age of 16 years or at his or her place of residence or on any person employed by him or her at his or her place of business or residential premises, or is sent by registered post to such persons' residential or business address or, if such person is a company, if served on an officer or any other official ostensibly in a managerial position of that company or sent by registered mail to such office.
2. Subject to the provisions of subsection 1, an authorised official may issue a notification in terms of section 341 of the Criminal Procedure Act, 1977, where it appears that the responsible person has been previously served with a notice to remove an advertisement or sign which is in contravention of this By-law.
3. Subject to the provisions of subsection 2, an authorised official may issue a notice in terms of section 56 of the Criminal Procedure Act, 1977, where it appears that the responsible person has been previously served with a notification in terms of section 341 of the Criminal procedure Act, 1977 in respect of an advertisement or sign which is in contravention of this By-law.

## 22. RESPONSIBLE PERSONS

1. For the purpose of sections 17, 19, 20,21,22,23 the responsible person will be deemed to be:
  - (a) the person who either erected, distributed, hoisted, maintained, suspended, parked or displayed a sign or advertisement, or caused or allowed it to be erected, distributed, hoisted, maintained, suspended, parked or displayed;
  - (b) owner;
  - (c) the registered owner of any premises on which any sign was displayed, erected and/or distributed;
  - (d) any person who was either individually or jointly with any other person responsible for organizing, or was in control of, any meeting, function or event to which a sign relates;
  - (e) the advertiser, any person or group of persons whose name(s) appears on a sign, unless the contrary is proved.

## 23. APPEAL PROCEDURE

1. Any person aggrieved by a decision of the Municipality to refuse or approve an application in terms of this by-law, may appeal against such decision of the Municipality by following the procedure set out below:
  - (a) The appellant must give written notice of the appeal and grounds for such appeal to the Municipal Manager within 21 days of the date of notification of the decision of the Municipality.
  - (b) The Municipal Manager must promptly submit the appeal to the Municipal Appeals Committee, duly constituted in terms of Section 62 of the Local Government System Act 32 of 2000 as amended and accordingly advise the appellant of such submission in writing. (NB!! I propose the addition of the text in red in order to ensure the effective promotion of administrative justice and the right to know under the Constitution of the Republic of South Africa, 1996)

#### **24. WITHDRAWAL OF AN APPROVAL**

1. Any consent in terms of this by-law may be withdrawn by the Municipality if –
  - (a) the conditions of approval have not been adhered to; or
  - (b) the sign has been erected without first having obtained wayleave approval; or
  - (c) the sign is not erected within 6 months after the date of approval; or
  - (d) the period of approval has expired; or
  - (e) the sign has not been erected on the position approved by the municipality; or
  - (f) it is necessary to remove the sign as a result of roadworks of whatever nature or the relocation or upgrading of services or whatever other reason deemed necessary by the municipality; or
  - (g) the sign constitutes, or has become a danger to any person or premises; or
  - (h) the sign has become prohibited in terms of this bylaw or any other law; or
  - (i) the sign obscures any other advertising sign, natural feature, architectural feature or visual line of civic, architectural, historical or heritage significance.

#### **25. FEES/TARIFFS**

The Municipality may determine fees/tariffs of charges dealing with any aspect, conduct or action in terms of this bylaw and such charges will be published (in the prescribed manner) and amended from time to time.

### **CHAPTER 4**

#### **TYPES OF SIGNS AND REGULATION OF THEIR ERECTION, OR DISPLAY SIGN TYPES AND CONTROL MEASURES**

#### **26. CUSTOM-MADE BILLBOARDS**

1. The sign area of a custom-made billboard must be 18 m<sup>2</sup> but not more than 81 m<sup>2</sup> in size, and may feature special effects such as internal illumination, special character cut-outs and three-dimensional representations as well as rotating or scrolling panels that provide a number of different messages in succession.

2. custom-made billboard may only be allowed in areas of minimum control, with the exception of signs in this class that are not bigger than 18 m<sup>2</sup> in sign area, which may be allowed in areas of partial control.
3. A custom-made billboard requires the specific consent of the Municipality.
4. The advertising structure may not exceed 8,5 m in height unless otherwise approved.
5. The clear height of the advertising structure must be at least 2,4 m.
6. An advertising sign scoping report that includes visual, social and traffic safety aspects shall be required for custom-made billboards.
7. A custom-made billboard consisting of a single sign must be displayed either perpendicular to, or at an angle of 30° to, the direction of oncoming traffic.
8. In the case of two boards joined together, the advertisement must be displayed with the axis of symmetry perpendicular to the direction of oncoming traffic.
9. Spacing requirements must be in accordance with the spacing of high-impact signs stipulated in clause 12 above.
10. Illumination may be permitted subject to the stipulations of clause 11 above.
11. A custom-made billboard may not be animated.
12. A custom-made billboard must be placed on a base that has been designed and erected to the satisfaction of the Municipality.

## 27. ELECTRONIC SIGN

1. The size of signs under this class shall be determined by the Municipality.
2. Notwithstanding clause 27(1) above, the sign area of an electronic sign erected within a road reserve shall not be less than 18m<sup>2</sup>. The Municipality may however approve smaller signs within specified nodes in terms of its outdoor advertising policy.
3. The level and speed of animation and variable messages shall be to the satisfaction of the Municipality.
4. Any free-standing advertising structure must not be taller than 8,5 m unless the specific consent of the Municipality has been obtained.
5. The clear height of the advertising structure must not be less than 2,4 m.
6. An electronic sign may only be erected in an area of minimum control and requires the specific consent of the Municipality.
7. An advertising sign scoping report that includes visual, social and traffic safety aspects shall be required for electronic signs.
8. Full video signs shall only be considered in pedestrian nodes.
9. Spacing requirements must be in accordance with the spacing of high-impact signs stipulated in clause 12 above.
10. A free-standing electronic sign must be placed on a base that has been designed and erected to the satisfaction of the Municipality.

## 28. LARGE BILLBOARDS

1. The sign area of a large billboard must not be less than 18 m<sup>2</sup> or greater than 40 m<sup>2</sup> and requires the specific consent of the Municipality.
2. A large billboard may only be permitted in areas of minimum and partial control.
3. The advertising structure must not be taller than 8,5 m, unless otherwise approved.
4. The clear height of the advertising structure must not be less than 2,4 m.
5. A large billboard consisting of a single sign must be displayed perpendicular, or at an angle of 30°, to the direction of oncoming traffic.
6. In the case of two boards joined together, the advertisement must be displayed with the axis of symmetry perpendicular to the direction of oncoming traffic.
7. An advertising sign scoping report that includes visual, social and traffic safety aspects shall be required for large billboards.
8. Spacing requirements must be in accordance with the spacing of high-impact signs as stipulated in clause 12 above.
9. External illumination may be permitted, subject to the stipulations of clause 11 above.
10. A large billboard may not be animated.
11. A large billboard must be placed on a base that has been designed and erected to the satisfaction of the Municipality.

## **29. SUPER BILLBOARDS**

1. The sign area of a super billboard must be larger than 40 m<sup>2</sup> but not more than 81 m<sup>2</sup> in size.
2. A super billboard will only be permitted in areas of minimum control and requires the specific consent of the Municipality.
3. An advertising sign scoping report that includes visual, social and traffic safety aspects shall be required for a super billboard.
4. The clear height of the advertising structure must not be less than 2,4 m.
5. The advertising structure may not be taller than 8,5 m, unless otherwise approved by the Municipality.
6. A super billboard must be displayed perpendicular, or at an angle of 30°, to the direction of oncoming traffic.
7. Spacing requirements must be in accordance with the spacing of high-impact signs as stipulated in clause 12 above.
8. A super billboard may not be animated.
9. A super billboard must be placed on a base that has been designed and erected to the satisfaction of the Municipality.

## **30. SPECTACULAR SIGNS**

1. The sign area of a spectacular sign shall exceed 81m<sup>2</sup> in sign area.

2. A spectacular sign will only be permitted in areas of minimum control and requires the specific consent of the Municipality
3. An advertising sign scoping report that includes visual, social and traffic safety aspects shall be required for a free-standing spectacular sign.
4. Free-standing spectacular signs shall be spaced at least one kilometer apart and at least 250m from any other billboard and high impact sign.
5. Spectacular signs shall not be permitted within any road reserve.

### **31. PRODUCT REPLICAS AND THREE-DIMENSIONAL SIGNS**

1. A product replica or three-dimensional sign will only be permitted in an area of partial or minimum control and requires the specific consent of the Municipality.
2. The clear height of a free-standing advertising structure must not be less than 2, 4 m.
3. A free-standing product replica or three-dimensional sign must not be higher than 8, 5 m, unless otherwise approved.
4. In the case of an inflatable sign, a product replica or three-dimensional sign that will be bound to its locality may not be higher than 8, 5 m, unless otherwise approved.
5. Inflatable signs shall not be permitted within a road reserve.
6. Spacing requirements must be in accordance with the spacing of high-impact signs as stipulated in clause 12, unless otherwise approved by the Municipality.

### **32. GANTRY BILLBOARDS**

1. The sign area of a gantry billboard must not be less than 18 m<sup>2</sup> per direction of traffic flow, fixed to an overhead one- to six-footed structure (gantry), spanning or partially spanning across the road.
2. A gantry billboard shall be considered only in areas of minimum control subject to clause 3(22) herein and requires the specific consent of the Municipality.
3. The advertising structure must not be taller than 10 m, unless otherwise approved by the Municipality.
4. The clear height of the advertising structure must not be less than 5, 5 m.
5. A gantry billboard must have a catwalk so that changes to the face of the advertisement can be effected from the catwalk and not from the road surface.
6. An advertising sign scoping report that includes visual, social and traffic safety aspects shall be required for a gantry billboard.
7. A gantry billboard must be displayed perpendicular to the direction of oncoming traffic.
8. Spacing requirements must be in accordance with clause 12.
9. Illumination may be permitted, subject to the stipulations of clause 11.
10. Animation may be allowed.

11. A gantry billboard must be placed on a base(s) that has been designed and constructed to the satisfaction of the Municipality.

### **33. SMALL BILLBOARDS (NON-LOCALITY GROUND SIGNS)**

1. Small billboards may only be permitted on lower-order roads around shopping centres, schools, stadiums, taxi ranks, parking areas and transport nodes such as railway stations, bus stations and airports or other areas determined and approved by the Municipality.
2. Small billboards may be permitted in areas of minimum and partial control and will be subject to the specific consent of the Municipality.
3. Small billboards may be internally illuminated with the specific consent of the Municipality.
4. Small billboards shall not be animated.
5. Small billboards shall not be erected less than 1 m from the kerbstone of a road.
6. A small billboard may be double-sided.
7. The sign area of a small billboard shall not exceed 6m<sup>2</sup> in sign area or be larger than 7.5 m in height and 1 m in width.
8. A small billboard shall not be erected less than 50m from the kerb of an intersection between an arterial road and a lower order road and not less than 80 m from a transport shelter on any side of the road.
9. No more than two small billboards may be erected per street block on either side of the road.
10. The Municipality may impose additional requirements on distance from any other signs.
11. A small billboard must be placed on a base that has been designed and constructed to the satisfaction of the Municipality.

### **34. ON-PREMISES BUSINESS SIGNS (LOCALITY GROUND SIGNS)**

1. An on-premises business sign must be locality bound and may only provide information on the name and nature of the enterprise, the brand name(s) and the nature of goods sold or produced and/or the nature of services provided and the name of the proprietor(s) or practitioner(s).
2. An on-premises business sign may be a combination sign for a variety of businesses on the same premises and may also be free standing.
3. An on-premises business sign requires the specific consent of the Municipality.
4. In the case of a combination sign –
  - (a) the design of the structure must harmonise with the architecture of the particular building or other adjacent buildings or structures;
  - (b) messages on individual signs must be concise and legible;
  - (c) the content of individual panels of such a sign must be harmonious in terms of form, letter types and colour;
  - (d) each side of the sign may be a maximum of 12 m<sup>2</sup> in sign area; and



- (e) the maximum height of the sign may not exceed 7,5 m. A height increase to 10 m can be considered subject to an application for a height restriction relaxation in terms of the relevant Land Use Scheme as amended from time to time.
- 5. The maximum area of a sign per enterprise per frontage may not exceed 2 m<sup>2</sup> in an area of partial control. Where there is more than one enterprise, each sign must have the same dimensions.
- 6. Only one on-premises business sign is allowed per enterprise, unless there is more than one entrance on different street fronts, in which case one will be allowed per street front.
- 7. The name or logo of the sponsor of the on-premises business sign may be displayed if it refers to products or services available at that specific enterprise, but may not occupy more than 20% of the total area of the sign.
- 8. An on-premises business sign may be placed closer to the road reserve boundary than the formal building line, subject to the approval of an application for a building line relaxation in terms of the relevant land use scheme as amended from time to time.
- 9. An on-premises business sign may be illuminated.

### **35. STREET FURNITURE SIGNS**

- 1. Street furniture signs must not be placed in a way that obstructs pedestrian movement.
- 2. The specific consent of the Municipality is required for street furniture signs.
- 3. Street furniture signs may be illuminated.
- 4. The spacing between a street furniture sign and other street furniture signs and sign types will be subject to the approval of the Municipality.
- 5. Street furniture signs may be used for commercial advertising.
- 6. The period of approval of signs under this class shall be determined by the Municipality.

### **36. FLAGS**

- 1. Flags require the specific consent of the Municipality.
- 2. A flag may display the name, corporate symbol and nature of an enterprise.
- 3. A flag must be attached to or supported by poles or other supports on the property, or against the building where the function or the enterprise is located.
- 4. A flag may not be attached in a manner that interferes with or constitutes a danger to passing pedestrians or motor traffic, or compromise the stability of the structure to which it is attached.

5. A flag may be displayed and or attached to a single rope, pole or flagstaff projecting vertically, horizontally or at an angle. Flags exclude –
  - (a) international, national, provincial or municipal flags that do not carry any advertisement in addition to the design of the flag; and
  - (b) flags carried as part of a procession.

### **37. SUBURB NAME SIGN ADVERTISEMENTS AND STREET NAME ADVERTISEMENTS**

1. A suburb name sign advertisement may be permitted in areas where the applicable speed limit on the road in question is 80 km per hour; but it will not be allowed on or next to a freeway.
2. A suburb name sign advertisement may be permitted at entrances or exits in all areas of control.
3. The specific consent of the Municipality is required for the display of a suburb name sign advertisement.
4. A suburb name sign advertisement must be rectangular and the content thereon may be reflective.
5. The clear height of a suburb name sign advertisement must not be less than 2,4 m.
6. A suburb name sign advertisement may not bear colours or any other element that will cause confusion with road traffic signs.
7. A suburb name sign advertisement may be illuminated but not animated.
8. A street name advertisement shall be permitted only in an urban area on a road other than a freeway.
9. A street name advertisement which omits the street name shall not be permitted.
10. No one may erect a street name advertisement without first obtaining the written approval of Council.
11. The advertising and street name sections of a street name advertisement must both be rectangular in shape. The street name section must be below the advertising section and not closer than 2.1 meters of the ground. The advertising section of the advertisement may not exceed 1.64m<sup>2</sup> in area of advertisement.
12. Internal illumination of the advertisement section and street names is permitted.
13. A street name advertisement may be erected only at intersections and may be erected on a road reserve or road median.
14. Illumination on a street name advertisement must be static and the degree of illumination of the advertising section may equal, but may not exceed, the street name section. The advertisement may not be animated and may not flash. The colour of the street name and background must be determined by the Council.
15. Any street name on the advertising space of a street name advertisement must be smaller and less conspicuous than the actual street name on the street name panel, and the layout must be such that there is no confusion with the street name on the street name panel.

16. Only 2 street name advertisements will be permitted per intersection, and such advertisements may not be placed on the same side of any road. This number can be increased by the discretion of Council with written application.

### **38. REAL ESTATE AGENT SIGNS**

1. In the case of a residential premises, a real estate agent's sign may not contain information other than the words "for sale", "to let" or "sold", the name, photo, registration number and telephone number of the selling or letting agent and the logo of the real estate agency; and is subject to the specific consent of the Municipality.
2. In the case of a property development, agricultural and or commercial premises, a real estate agent sign may not contain information other than the words "for sale", "to let", or "sold", the name, photo, registration number and telephone number of the selling or letting agent and the logo of the real estate agency; and is subject to the specific consent of the Municipality.
3. The sign area of a real estate agent sign may not be larger than 460 mm X 600 mm inside or on the boundary wall of residential premises and if free-standing, may not exceed a maximum height of 3m measured from the ground.
4. The sign area of a real estate agent sign may not exceed 6m<sup>2</sup> in sign area inside or on the boundary wall or wall of a building of a property development or commercial premises and if free-standing, may not exceed a maximum height of 6m measured from the ground.
5. The sign area of a real estate agent sign may not exceed 6m<sup>2</sup> in sign area inside or on the boundary wall of an agricultural premises and if free-standing, may not exceed a maximum height of 6m measured from the ground.
6. A maximum of one sign per agency and a total of three signs may be permitted on residential premises.
7. Only one sign per real estate agency and a maximum of ten signs in total may be permitted at a residential complex.
8. A maximum of one sign per agency and a total of three signs may be permitted on a commercial and or agricultural premise.
9. A real estate agent sign may not be displayed on residential premises for longer than 3 months and must be removed within 14 days after conclusion of a contract of sale or lease of the premises in question.
10. A real estate agent sign may not be displayed on commercial or agricultural premises for longer than 12 months and must be removed within 14 days after conclusion of a contract of sale or lease of the premises in question.
11. Notwithstanding 37 (3) above, a real estate agency sign may not be erected more than 15 cm from the boundary wall of a residential complex.
12. Real estate agent signs may be permitted in all areas of control.
13. In the case of a property "on show", signs and bunting may be erected only on the premises concerned. Information on the premises on show may only be displayed for the duration of the day and must be removed by the end of the day.
14. Direction signs indicating the location of the show house of a residential premises or property development are permitted subject to the following conditions:

- (a) Over weekends, the signs may be displayed only from 12:00 on Friday afternoon until 12:00 on Monday morning; on public holidays, from 12:00 on the day before such public holiday until 12:00 on the next day. Should the public holiday be on a Monday, from 12:00 on the previous Friday; should the public holiday be on a Friday, until 12:00 on the following Monday.
  - (b) The sign area on the face of each sign must not be larger than 460 mm by 600 mm.
  - (c) The selling or letting agent may not display more than eight signs per show house or premises, irrespective of the number of routes to the show house or premises. Such signs may be double-sided.
  - (d) Direction signs may not be displayed on a provincial or national road.
  - (e) Each selling or letting agent may erect only one sign per intersection.
  - (f) A selling or letting agent may not display more than one sign between consecutive intersections.
  - (g) Signs may not be placed on traffic circles or traffic islands, traffic lights, road traffic signs, power masts, trees, pillars, fencing, electrical substations, bridges or any similar structures.
  - (h) Stakes or poles to which signs are affixed may not be driven deeper than 120 mm into the ground.
  - (i) No more than 2 stakes per sign is allowed.
  - (j) Signs may not be erected on tarred or paved surfaces.
  - (k) Signs must not be higher than 1 m and must not obstruct the view of motorists at intersections and/or exits on public roads, or pose a danger to pedestrian or other traffic.
  - (l) Only the estate agent's name and/or logo, the words "on show", telephone number, registration number and an arrow indicating the direction to the relevant premises may appear on the signs.
15. Each selling or letting agent must register with the Municipality or the authorised agent of the Municipality before erecting signs in the municipal area. A property developer who intends displaying signs in terms of Clause 14 above shall also register with the Municipality or the authorized agent of the Municipality before erecting signs in the municipal area.
16. A registration fee as prescribed from time to time by the Municipality is payable annually per calendar year.
17. A selling or letting agent who disregards any of the foregoing stipulations forfeits the registration fee and the agent, his or her principal and/or agency will be considered unregistered and may not advertise in the municipal area until he or she has reregistered.
18. Real estate agent signs may not be displayed on road reserves or on the road reserve boundaries of freeways.
19. Illumination or animation of real estate agent signs or the use of reflective materials on such signs is not allowed.

20. No real estate agent or agency may hoist, display, distribute or erect flags, display boards, bunting, gazebos, tents, balloons, banners, parking caravans, cars, containers or similar devices or material on any part of a road reserve in the municipal area.

### 39. AUCTION POSTERS

1. An auction poster may only be 841 mm x 594 mm.
2. An auction poster requires the specific consent of the Municipality.
3. An auction poster may only be displayed for 14 days before the date of the auction and must be removed three days after the auction has taken place.
4. An auction poster may also be displayed in terms of Clause 40 (posters and notices) of this by-law, subject to the conditions with regard to "Category one" of Clause 30(1)(e).
5. Only 2 auction posters per street block are allowed, with a maximum of one hundred (100) posters per auction.
6. An auction poster may not be displayed on provincial or national roads.
7. Stakes or posts to which auction posters are affixed may not be driven more than 120 mm into the ground.
8. An auction poster may not be erected on tarred or paved surfaces.
9. An auction poster may not be higher than 1 m and may not cause an obstruction or pose a danger to pedestrians or traffic.
10. An auction poster may use only an arrow to indicate the direction of the auction.
11. The auctioneer's name, the word "auction" and details of the auction must appear on the signs.
12. In the case of a liquidation auction, a copy of the relevant court order with the case number must accompany the application for consent.
13. The case number must be clearly displayed at the bottom of the sign.
14. All information on the poster must have a minimum letter size of 50 mm (including lower-case letters).
15. Auction posters may not be placed on traffic circles, traffic islands, traffic lights, road traffic signs, power masts, trees, pillars, fencing, electrical substations, bridges or any similar structure.
16. No person may hoist, display, distribute or erect flags, display boards, buntings, balloons, banners, parking caravans, cars, containers or similar devices or material on any part of a road reserve in the municipal area.

### 40. POSTERS

1. Only posters in the following five categories may be displayed:
  - a. Category one:  
Posters intended mainly for advertising a religious, sporting, educational, cultural, charity or similar event of a non-commercial nature

- b. Category two:  
Newspaper headline posters of the day of a daily, weekly or weekend newspaper
  - c. Category three:  
Posters for parliamentary, provincial or municipal elections (including by-elections) and referendums as well as campaigns by state and parastatal institutions to promote democracy, good governance or similar principles, or any national, provincial or municipal imbizos, or similar event
  - d. Category four:  
Posters for public awareness campaigns and notices of a public meeting
  - e. Category five:  
Posters of a commercial nature
2. A poster or notice may be permitted in all areas of control and requires the specific consent of the Municipality.
  3. A poster or notice may be displayed only on street lamp poles or other structures provided for the express purpose of displaying a poster.
  4. A poster may not cover municipal markings or the cover plates on street lamp poles.
  5. A poster or notice may not be illuminated or animated unless authorised by the Municipality.
  6. A poster or notice must be fixed to a street lamp pole or any other structure in a manner acceptable to the Municipality.
  7. The top of a poster must be at least 2 m below any light fixture. The bottom of such poster or notice must be at least 2, 1 m above ground level with, the exception of category two posters, which must be at least 1, 5 m above ground level.
  8. All posters in each category in a particular street must be mounted at the same height above ground level.
  9. Posters may not be displayed on the road reserve boundaries of freeways.
  10. No posters may be placed on or attached to traffic circles or traffic islands, power masts, road traffic signs, traffic lights, trees, walls, pillars, walls of buildings, flag poles, banner poles, fencing, electrical substations, bridges or any similar structure.
  11. Posters in category one, category three and category four must be 841 mm x 594 mm (A1 size).
  10. Posters in category two may not be larger than 600 mm x 450 mm
  11. All posters, backing boards and cord or string must be removed within three days after the event has taken place.
  12. Category two posters must be displayed in approved receptacles on the first two street lamp poles from a road intersection on routes approved by the Municipality.
  13. Only one poster each in category one and two may be displayed facing oncoming traffic on any street lamp pole except where the street lamp pole is in a two-way street, in which case two posters of each category may be displayed back to back.
  14. The content of category one, category four and category five posters are subject to the approval of the Municipality. The name of the relevant responsible organisation, and

the date and place of the occasion or event must be clearly displayed on the poster in letters of not less than 50 mm in height.

15. Not more than three hundred (300) posters from category one ,category four and category five may be displayed for any single occasion, meeting or campaign, except with the approval of the Municipality.
16. Posters in category three may be displayed on street lamp poles in all areas of control.
17. In the absence of legislative prescriptions, the Municipality will determine the number and display format of posters in category three by a submission of a report to the Executive Committee
18. A parliamentary, provincial or municipal election or referendum poster may not be erected before the date on which the notice or proclamation regarding the election or referendum is published in the *Government Gazette* or *Provincial Gazette*, and must be removed not later than twenty-one days (21) days after the date of such election or referendum.
19. In the case of poster application outside the jurisdiction of the City of uMhlatuze tariffs will be reviewed during peak seasons of the year.

#### **41. HANDBILLS, LEAFLETS, PAMPHLETS, PROMOTIONAL MATERIAL, HAND-HELD SIGNS OR COMMUNITY NEWSPAPERS**

1. Handbills, leaflets, pamphlets and similar promotional material may only be distributed from door to door, in post boxes or from within shops and privately controlled areas.
2. Handbills, leaflets, pamphlets and similar promotional material may not be distributed at road intersections
3. Community newspapers may be distributed door to door in all areas of control.
4. Hand-held signs may only be displayed from within private premises with the express written permission of a landlord.

#### **42. FUNCTIONAL SIGNS BY PUBLIC BODIES**

1. A functional sign by a public body may not exceed 6 m<sup>2</sup> in area, except with the specific consent of the Municipality if justified by circumstances.
2. The letter size of all information on the sign may not be less than 20 mm in height.
3. Illumination may be provided if there is a need for information or directions to be read after dark.
4. A functional sign by a public body may not be used for the purpose of commercial and/or competitive advertising.
5. A functional sign by a public body is permitted in all areas of control.

#### **43. PROJECT SIGNS**

1. A project sign may display only –
  - (a) a description of the building or structure being erected or other work or activities being carried out;
  - (b) the names and the company symbols or logos of the contractors or consultants;



- (c) the branches of their industry or profession; and
  - (d) where relevant, details of the type of accommodation being provided, floor space available and the name, address and telephone number of the developer or the agent of the developer.
- 2. A project sign requires the specific consent of the Municipality.
  - 3. Only one project sign is allowed per street front of a site.
  - 4. A project sign may not exceed a total sign area of 18 m<sup>2</sup>, except with the specific consent of the Municipality.
  - 5. A project sign may not be illuminated or animated.
  - 6. A project sign may be displayed only for the duration of the relevant works on the site.

#### **44. SECURITY SIGNS**

- 1. A security sign shall refer only to the existence and operation of a neighbourhood watch, farm watch or similar system or scheme and contain relevant contact information.
- 2. There shall be no reference to any commercial or sponsoring reference on any security sign.
- 3. The display of a security sign shall be subject to the specific consent of the Municipality.
- 4. A security sign of 1 m x 2 m containing security information is permitted at the entrance to a closed neighbourhood or a gated community or at the entrances to areas subject to specific security arrangements such as a neighbourhood watch.
- 5. A security sign containing security information may not exceed a total height of 3,5 m above ground level and, if sited inside a road reserve, must have a minimum clear height of 2,4 m.
- 6. Farm watch signs containing security information may not exceed 2 m<sup>2</sup> in sign area.
- 7. A security sign on residential, business and industrial premises may not exceed 0,35 m<sup>2</sup> in sign area.
- 8. Only one security sign per 30 m length of street boundary of the premises may be erected and must be firmly affixed to the building, boundary wall, fence or gate on the street front or within the boundaries of the premises.
- 9. A security sign may be illuminated with the consent of the Municipality, but may not be animated.

#### **45. BALCONY, VERANDA, CANOPY AND UNDER-AWNING SIGNS**

- 1. A balcony, veranda, canopy or under-awning sign may be erected only on premises used for commercial, office, industrial or entertainment purposes and requires the specific consent of the Municipality.
- 2. Signs in this class may not interfere with any safety issues determined by the Municipality from time to time.
- 3. An under-awning sign may be suspended above a sidewalk.
- 4. The following is applicable to signs on veranda roofs:

- (a) Signs on adjacent buildings must be aligned with each other in order to form a straight line.
  - (b) A sign must as far as possible be parallel to the street face of the veranda.
  - (c) A sign may not extend beyond the veranda roof.
5. Signs under this class may not cover any window or obstruct the view from any window.

#### **46. FORECOURT SIGNS**

1. A forecourt sign may be displayed in all areas of control in the centre of economic activity subject to the specific consent of the Municipality.
2. The total sign area of all free-standing forecourt signs may not exceed 5m<sup>2</sup> on each forecourt frontage, except in the case of filling stations and roadside service areas, where it may not exceed 8m<sup>2</sup>.
3. In the case of filling stations and roadside service areas, additional non-free-standing signs with a maximum area of 1,5m<sup>2</sup> per sign may be allowed if attached to fuel pumps, vending machines and other non-advertising structures.
4. A forecourt sign may be free standing, except for a sign attached to a fuel pump, vending machine or other non-advertising structure in a filling station or roadside service area.
5. A forecourt sign may not be displayed in a road reserve and may not interfere with pedestrian circulation.
6. A forecourt sign may not be movable.

#### **47. RESIDENTIAL OR COMMUNITY SIGNS**

##### **47.1 Signs at a home industry**

1. The dimensions of the sign may not exceed 500 mm x 500 mm (unless otherwise stipulated in an Annexure B or consent-use or in terms of the relevant Land Use Scheme as amended from time to time).
2. The advertising structure may not be higher than 3 m.
3. The specific consent of the Municipality is required.
4. The sign must form an integral part of the architecture of the boundary wall or fence on the street frontage of the premises.
5. Where there is no street boundary wall, the sign must form an integral part of a substantial architectural element, and be designed and placed on the premises to the satisfaction of the Municipality.
6. The sign may not, at the discretion of the Municipality, in any way detrimentally affect the residential character or amenity of the neighbourhood or the surroundings.
7. The dominant content of the sign is to be the name of the enterprise.
8. No product advertising or advertising for sales of any kind is allowed on the sign.

9. No sign, with the exception of street numbers, may be painted on boundary walls.
10. Only one sign is permitted per street front on premises.
11. A sign at a home enterprise may be illuminated with the consent of the Municipality, but may not be animated.

#### **47.2 Signs at community institutions and facilities**

1. The sign area of community institutions and facility signs may not exceed 6 m<sup>2</sup>.
2. The advertising structure may not be higher than 3 m unless otherwise approved by the Municipality.
3. The specific consent of the Municipality is required.
4. Only one sign is permitted per street front per institution or facility.
5. If a sign structure is orientated at right angles to the street, a double-sided face is permitted but the sign area on each face may not exceed 6 m<sup>2</sup>.
6. The name and logo of a sponsor may not take up more than 20% of the sign area.
7. In cases where more than one community institution or facility share the same premises, a combination sign that does not exceed 12 m<sup>2</sup> in sign area may be permitted.
8. The sign must form an aesthetic and integral part of the architecture of the boundary wall on the street front of the premises.
9. Where there is no street boundary wall, the sign must form an integral part of a substantial architectural element, and be designed and placed on the premises to the satisfaction of the Municipality.
10. The sign(s) may be illuminated with the consent of the Municipality, but may not be animated.

#### **47.3 Community project signs**

1. Community project signs are subject to the approval of the Municipality.
2. The size, position and scope of these signs shall be determined by the Municipality.
3. Community project signs shall not conflict with any other sign class contained in this bylaw or policy of the Municipality.
4. The approval period of signs under this class shall be determined by the Municipality.
5. Community project signs shall not be permitted within any road reserve.

#### **48. BRIDGE SIGNS**

1. A bridge sign may not be constructed in a natural area or an area of maximum control unless otherwise approved by the Municipality.

2. A bridge sign may not be constructed on a freeway.
3. Signs affixed to bridges may be permitted in areas of partial and minimum control and are subject to the specific consent of the Municipality.
4. Signs affixed to bridges must form an integral part of the design of the structure.
5. Signs affixed to bridges shall not extend beyond the top, below or beyond any extremities of the design of a bridge.
6. Signs affixed to bridges may not project more than 300mm from the wall of a bridge.
7. The clear height of a bridge sign may not be less than 5, 5 m.
8. Illumination may be permitted subject to the stipulations of clause 11.

#### **49. CONSTRUCTION SITE SIGNS**

1. A construction site sign is permitted in all areas of control.
2. A construction site sign requires the specific consent of the Municipality.
3. A construction site sign shall form part of the boundary of construction site to conceal construction and/or an unsightly condition in the opinion of the Municipality, arising from the use of the property.
4. A construction site sign may be erected only for a period of one year, after which the approval can be renewed subject to a renewal application submitted and such additional conditions as the Municipality deems fit, on payment of the requisite fees.
5. The size and height of a construction premises sign may be limited by the Municipality.
6. A construction site sign may be illuminated.
7. A construction site sign may not project more than 100 mm from the surface to which it is affixed.

#### **50. BUILDING WRAP SIGNS**

1. A building wrap sign is only permitted in areas of minimum and partial control and requires the specific consent of the Municipality.
2. The shape dimensions and area of the sign will be as determined by the Municipality.
3. External illumination of a building wrap sign may be permitted at the discretion of the Municipality.
4. A building wrap sign may be considered for approval for a period of one year, after which the approval may be renewed subject to a renewal application submitted and such additional conditions as the Municipality deems fit, on payment of the requisite fees.

#### **51. DEVELOPMENT SIGNS**

1. A development sign requires the specific consent of the Municipality.
2. A development sign may display only –

- (a) a visual representation or description of the building or structure being erected or other work or activity being carried out;
  - (b) a visual representation or description of the development being carried out; and
  - (c) where relevant, details of the type of accommodation being provided, floor space available and the name, address and telephone number of the developer or the agent of the developer.
- 3. A development sign may not exceed a sign area of 18m<sup>2</sup>.
  - 4. Only one development sign per road frontage is allowed per site.
  - 5. The clear height of a development sign may not be less than 2, 4 m.
  - 6. A development sign may be illuminated but not animated.
  - 7. A development sign may be considered for approval for a period of 12 months, after which the approval may be renewed subject to a renewal application submitted and such additional conditions as the Municipality deems fit, on payment of the requisite fees.

## **52. AERIAL SIGNS**

- 1. An aerial sign is not permitted in natural areas and areas of maximum control.
- 2. An aerial sign requires the specific consent of the Municipality.
- 3. An aerial sign may not be illuminated or animated, with the exception of moored airships, which may be illuminated.
- 4. With the exception of a moored airship, an aerial sign may be displayed only during daylight hours.
- 5. No aerial sign may be displayed for a period exceeding two weeks in any calendar year.
- 6. No captive or unmanned free balloon may be flown without the written permission of the Commissioner of Civil Aviation after the permission of the Municipality has been granted.
- 7. Only the name of the business and/or product and one commercial article may be displayed on the sign.
- 8. A public liability policy to a value determined by the Municipality from time to time and proof of submission of the application to the Commissioner of Civil Aviation must accompany an application.
- 9. An aerial sign may not be flown at a height of more than 45 m above the surface (measured from ground level or from the surface on which a towing vehicle or vessel is travelling, to the top of the craft or object displaying the sign).

## **53. ROOF SIGNS**

- 1. A roof sign may only be permitted in areas of partial and minimum control.
- 2. A roof sign requires the specific consent of the Municipality.
- 3. The Municipality may require a scoping report or EIA for the display of a roof sign.

4. Only locality-bound roof signs are permitted in areas of partial control.
5. The bottom of the roof sign may not be more than 120 mm above the closest portion of the roof beneath it.
6. The main axis of a roof sign must be horizontal.
7. A roof sign in any other shape or form is subject to the specific consent of the Municipality.
8. A roof sign may not exceed 300 mm in thickness.
9. Roof signs must be placed so as not to form part of the skyline of buildings.

#### **54. SKY SIGNS**

1. Sky signs are permitted only in areas of minimum control.
2. Sky signs require the specific consent of the Municipality on the basis of an EIA, which must include the visual content of the advertisement envisaged.
3. The number of sky signs to be permitted in the central business district or other commercial node will be decided on the basis of the EIA.
4. A sky sign may not obstruct the view from any other building.
5. The advertisement content of an approved sign may not be changed without further approval based on an additional impact assessment.

#### **55. FLAT SIGNS**

1. A flat sign requires the specific consent of the Municipality.
2. An advertising sign scoping report may be required for a non-locality-bound flat sign in excess of 36 m<sup>2</sup>.
3. A non-locality-bound flat sign may be considered and evaluated in terms of criteria relating to high-impact signs.
4. The maximum projection of any part of a flat sign over a sidewalk or ground level must be 75 mm where such sign is less than 2,4 m above the sidewalk or ground level immediately below such sign, and 300 mm where such sign is more than 2,4 m above such sidewalk or ground level.
5. No flat sign may cover a window or any other external opening of a building, or obstruct the view from such an opening.
6. A flat sign may not extend above the top or beyond either end of the wall to which it is affixed.
7. A flat sign may consist of a panel, sheet or individual numbers, letters or symbols.
8. A flat sign can be attached to any wall of a building.
9. A locality-bound flat sign is permitted in all areas of control.
10. A non-locality-bound flat sign is only allowed in areas of partial and minimum control.
11. Illumination is subject to specific consent in accordance with the prescribed luminance levels.

12. A flat sign may be animated in areas of partial and minimum control.

#### **56. SIGNS PAINTED ON WALLS AND ROOFS OF A BUILDING**

1. Signs painted on walls and roofs require the specific consent of the Municipality.
2. Signs painted on walls and roofs are permitted only in areas of partial and minimum control.
3. Signs under this class are allowed on any wall of a building.

#### **57. WINDOW SIGNS**

1. Window signs are subject to deemed consent.
2. Window signs are permitted in all areas of control.
3. The total area of all permanent signs painted on or attached to the windows of a specific enterprise may not exceed 50% of the total ground floor window area of such an enterprise.
4. In areas of maximum control, colours, in the opinion of the Municipality, will be in harmony with the rest of the building and the general streetscape.

#### **58. FREE-STANDING SIGNS AT EDUCATIONAL FACILITIES AND INSTITUTIONS**

1. Free-standing signs at educational facilities and institutions require the specific consent of the Municipality.
2. Free-standing signs at educational facilities and institutions may indicate the name and nature of the facility or institution and the name of a sponsor.
3. The top of free-standing signs at educational facilities and institutions may not be higher than 8, 5 m, unless otherwise approved by the Municipality.
4. Free-standing signs at educational facilities and institutions must be divided into signs of equal size, height, form and construction.
5. No more than one high-impact sign per street front facing an area of partial control and no more than two high impact signs facing an area of minimum control may be considered (subject to the spacing of high impact signs herein) on an educational facility premises and is subject to the approval of the Municipality.
6. Free-standing signs at educational facilities and institutions and supporting structures must either form an aesthetic and integral part of a substantial architectural element or harmonise with buildings, boundary walls or nearby and other structures on the premises as far as materials, colour, texture, form, style and character are concerned and be placed near the street frontage boundary, to the satisfaction of the Municipality.
7. Illumination is subject to specific consent in accordance with the prescribed luminance levels, but may be limited or restricted by the Municipality.
8. Free-standing signs at educational facilities and institutions will not, at the discretion of the Municipality, in any way detrimentally affect the character and amenity of the neighbourhood or any other amenities of the area and/or surroundings.

#### **59. BOUNDARY WALL SIGNS**



1. A boundary wall sign requires the specific consent of the Municipality.
2. A boundary wall sign is only permitted in industrial areas of minimum control.
3. The maximum size of letters shall not exceed 750 mm.
4. Only one sign is allowed per street frontage.
5. The sign must form an integral part of the architecture of the wall on the street frontage of the premises.
6. The sign may not, at the discretion of the Municipality, in any way detrimentally affect the character and amenity of the neighbourhood or any other amenities of the area and/or surroundings.

#### **60. STACK SIGNS**

1. A stack sign is only permitted in areas of minimum control zoned for industrial use in terms of the relevant land use scheme and requires the specific consent of the Municipality.
2. The maximum height of a stack sign may not exceed 7, 5 m, except by means of an application for a relaxation of height restriction in terms of the relevant land use scheme or policies, as the case may be, as amended from time to time.
3. A stack sign may only be permitted on lower-order roads.
4. The minimum clear height of a stack sign is 2, 1 m.
5. The width of a stack sign may not be less than 2, 1 m and not more than 3, 0 m.
  - a. The vertical dimension of individual panels may not be less than 1 m, and no more than 5 panels are permitted per side of the sign.
  - b. No more than two stack signs are permitted close to any intersection.
6. A stack sign may be double-sided.
7. A stack sign may not be animated.

#### **61. VEHICULAR ADVERTISING**

1. Vehicular advertising is permitted in all areas of control subject to authority of Council.
2. No transportation vehicle may stand or be parked in any road reserve or portion of a road reserve if the vehicle is being used for the primary purpose of advertising of services or sales.
3. Illumination of vehicular advertising is limited to the following:
  - a. An internally illuminated sign that indicates that a taxi is for hire;
  - b. Retro reflective signs with the colour red to the back, yellow to the side and white to the front of a vehicle.

#### **62. PROJECTING SIGNS**

1. A locality-bound projecting sign is allowed in all areas of control.
2. A non-locality-bound projecting is allowed only in areas of minimum and partial control.

3. A projecting sign requires the specific consent of the Municipality.
4. A locality-bound projecting sign is limited only to buildings used for commercial, office, industrial or entertainment purposes and larger accommodation facilities.
5. A projecting sign must be mounted in a way that provides a minimum clear height of 2, 4 m.
6. A projecting sign may not exceed 300 mm in thickness.
7. A projecting sign may not project more than 1, 0 m over the building line.
8. A projecting sign must be at least 4, 5 m from any other vertical sign.
9. A projecting sign may not project above the parapet or edge of a roof.
10. Only one projecting sign is allowed per enterprise facade.
11. A projecting sign must be fixed at right angles to the street line.

#### **63. PYLON SIGNS**

1. A pylon sign refers only to the types of services provided at such a facility.
2. A pylon sign must be locality bound and may be erected or displayed in facilities adjacent to and directly accessible from a road at which the sign is directed.
3. Pylon signs are permitted in all areas of control.
4. A pylon sign requires the specific consent of the Municipality.
5. A pylon sign may be a maximum of 7, 5 m in height. A height increase may be considered subject to the approval of an application for a height restriction relaxation in terms of the relevant land use scheme as amended from time to time.
6. A pylon sign may be illuminated.
7. A pylon sign may not be animated.
8. Advertisements on a pylon sign refer only to the name and logo of the business providing the service and the type of service provided.
9. The design of the structure must harmonise with the architecture of the particular building or other adjacent buildings or structures.
10. Messages on individual signs must be concise and legible.
11. The content of individual panels of such a sign must be harmonious in terms of form, letter types and colour.

#### **64. TOWER SIGNS**

1. Tower signs are permitted only in areas of minimum control and require the specific consent of the Municipality.
2. Tower signs shall not be animated.
3. Tower signs shall only be externally illuminated.

4. Tower signs may not be permanent in nature and may only be displayed for a period not exceeding 12 months.
5. The height of a tower sign shall be determined by the Municipality.
6. Tower signs shall not be permitted within a road reserve.

**65. ADVERTISING VEHICLES (TRAILERS)**

1. Every person who wishes to display or cause to display any advertisement on an advertising vehicle shall annually submit to the Council a written application on the prescribed form and pay the prescribed fee, and such application shall be accompanied by:
  - (a) Particulars of the materials of which the advertising sign is made, its dimensions, and the manner of its construction and the method by which it is secured to the advertising vehicle;
  - (b) The name, address and telephone number of the owner of the vehicle or, if the owner resides or has his place of business outside the boundaries of the Council, of the person having control over the vehicle at all times;
  - (c) A copy of the current vehicle licence issued in respect of such vehicle as well as the registration as required in terms of the Road Traffic Act.
2. No advertising vehicle shall be placed or caused to be placed on private property or Council Property, including any demarcated parking bay, in a public road or within a road reserve -
  - (a) unless the prior written approval of the Council has been obtained in terms of these Bylaws and designated display site(s) have been approved in terms of Council's Advertising Bylaws; and
  - (b) provided that if no approved designated site(s) exists, Advertising Vehicle signs shall only be permitted to be displayed if the signs are mobile at all times and comply with legislation and conditions imposed by the Council.
3. Advertising Vehicles parked on private property for the purpose of storage shall be positioned in such a manner as not to be visible from a street or public place or be completely covered at all times whilst on such property so that the advertisement of such vehicle is not visible to a person who stands, drives by or walks past the property. (I suggest insertion of the reddened text in order to curb advertising from private properties and still allow the owner of an advertising vehicle to park anywhere where it is convenient for him/her within his/her private property.
4. The advertising panel or portion of the vehicle used for transit advertising shall not exceed a Cumulative total of 6m<sup>2</sup> per panel.
5. Notwithstanding any provisions of these Bylaws, the Council or its authorised officials may, without prior notice, remove an Advertising Vehicle from Council Property, and in the case of an unauthorised Advertising Vehicle on private property, the Council may serve notice instructing the immediate removal thereof, failing which the Council may, without a court order, enter onto the private or Council property concerned and remove or arrange for the removal of the advertising vehicle and impound such vehicle.
6. Unless an advertising vehicle impounded by the Council in terms of subsection (e) has been reclaimed within a period of three months (3) from the date of notification, such vehicle shall be disposed of by the Council to defray any costs involved. Impounded Advertising Vehicles shall

only be released by Council after all removal costs and fines have been paid in full and a copy of the current licence registration papers have been submitted for verification.

7. Impounded Advertising Vehicles shall only be released by Council after all removal, impoundment and storage fees have been paid in full and an original registration certificate of the impounded vehicle have been submitted for verification of ownership before the release of the vehicle from such impoundment.
  - a) Should an impounded vehicle being considered for release be in condition that it may not be operated on a public road; the owner of the vehicle shall also be required to produce a special permit or to provide a towing vehicle in order to avoid illegally operating such vehicle on a public road.
  - b) Impoundment and storage fees shall be charged as per approved and applicable annual tariff of charges, fees or levies and in accordance with the terms and conditions of such tariffs, levies or fees.
  - c) For any immediate request for release of any vehicle which has been used in contravention of this by-law and subsequently impounded, Council shall be entitled to a full charge or full amount of all storage fees as if the vehicle had been held in storage for more than thirty-six (36) hours and the authorised claimant or owner of the vehicle shall be charged in accordance with the terms and conditions applicable to such storage fees, levies or tariffs as annually approved by Council.

## CHAPTER 5

### MISCELLANEOUS

#### 66. OFFENCES AND PENALTIES

1. Any person who:
  - (m) contravenes or fails to comply with any provision of this by-law or the conditions of approval of an application for a sign;
  - (n) contravenes or fails to comply with any requirement set out in a notice issued and served on him /her in terms of this by-law;
  - (o) contravenes or fails to comply with any condition imposed in terms of this by-law;
  - (p) cut, prune, damage or remove a tree for the purpose of displaying an advertisement without the specific consent of the Municipality;
  - (q) knowingly makes a false statement in respect of any application in terms of this by-law;
  - (r) without complying with any provisions of any other law as a requirement for the exercising of any application for approval in terms of this By-law;
  - (s) in any way willfully obstructs, hinders or without any reasonable or just cause interferes with an authorized official who is engaged in the execution of his/her duties shall be guilty of an offence and may, on conviction, be liable for payment of a fine not exceeding R6 000, 00 or 6 months' imprisonment will be guilty of an offence and will, on conviction, be liable for a payment of R 6 000, 00 or 6 months' imprisonment.
2. Any sign or advertisement that is erected, distributed, hoisted, maintained, suspended, parked or displayed on any public space without specific consent or in contravention of this

by-law may be disposed of by the Municipality within seven (7) days from such removal without notice, at the cost of the responsible person who displayed or caused or allowed the sign or advertisement to be erected, distributed, hoisted, maintained, suspended, parked or displayed.

3. Any advertiser who is found in contravention of any part of this bylaw shall if found guilty of an offense be held accountable in terms of this bylaw.

4. Any sign erected in contravention of the land use rights, then nothing contained herein may prohibit the Municipality from taking any law enforcement actions against the owner of land with regard to the land use rights being exercised on the property.

5. Nothing contained herein shall prevent the Municipality from imposing, in addition to the civil and criminal options available, a rate penalty as per the Municipality's approved Rates Policy against an owner of a property or a vehicle who is in contravention of any provision of this bylaw.

#### **67. AREAS OF CONTROL**

\*Refer to annexure

#### **68. REPEAL OF BYLAWS**

The following by-law is hereby repealed:

- (a) City of uMhlathuze: Advertising Signs Bylaws, 2002 and all its subsequent amendments

The By-law for the Control of Outdoor Advertising presented in this document will prevail unless repealed or amended by the Council and will supersede all other by-laws within the municipal area in as much as they may be in conflict with it.

#### **69. SHORT TITLE AND COMMENCEMENT**

This by-law is called uMhlathuze By-law for the Control of Outdoor Advertising, and takes effect on the date of its promulgation in the Provincial Gazette.

#### **70. SAFETY**

1. Notwithstanding the other provisions of this by-law, no advertising sign shall –
  - (a) constitute a danger to life or property or cause an obstruction to persons or premises;
  - (b) be attached to traffic signs or signals or combined with traffic signs unless otherwise allowed by the South African Road Traffic Safety Manual, obscure traffic signs or signals, or create confusion with traffic signs, interfere with the functioning of traffic signs or create road safety hazards, as determined by the Municipality;
  - (c) be placed on traffic islands or be attached to power masts, trees, pillars, fencing, electrical substations or any other similar structures;

- (d) obstruct fire escapes or passages to fire escapes;
  - (e) be placed closer to overhead power lines than the minimum clearance prescribed by any law;
  - (f) be erected without approval of the Municipality or in contravention of any provision of the National road Traffic Act, 1996, (Act no 93 of 1996).
2. Failure by any person to comply with the provisions of subsection 1 above shall constitute an offense.
3. No advertising sign shall -
- (a) be so placed as to distract, or contain an element which distracts, the attention of drivers of vehicles in a manner likely to lead to unsafe driving conditions;
  - (b) be illuminated to the extent that it causes discomfort to adjacent residents or inhibits the vision of approaching pedestrians or drivers of vehicles;
2. When considering applications for approval of signs and advertisements that will face any public space, the Municipality must evaluate, according to road traffic sign standards published under applicable road traffic legislation, prevailing traffic conditions and the roadside environment, whether –
- (a) the advertising sign, together with other any other signs in the area, if any, will affect the visibility of road traffic signs due to potential visual clutter;
  - (b) the size of the advertising sign, or any portion thereof in terms of its colour, letter size, symbols, logo, graphics or illumination will have the effect of distracting the attention of drivers of vehicles from the task of driving and lead to unsafe driving conditions;
  - (c) the number of road traffic signs and other advertising signs in the area constitute a driving hazard by distracting the attention of drivers of vehicles from the task of driving and leading to unsafe driving conditions;
  - (d) the colour, or combination of colours, contained in the advertising sign correspond to the colours or combinations of colours specified for road traffic signs;
  - (e) the colours red, amber or green in the content of an advertisement erected in the vicinity of a signalised intersection will constitute a road safety hazard;
  - (f) the portrayal of a road traffic sign in the content of an advertisement will constitute a road safety hazard;
  - (g) the speed limit and the extent to which traffic adheres to the speed limit, the traffic volume, the average following distance and the accident history of the road demand more stringent control of the display of advertising signs;
  - (h) the amount of information contained in the advertising sign, measured in bits, is within prescribed limits;
  - (i) the advertising sign is suitably positioned and orientated;
  - (j) the position of the advertising sign will negatively affect the visibility of, sight distance to or effectiveness of any road traffic sign or series of such signs;
  - (k) the advertising sign could be mistaken to represent a road traffic sign;

- (l) the illumination of advertising signs or the light source of such illumination is likely to distract drivers' attention from road traffic signs that are not illuminated;
  - (m) the position of advertising signs would disrupt the sequence of information on road traffic signs for drivers who encounter a series of road traffic signs intended for traffic regulation, warning or guidance, in cases where the applicable speed limit on the road exceeds 60 km per hour;
  - (n) the position of any advertising sign would potentially distract drivers' attention at places where traffic turns, negotiates curves, merges or diverges, or in the vicinity of intersections or interchanges, or where the drivers' uninterrupted attention to driving is important for road safety;
  - (o) the distance of any advertising sign before any road traffic sign, an advertising sign's position in between road traffic signs or an advertising sign's distance behind any road traffic sign is of such a nature as to distract a driver's attention from any road traffic sign; and
  - (p) the advertising signs will impede the operation of non-motorised traffic.
3. The Municipality may increase the minimum spacing between advertising signs, intersections or place further restrictions on the position, size and content of any sign, if it considers this necessary in the interests of road safety.
  4. No advertising sign that emits a noise, sound, smoke, smell or similar sensory stimulus will be allowed to be erected or displayed.
  5. When erecting or removing an advertising sign or advertisement, no person shall cause any damage to any tree, electrical pole, electrical service (e.g. mini-substation) or any other public installation, building or property. Should any damage be caused, it shall constitute malicious damage to public property and constitute an offence and the cost of repair or replacement thereof shall be for the account of the owner of the advertising sign and or advertisement who caused it to be displayed or removed.
  6. The owner of the advertising sign must ensure that the advertising structure and the procedures followed to maintain the structure or change the content of an advertisement are safe and do not pose a safety risk of any nature.
  7. No person is allowed to exhibit or display any products or services on a moveable or loose- standing device, board, advertising sign, screen or structure on any part of any road reserve in the municipal area.
  8. No person shall hoist, display, distribute or erect flags, display boards, bunting, balloons, banners, parking caravans, cars, trailers, containers, gazebos, tents, or similar devices or material on any part of a road reserve in the municipal area for the purpose of displaying advertising signs.
  9. Where specified in the conditions of approval of an advertising sign to be erected, such advertising sign must comply with the uMhlathuze Municipal by-laws and related policies with regard to wayleave approval processes as amended from time to time

## PREAMBLE

**WHEREAS** section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the right to administer local government matters listed in Part B of Schedules 4 and 5; and



**WHEREAS** section 156(2) of the Constitution empowers municipalities to make and administer by-laws for the effective administration of the matters they have the right to administer; and

**WHEREAS** the control of outdoor advertising falls within the ambit of the powers vested in a municipality; and

**WHEREAS** the uMhlathuze Municipality has resolved to promulgate the by-law as set out below in terms of section 12 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000); and

**WHEREAS** the erection of a sign in terms of this By-law is regarded as a use of a property over and above the provisions of uMhlathuze Land Use Scheme; and

**WHEREAS** the uMhlathuze Municipality in terms of the Local Government Property Rates Act, 2004 may determine the categories of rating in terms of section 8 of the said Act where signs have been erected without the express written permission of the City; and

**WHEREAS** in the control and management of advertising the property may only be “permitted to be used” for advertising, if such advertising is approved in terms of this By-law; and

**WHEREAS** the uMhlathuze Municipality seeks to manage signs that are erected on land where it is not permitted herein;

NOW THEREFORE BE IT ENACTED by the Council of the Umhlathuze Municipality as follows:

#### **SCOPE OF THIS BY-LAW**

1. This by-law is applicable to and regulates outdoor advertising in the jurisdiction of the uMhlathuze Municipal area.
2. This by-law shall apply to any property and public space within the jurisdiction of the uMhlathuze Municipality irrespective of ownership or control and management of the property or public space by any sphere of government in so far as it relates to a sign as defined in terms of this by-law and related Municipal policies, read with Schedule 4 and 5 of the Constitution of South Africa, 1996.
3. This by-law shall apply to any person or organ of state advertising on any sign erected within the jurisdiction of the Municipality as defined in terms of this by-law.
4. This by-law shall apply irrespective of any zoning or other permission for the use of property or public space in terms of any other legislation or agreement that may have been entered into by any owner, occupant or user of any property or public space.
5. The approval of a sign in terms of this by-law must not be construed as approval in terms of any other act, ordinance, by-law or regulation, and approval must be obtained in the manner prescribed in the relevant act, ordinance, by-law or regulation.
6. Any sign as defined in terms of this By-law, indicated on any other application required by the Municipality in term of any legislation, as part of a requirement for information and evaluation, shall not be approved by virtue of that application, but shall be dealt with in terms of this By-law.
7. With the exception of street furniture signs, no person may allow another person to erect, distribute, maintain or display a third party advertisement, except where the property or public space is in an area of partial or minimum control and only after the municipality has specifically consented to this.
8. No person may build, erect, distribute, hoist, maintain or display a sign or allow any other person to do so in a place or on a building or structure that it is visible from any property or public space without the consent of the Municipality.

**7. SHORT TITLE AND COMMENCEMENT**

This By-law is called the **MUNICIPAL OUTDOOR ADVERTISING SIGNS BYLAWS**, and takes effect on the date of Publication in the Gazette.

DMS 1362886ds

**MUNICIPAL NOTICE 30 OF 2020**  
**UMHLATHUZE LOCAL MUNICIPALITY**

**WATER SERVICES BYLAWS**

THE uMhlathuze Local Municipality hereby publishes the following Water Services Bylaws, in terms of bylaw 156(2) of the Constitution of the Republic of South Africa, read with bylaws 11 – 13 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000).and the Water Services Act, 2007 (Act No 30 of 2007)

**UMHLATHUZE LOCAL MUNICIPALITY WATER SERVICES BYLAWS 2010**

ARRANGEMENT OF BYLAWS

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## CHAPTER 1

### GENERAL PROVISIONS

#### 1. Definitions

- (1) In these Bylaws and the Schedules thereto, unless the context otherwise indicates -

**"accommodation unit"** means in relation to any premises, a building or section of a building occupied or used or intended for residential occupation or use by any person; but excludes a "dwelling unit", an "additional dwelling unit" and a "duet", as defined in the Municipality's town planning scheme;

**"Act"** means the Water Services Act No. 1997 (Act No. 108 of 1997);

**"additional dwelling unit"** means a free standing or coupled building, comprising a self-contained dwelling unit and as further defined in the Municipality's town planning scheme;

**"agreement"** means the contractual relationship between the Municipality or its appointed agent and a consumer, whether written, deemed or tacit, as provided for in the Municipality's Bylaws relating to water and services, credit control or debt collection;

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

**"appointed agent"** means a service provider appointed by the Municipality in terms of sections 78 and 81(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and **"service provider"** has the corresponding meaning;

**"approved"** means approved by the Municipality in writing, whether by resolution of the Council or by an authorised official and **"approval"** has a corresponding meaning;

**"Authorisation Committee"** means the municipal body responsible for compiling the schedule of approved pipes and fittings, which schedule must at least be compatible with a closed system, as prescribed by the building control officer and comply with any applicable SABS or JASWIC standards;

**"authorised official"** means any person –

- (a) who is a municipal employee and authorised to perform any act, function or duty in terms of, or to exercise any power under, these Bylaws; or
- (b) authorised by the municipality in a written contract as a service provider for the provision of water services to customers on its behalf, or
- (c) an authorised employee of that service provider, to the extent authorised in the contract.

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

**"backflow preventer"** means any device or means to prevent backflow;



**"back siphonage"** means the backflow resulting from pressures lower than the atmospheric pressure in the water installation;

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

**"basic water supply"** means the minimum standard of water supply services necessary for the reliable supply of water to households to support life and personal hygiene, prescribed in terms of the Act and regulated under regulation 3 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;

**"best practicable environmental option"** means the option that provides the most benefit or causes the least damage to the environment as a whole, in the long and the short term, at a cost acceptable to society;

**"borehole"** means a hole sunk into the earth and/or rock for the purpose of locating, abstracting, storing or using subterranean water, and includes a spring, an excavation or any artificially constructed or improved underground cavity;

**"boundary"** means the verge, border or property line which defines a portion of land.

**"building control officer"** means any person appointed or deemed to be appointed as a building control officer by the Municipality in terms of section 5 of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);

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

**"charges"** means the rate, charge, tariff, flat rate or subsidy, determined by the Municipal Council and applicable to the service in question;

**"capacity"** in relation to a storage tank, means the volume of the tank between the operating water level of the water contained in such tank and the invert of the outlet from the tank;

**"combined installation"** in relation to water supply means a water installation used for fire-fighting as well as domestic, commercial or industrial purposes;

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

**"communal sewer"** means a sewer main and connecting sewers, the maintenance and repair of which, a group of users and/or owners have undertaken in writing to be the person or persons responsible;

**"communal water connection"** means a consumer connection through which water services are supplied to more than one consumer, and **"communal water services work"** has a corresponding meaning;

**"compliance notice"** means a notice which is issued to any person in order to note a contravention of an agreement or permit and must contain details such as the nature and extent of the non-compliance, any steps that must be taken, the time period for compliance and the penalty for non-compliance;

**"compliance certificate"** means any certificate issued by the Municipality or its appointed agent to any person after a noted contravention has been rectified or resolved and which indicates the Municipality's approval of such rectification;

**"connecting point"** means the point at which the internal drainage installation joins the connecting sewer;

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

**"connection pipe"** means a pipe, the ownership of which is vested in the Municipality and installed by it or its appointed agent for the purpose of conveying water or treated effluent from a water main to a water installation, and includes a "communication pipe" referred to in SANS 10252-1: 2004 Water Supply and drainage for building;

**"conservancy tank"** means a covered tank used for the reception and temporary retention of sewerage and which requires emptying at intervals;

**"consumer"** means -

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

**"council"** means the council of the municipality of uMhlathuze and includes any structure, councillor, or official of the council exercising powers or performing duties or functions under this bylaw, which have been delegated to such structure, councillor or official by the council;

**"disposal of industrial effluent"** means the collection, removal, disposal or treatment of effluent emanating from industrial use of water;

**"domestic effluent"** means effluent with prescribed strength characteristics in respect of chemical oxygen demand and settle-able solids, determined by the Municipality as being appropriate to sewage discharges from domestic premises within its jurisdiction, but does not include industrial effluent;

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

**"drain"** means that portion of the drainage installation that conveys sewage within any premises or from those premises to a connecting sewer;

**"drainage installation"** means a system situated on any premises and vested in the owner thereof that is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on such premises up to the connecting point, and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of, or being ancillary, to such system;

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

**"duet"** means an additional dwelling unit as approved by way of a special consent use by the Municipality in terms of the Municipality's town planning scheme;

**"duly qualified sampler"** means a person who takes samples for analysis from the sewage disposal and stormwater disposal systems or from any water resource in the municipal area and who has been certified to do so by an authorised official;

**"dwelling unit"** means a self-contained, interconnected suite of rooms designed for residential purposes and occupation by a single household, as further defined in the Municipality's town planning scheme, but excludes an "accommodation unit";

**"effluent"** means any liquid whether or not containing matter in solution or suspension,

**"environmental authorisation"** means an authorisation granted issued in terms of section 24(2) of NEMA. or in any succeeding legislation;

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

**"environmental cost"** means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident and, in the event that this is not possible, the value of the cost-benefit that has been lost through the damage to or destruction of the environment;

**"fire installation"** means a water installation that conveys water intended for fire-fighting purposes only;

**"fixed quantity water delivery system"** means a water installation, which delivers a fixed quantity of water to a consumer in any single day;

**"French drain"** means a soil soak pit for the disposal of sewage and effluent from a septic tank;

**"general installation"** means a water installation which conveys water for domestic, commercial or industrial purposes;

**"grey water"** means waste water resulting from the use of water for domestic purposes, but does not include human excreta;

**"high strength sewage"** means industrial effluent with a strength or quality greater than standard domestic effluent in respect of which a specific charge as calculated in accordance with Schedule C may be charged;

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

**"industrial effluent"** means any liquid whether or not containing matter in solution or suspension, which is given off in the course of or as a result of any industrial trade, manufacturing, mining or chemical process or any laboratory, research or agricultural activity, and includes for the purposes of these Bylaws, any effluent other than domestic effluent or storm water, and **"trade effluent"** bears the same meaning.

**"industrial purposes"** in relation to the supply of water and/or treated effluent means water and/or treated effluent supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in Government Notice R2206 of 5 October 1984 or any succeeding legislation, including the use of water and/or treated effluent for purposes of mining, manufacturing, retailing and service industries, generating electricity, land-based transport, construction or any related purpose;

**"installation work"** means any work done by the municipality or any of its contractors in respect of water and/or treated effluent services installation, including construction, rehabilitation, improvement and maintenance;

**"interest"** interest will be charged at an interest rate as determined by Council, or in the absence of any such determination, as prescribed by law

**"JASWIC"** means Joint Acceptance Scheme for Water Services Installation Components;

**"main"** means a pipe, other than a connection pipe of which the ownership vests in the Municipality and which is used by it or its appointed agent for the purpose of providing water services to a consumer;

**"manhole"** means a chamber of a depth greater than 750mm and of such dimension that allows the entry of a person into such a chamber for the purposes of providing access to a sewer or drainage installation for maintenance or internal cleaning;

**"measuring device"** means any method, procedure, process, device, apparatus or installation that enables the consumption of water services provided to any consumer to be determined or quantified and includes any method, procedure or process whereby the consumption is estimated;

**"medical waste"** means human and animal anatomical waste, infectious human and anatomical waste, sharps, chemical waste, pharmaceutical waste and radioactive waste generated by healthcare professionals, healthcare facilities and other non-healthcare professionals such as barbers, taxidermists and tattooists, or as defined in SANS 10248: Management of Healthcare Risk Waste and **"healthcare risk waste"** shall have a corresponding meaning;

**"meter"** means a water meter as defined by Government Notice R 2362 dated 18 November 1977, published in terms of the Trade Metrology Act, 1973 (Act No. 70 of 1973) or any succeeding legislation or, in the case of a water meter of a size greater than 100 mm, a device which measures the quantity of water or treated effluent passing through it, including a pre-paid meter;

**"Municipality"** means -

- (a) the uMhlathuze Local Municipality established in terms of the Local Government: Municipal Structures Act, No. 117 of 1998 and its successors in title, and includes a structure or person exercising a delegated power or carrying out an instruction in terms of these Bylaws and legislation applicable to Local Government; or
- (b) a service provider fulfilling a responsibility under these Bylaws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act 2000, or any other applicable law, as the case may be;

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

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

**"nominated service provider"** means Mhlathuze Water Board and/or appointed agent, or any succeeding nominated service provider;

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

**"notice"** means "public notice", a "compliance notice", or other written communication between the Municipality and any person of individual written notice for information purposes;

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

**"operating water level"** means the level of water reached in a storage tank when the valve controlling the inlet of water to the tank closes under normal operating conditions;

**"owner"** includes -

- (a) the person in whom from time to time is vested the legal title to premises, including, but not limited to, the registered owner according to the title deed;

- (b) where the owner of the premises concerned is insolvent, deceased, has assigned his estate for the benefit of his creditors, has, been placed under curatorship in terms of an order of court, is a close corporation being wound up, or is a company being wound up or under judicial management, the person in whom the administration of such premises is vested as executor, trustee, assignee, curator, liquidator or judicial manager as the case may be;
- (c) in any case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises; and
- (d) the lessee under any registered lease of land which is entered into for a period of not less than ten years or for the natural life of the lessee or any other person mentioned in such lease, or which is renewable from time to time at the will of the lessee indefinitely or for periods which together with the first period of such lease amount in all to not less than ten years, whether or not such renewal is dependent on the periodical consent or permission of, or the periodical renewal of a licence by the State or any statutory licensing body;
- (e) in relation to
  - (i) a piece of land delineated on a sectional plan registered in terms of the sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property; and
  - (ii) a section as defined in such Act, the person in whose name the relevant unit is registered under a sectional title deed, and includes the lawfully appointed representative of such person;
- (f) the lessee of any Municipal owned immovable property for the duration of the lease;
- (g) any person who acquires any right to land by virtue of the provisions of any law applicable in the Province of KwaZulu-Natal;

**"owner's water installation"** means all the pipe work and water fittings installed by the owner for connecting into the water installation installed by the Municipality or its appointed agent;

**"permit holder"** means a person who has obtained the written permission of an authorised official to discharge or cause or permit to discharge, industrial effluent into the sewage disposal system;

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

**"pollution"** means the introduction of any substance (including gases, odorous compounds, liquids, solids and micro-organisms), whether directly or indirectly, into the water supply system, a water installation or a water resource, which alters the physical, chemical or biological properties of the water so as to make it -

- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used;
- (b) harmful or potentially harmful to –
  - (i) to the welfare, health or safety of human beings;
  - (ii) to any aquatic or non-aquatic organisms;
  - (iii) to the resource quality, or
  - (iv) to property;

**"pollutant"** means a substance which causes pollution, and **"contaminant"** has a corresponding meaning;

**"premises"** means any piece of land, with or without improvements, the external surface boundaries of which are delineated on -

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act No.47 of 1937); or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986); or
- (c) a township plan in terms of any law of the area previously described as KwaZulu; or
- (d) a permission-to-occupy certificate in terms of customary law;

**"prepayment meter"** means a meter that can be programmed to limit the flow of water or treated effluent into a water installation to the amount which has been previously purchased;

**"prescribed"** means as determined by a resolution of the Municipality from time to time;

**"prescribed fee"** means a fee determined by the Municipality by resolution;

**"prescribed form"** means the form determined by the Municipality to be the applicable form in the circumstances;

**"prescribed tariff"** means a tariff according to any schedule of prescribed fees;

**"professional engineer"** means a person registered in terms of the Engineering Professions Act 2000 (act No 46 of 2000) as a professional engineer;

**"public notice"** means a notice that complies with the provisions of section 21(1) of the Local Government: Municipal Systems Act, No 32 of 2000 and notwithstanding the generality thereof, shall include at least two notices, each notice being in one of the official languages in general use in the municipal area, but in a different official language to the other notice and published in at least one newspaper in general use within the municipal area, preferably a newspaper published predominantly in the same language as the notice;

**"registered contractor"** means a company/person registered by the SAQCC for the Water Supply Industry;



**"registered plumber"** means a person registered by the SAQCC for the Water Supply Industry;

**"SABS"** means the South African Bureau of Standards;

**"SANS"** means South African National Standards;

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

**"SAQCC for the Water Supply Industry"** means the South African Qualification and Certification Committee constituted in terms of Act No. 58 of 1995;

**"schedule of approved pipes and fittings"** means the list of approved pipes and fittings compiled by the Authorisation Committee;

**"sea outfall pipeline"** means any pipeline and related works which are the property of the Mhlathuze Water Board and which are used, or meant to be used, for the discharge of sewage into the sea;

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

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

**"sewage"** means waste water, industrial effluent, domestic effluent and other liquid waste, either separately or in combination, but shall not include storm water;

**"sewage disposal system"** means the structures, valves, pipes, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the treatment works under control of the Municipality and which may be used by it in connection with the disposal of sewage, and shall include any sea outfall pipeline;

**"sewer"** means any pipe or conduit which is the property of, or is vested in, the Municipality and which may be used for the conveyance of sewage from the connecting sewer and shall not include a "drain";

**"soil water"** means liquid containing excreta;

**"standpipe"** means a connection through which water supply services are supplied as a common facility to more than one person, or more than one family or household occupying more than one accommodation unit or dwelling unit;

**"storm water"** means water resulting from natural precipitation or accumulation and includes rain water, subsoil water or spring water;

**"surcharge"** means the charge referred to in section 74(2)(f) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

**"tariff"** means the tariff of charges in respect of the Municipality's water services, as determined by the Municipality from time to time;

**"Tariff of Charges"** means the Tariff Bylaw promulgated by the Council in terms of section 75 of the Local Government: Municipal Systems Act, No. 32 of 2000, or in terms of bylaw 75A of that Act to levy and recover fees, charges or tariffs;

**"terminal water fitting"** means a water fitting at an outlet of a water installation which controls the discharge of water or treated effluent from a water installation;

**"trap"** means a pipe fitting or portion of a sanitary appliance designed to retain water in or treated effluent position, or a seal which serves as a barrier against the flow of foul air or gas;

**"treated effluent"** means wastewater which has been treated;

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

**"treated effluent tracer"** means any dye or chemical approved by the Municipality or its appointed agent to clearly colour the treated effluent;

**"water services facility"** means any land on which there is infrastructure installed or used by the Municipality or a catchment area in connection with the supply of treated effluent;

**"well point"** means a small diameter pipe jetted into unconsolidated sandy or gravelly formations, with a pump situated at ground level to lift and distribute the water.

**"user"** means -

- (a) any person who occupies premises to whom, and in respect of which premises, the Municipality or its appointed agent -
  - (i) has agreed to provide water services;
  - (ii) is providing water services; or
  - (iii) has entered into an agreement with the Municipality or its appointed agent for the provision of water services to or on any premises;
- (b) the owner of any premises to which the Municipality or its appointed agent is providing water services;
- (c) where water services are provided through a single connection to a number of accommodation units or users or occupiers, means the person to whom the Municipality or its appointed agent agreed to provide such water services; and

- (d) any end-user who receives water services from the Municipality or its appointed agent or other water services institution.

**"waste water"** means used water not contaminated by soil water or industrial effluent and does not include storm water;

**"water efficient device"** means any product that reduces the excessive use of water and/or treated effluent;

**"water fitting"** means a component of a water installation, other than a pipe, through which water or treated effluent passes or in which it is stored;

**"water installation"** means the pipes, water or treated effluent fittings and meter which are situated on any premises, ownership of which installation vests in the owner of the premises and used or intended to be used in connection with the use of water or treated effluent or water services on such premises, and includes a pipe and water fitting situated outside the boundary of such premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the Municipality;

**"water services"** means water and treated effluent supply services and sanitation services.

**"water services authority"** means any municipality, including a district or rural council as defined in the Local Government Transition Act, 1993 (Act 209 of 1993), responsible for ensuring access to water services;

**"water services intermediary"** means any person who is obliged to provide water services to another in terms of a contract where the obligation to provide water services is incidental to the main object of that contract;

**"water services institution"** means a water services authority, a water services provider, a water board and a water services committee;

**"water services provider"** means any person who provides water services to consumers or to the Municipality, but does not include a water services intermediary ;

**"water supply"** means the supply of treated potable water and treated effluent by the Municipality or its appointed agent;

**"water supply system"** means a structure, aquaduct, pipe, valve, pump, meter or other apparatus relating thereto which is vested in the Municipality and is used, or intended to be used, in connection with the supply of water and/or treated effluent and includes any part thereof;

**"working day"** means a day other than a Saturday, Sunday or Public Holiday;

**"zone"** means the local area of land of which the premises occupied by the consumer and/or user is a part and which is zoned in terms of a town planning scheme or an integrated development plan for homogeneous usage.

- (2) If any provision in these Bylaws vests or imposes any power, function or duty of the Municipality in or on an employee of the Municipality and such power, function or duty has in terms of section 81 (2) of the Local Government: Municipal Systems Act, 2000, or

any other law, been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider duly authorised by it.

## 2. **Terminology and Conflict Of Law**

- (1) Any word or expression used in these Bylaws to which a meaning has been assigned in -
  - (a) the Act or Regulations made thereunder, will bear that meaning; and
  - (b) the National Building Regulations and Building Standards Act 1977 (Act No.103 of 1977), and the National Building Regulations 2000 made thereunder, will bear that meaning;unless the context indicates otherwise.
- (2) If there is any conflict between these Bylaws and any other bylaws of the Municipality these bylaws will prevail in relation to any matter or thing required to be done or not to be done in connection with the supply of water and/or treated effluent and the provision of sanitation services.

## 3. **Levels Of Service**

- (1) The Municipality may, from time to time, and in accordance with national policy, but subject to the principles of sustainability and affordability, by public notice determine the service levels it is able to provide to consumers and/or users, where applicable, at fees set out in the Tariff of Charges.
- (2) the levels of service shall include -
  - (a) Service Level 1, which must satisfy the minimum standard for basic water services as required in terms of the Act and its applicable regulations, and must consist of -
    - (i) a water supply from communal water points which are not more than 200 metres from a household; and
    - (ii) a ventilated improved pit latrine located on each site; and
    - (iii) appropriate health and hygiene education or appropriate education in respect of effective water use at the basic services level; and
  - (b) Service Level 2, which must consist of -
    - (i) a water connection whether metered or unmetered to each stand with an individual yard standpipe; and
    - (ii) a metered water connection and where the toilet is connected to either a municipal sewer or a shallow communal sewer system; or
    - (iii) a pour flush toilet which must not be directly connected to the water installation; or

- (iv) a ventilated improved pit latrine which service must be provided to consumers and/or users at the fees set out in the Tariff of Charges determined by the Municipality, provided that -
  - (aa) the average water consumption per unmetered stand through the water connection for the zone or group of consumers in the zone does not exceed 6kl over any 30 day period;
  - (bb) the water standpipe is not connected to any other terminal water fittings on the premises;
  - (cc) in the case of a communal sewer having been installed a collective agreement has been signed by the group of users accepting responsibility for the maintenance and repair of the communal sewer; and
  - (dd) the Municipality may adopt any measures considered necessary to restrict the water flow to Service Level 2 consumers to 6kl per month per consumer.
- (c) Service Level 3 which must consist of -
- (i) a metered full pressure water connection to each stand; and
  - (ii) a conventional water borne drainage installation connected to the Municipality's sewer.
- (3) If a consumer receiving Service Level 2 contravenes subparagraph (aa) or (bb) to subbylaw (2)(b) -
- (a) the Municipality may install a pre-payment meter or restrictor in the service pipe on the premises; and
  - (b) the fees and surcharges for water services must be applied in accordance with bylaw 8.

#### **4. Compliance Notices and Certificates**

- (1) Notices relating to a breach of these Bylaws on premises shall be served:
  - (a) on the owner of the premises where matters relating to the water services installation are involved; and
  - (b) on the consumer and/or user where matters relating to the use of a water installation are concerned;
- (2) A notice or document issued by the Municipality in terms of these Bylaws shall be deemed to be duly issued if it is signed by an authorised official.
- (3) Any notice served on a person in terms of these Bylaws, is regarded as having been served -

- (a) when it has been delivered to that person personally;
  - (b) when it has been left at the person's place of residence or business in the Republic with a person apparently over the age of sixteen 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); or
  - (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 premises, if any, to which it relates.
- (4) When a provision of these Bylaws has not been complied with, notices, termed "compliance notices", may be issued by an authorised official to the owner or person apparently in control of the relevant premises.
- (5) An authorised official who is satisfied that the owner or person apparently in control of any premises has satisfied the terms of a compliance notice may issue a compliance certificate to that effect.
- (6) A compliance notice remains in force until an authorised official has issued a compliance certificate in respect of that notice.
- (7) A compliance notice must set out-
  - (a) the provision that has not been complied with;
  - (b) details of the nature and extent of non-compliance;
  - (c) any steps that are required to be taken and the period within which those steps must be taken; and
  - (d) any penalty that may be imposed in terms of these Bylaws in the event of non-compliance with these steps.
- (8) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of service of such notice, as contemplated in sub-bylaw (3).
- (9) A compliance notice must consider environmental factors, according to the relevant principles contained in section 2 of NEMA.
- (10) If a person fails to comply with a written notice compliance served on that person by the Municipality in terms of these Bylaws within the specified period, it may take such action or do such work as in its opinion is necessary to ensure compliance, and recover the cost of such action or work from such person.

**5. Interference with Water Services**

- (1) No person may -
- (a) operate or maintain any part of the water supply system;
  - (b) operate any sewage disposal system;
  - (C) Operate any treated effluent system;
  - (c) effect a connection or reconnection to the water supply system or sewage disposal system; or
  - (d) render any other water supply or sanitation service,
- unless authorised to do so by the Municipality in writing.
- (2) No person may tamper or interfere with, or willfully or negligently damage, or permit damage to or interference with any part of the water supply system, treated effluent system or sewage disposal system belonging to the Municipality.
- (3) Non-compliance with sub-bylaws (1) and (2) above, is an offence. The Municipality, in its sole discretion, may issue a warning notice prior to the prosecution of the offence and where it is necessary, give effect to the right to procedurally fair administrative action.

**6. Obstruction Of Access To Water Supply System Or Sanitation Service**

No person may prevent or restrict physical access to the water supply system or sewage disposal system by any employee or duly authorised agent of the Municipality.

**7. Power Of Entry And Inspection**

- (1) An authorised official may for any purpose connected with the implementation or enforcement of these Bylaws or for the upgrading, functioning or maintenance of the water services, at all reasonable times, after having given notice of the intention to do so, or in an emergency at any time, enter premises, request information and carry out such inspection and examination as that official may deem necessary, and for those purposes operate any water fitting of the water installation or sewage disposal system.
- (2) If the Municipality considers it necessary that work be performed to enable an authorised official to perform a function referred to in sub-bylaw (1) properly and effectively, it may -
- (a) by written notice require the owner or occupier of the premises at his or her own expense to do specified work within a specified period; or
  - (b) if in its opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done at the expense of the owner.
- (3) If the work referred to in sub-bylaw (2) is carried out for the sole purpose of establishing whether a contravention of these Bylaws has been committed and no such contravention is established, the Municipality shall bear the expense connected therewith together with that of restoring the premises to its former condition.



- (4) If an authorised official requires the presence of -
- (a) an owner at an inspection of his or her water installation or sewage disposal system; or
  - (b) a registered plumber doing installation work at an inspection of such work;
- that official may give such person written notice of not less than 5 (five) working days to that effect, indicating the date and time when and the place where he or she proposes to carry out the inspection.

## **8. Fees And Surcharges For Services**

- (1) Fees and surcharges for services payable in respect of water services rendered by the Municipality or by a water services provider duly authorised thereto by the Municipality, through a regulatory or service delivery agreement in terms of these Bylaws, including but not limited to the payment of connection fees, fixed fees or any additional fees or interest in respect of failure to pay such prescribed fees on the specified date, shall be prescribed by resolution of the Municipality and must be in substantial compliance with any norms and standards for tariffs that have been set in terms of section 10 of the Act and the regulations made thereunder.
- (2) All fees and surcharges determined by the Municipality for the use of its sewers, or those of its water service provider for discharge into the sewage disposal system or otherwise in connection with such system are payable in accordance with the Tariff of Charges in Schedule A of these Bylaws by the owner of the premises.
- (3) If any piece of land, whether or not there are any improvements thereon, is, or in the opinion of the Municipality could be, connected to a water supply system or a sewer, the owner of that land must pay to the Municipality the fees determined by the Municipality.

## **9. Deposit**

- (1) Every consumer must on application for the provision of water services and before such water services are provided by the Municipality, deposit with the Municipality a sum of money as determined in the Municipality's Credit Management Bylaws.
- (2) If, upon the termination of the agreement for the provision of water services, an amount remains due to the Municipality in respect of water services rendered to the consumer, the Municipality may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer, if the address of the consumer is known.
- (3) No interest will be paid by the Municipality on the amount of a deposit held by it in terms of this bylaw.

## **10. Payment For Water Services**

- (1) Water services provided by the Municipality or its appointed agent must be paid for by the consumer and/or user, where applicable, at the prescribed fees for the particular category of water services provided and in the case of a surcharge, by the water service provider.

- (2) A consumer and/or user is responsible for the payment of all water services provided to him or her from the date of commencement of the service to the date of termination thereof.
- (3) The Municipality or its appointed agent may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements which may not be more than 180 (one hundred and eighty) days apart, and may render an account to the consumer and/or user for the services so estimated, which estimate must, for the purposes of these Bylaws, be regarded as an accurate measurement until the contrary is proved.
- (4) If a consumer and/or user uses water services for a category of use other than that for which it is provided by the Municipality or its appointed agent in terms of an agreement and as a consequence is charged at a rate lower than the rate that should have been charged, the Municipality or its appointed agent may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer and/or user the fees payable in accordance with such adjustment, and may also review the amount of the deposit held, in accordance with the provisions of the Credit Management Bylaws.
- (5) If amendments to the prescribed fees for water services provided become operative on a date between measurements for the purposes of rendering an account in respect of such fees -
  - (a) the same quantity of water services must be regarded as having been provided in each period of 24 (twenty-four) hours during the interval between the measurements; and
  - (b) any prescribed fee must be calculated on a pro rata basis in accordance with the prescribed fee which applied immediately before such amendments.
- (6) Failure by the Municipality or its appointed agent to comply with the period of 180 (one hundred and eighty) days referred to in sub-bylaw (3) will not disentitle the Municipality or its appointed agent from recovering any monies due to it by a consumer and/or user.
- (7) If a consumer and/or user is dissatisfied with an account rendered for water services supplied to him or her by the Municipality or its appointed agent he or she may, prior to the due date stipulated therein, object in writing, or be assisted by the Municipality or its appointed agent to object in writing, to the account, setting out his or her reasons for such dissatisfaction; provided that the lodging of an objection shall not entitle a consumer and/or user to defer payment except with the written consent of the Municipality or its appointed agent.

## **11. Payment In Respect Of Prepayment Meters**

When a consumer is supplied with water through a prepayment meter, in addition to the requirements of bylaws 9 and 10 -

- (a) no refund of the amount tendered for the purchase of water credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced;

- (b) when a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer; and
- (c) the Municipality or its appointed agent shall not be liable for the reinstatement of credit in a prepayment meter that may be lost due to tampering with, or the incorrect use or abuse of a prepayment meter and/or token.

## **12. Accounts**

- (1) Accounts must be rendered and administered in accordance with the debt control guidelines and policies of the Municipality and subject to any Credit Management Bylaws passed by the Municipality.
- (2) If it is established that a meter is defective, the Municipality or its appointed agent must adjust the account for water services rendered in accordance with the provisions of bylaws 32 and 33.

## **13. Termination Of Agreements**

- (1) A consumer and/or user may terminate an agreement for the provision of water services by giving the Municipality or its appointed agent not less than 7 (seven) days' notice in writing of his or her intention to do so.
- (2) The Municipality or its appointed agent may, by notice in writing of not less than 14 (fourteen) days, advise a consumer and/or user of the termination of an agreement for the provision of water services if -
  - (i) he or she has not used the water services during the preceding 6 (six) months and has not made arrangements to the satisfaction of the Municipality or its appointed agent for the continuation of the agreement;
  - (ii) he or she has failed to comply with the provisions of these Bylaws and has failed to rectify such failure to comply following the issue of a compliance notice or has failed to pay prescribed fees due and payable;
  - (iii) an arrangement has been made by such consumer and/or user with another water services institution to provide water services to the consumer and/or user;

provided that the consumer and/or user has been informed in such notice of his or her right to make representations to the Municipality or its appointed agent within a specified time.

- (3) the Municipality or its appointed agent may, after having given notice, terminate an agreement for water services if a consumer and/or user has vacated the premises to which such agreement relates but this termination does not absolve the consumer and/or user of any responsibility to pay any outstanding amount for water services already owed to the municipality or its appointed agent.

## **14. Duty Of Care And Requirement To Remediate**

- (1) In the event that a competent authority other than the Municipality, acting in terms of NEMA, the NWA or any other legislation enacted for the protection of the environment

(including the water resource), directs any person to take measures to prevent, minimise or rectify pollution or degradation to the environment, or to control an emergency incident, which measures may require the temporary or permanent suspension of water services, the Municipality or its appointed agent may suspend such services and no person shall have any claim against the Municipality or its appointed agent as a result of such suspension.

- (2) If the person directed in sub-bylaw (1) fails to carry out the measures as directed, the Municipality or its appointed agent may, subject to the provisions of Chapter 4, undertake the measures required itself, and any expenditure thus incurred, including the full environmental cost, may be recovered from the person directed.

**15. Prohibition Of Access To Water Services Other Than Through The Municipality**

- (1) No person is permitted to have access to water services from a source other than a water services provider nominated by the Municipality, without its written approval.
- (2) Any approval given to water services providers must be for a specified period and may be subject to conditions.
- (3) Despite the provision of sub-bylaw (1) hereof, a person who, at the commencement of these bylaws, was using water services from another source may continue to do so -
- (a) for a period of 60 (sixty) days after he or she has been requested to apply for approval;
  - (b) thereafter until the application for approval is granted, if it has not been granted within that period; or
  - (c) for a reasonable period thereafter, within the discretion of the Municipality, if the application for approval is refused.

**16. Water Services Intermediaries**

- (1) An intermediary for the supply of water and sanitation services must be registered with the Municipality.
- (2) The quality, quantity and sustainability of water services provided by the intermediary must meet the standards prescribed by the Minister and must also comply with the relevant provisions of these Bylaws.
- (3) The Tariff of Fees charged by an intermediary must comply with the norms and standards prescribed under the Act and any additional norms and standards required by these Bylaws or set by the Municipality.
- (4) In the event of a failure by the intermediary to perform its functions effectively, the Municipality may, subject to the provisions of section 26 of the Act, by notice direct the intermediary to rectify its failure. If there is no compliance with such directive within a reasonable, specified period, the Municipality may itself perform the functions after consultation with the intermediary which consultation shall take the form of –
- (i) a reasonable opportunity to make written submissions; and

- (ii) the opportunity to attend a hearing on the matter; and

provided that the requirement for consultation may be dispensed with if there is an emergency and the circumstances justify it.

- (5) When the intermediary is capable of resuming its functions effectively, the Municipality must stop exercising such functions on behalf of the intermediary and may recover from the intermediary all expenses incurred and losses suffered, including the full environmental cost, as a result of having acted on behalf of the intermediary.
- (6) The Municipality must monitor the performance of intermediaries to ensure that –
  - (a) water services standards and norms and standards for tariffs are complied with; and
  - (b) there is compliance with any conditions set by the Municipality relating to-
    - (i) access to water services through a nominated water services provider; or
    - (ii) obtaining water for industrial use from a source other than through a nominated water services provider, or
    - (iii) obtaining approval to operate as a water services provider.

#### **17. Responsibility For Compliance With These Bylaws And Other Laws**

- (1) The owner of premises is responsible for ensuring compliance with these Bylaws in respect of all or any matters relating to any water installation, and if he or she is not the consumer and/or user, the owner is jointly and severally liable with such consumer and/or user in respect of all matters relating to the use of any water services on his or her premises, including any financial obligation.
- (2) The consumer and/or user is primarily responsible for compliance with these Bylaws in respect of matters relating to the use of any water services.
- (3) No approval given under these Bylaws relieves any owner or consumer or user, whichever may be applicable, from complying with any other law relating to the abstraction and use of water and/or treated effluent, or the disposal of effluent.

#### **18. Unauthorised Use Of Water Services**

- (1) No person, other than one on Service Level 1, shall take water from the water supply system -
  - (a) until an agreement in terms of bylaws 18 or 19 or 104 has been concluded;
  - (b) except through a connection pipe as provided in terms of bylaw 22 or from a fire installation in terms of bylaw 29.

**CHAPTER 2****WATER SUPPLY SERVICES****Part 1: Application for Service****19. Application For Supply Of Water**

- (1) No person, other than one on Service Level 1, may consume, abstract or be supplied with water, unless such person has applied to the Municipality on the form prescribed by the Municipality from time to time for such service, and such application has been approved.
- (2) An approved application for the use of water supply services constitutes an agreement between the Municipality and the applicant.
- (3) The applicant is regarded as the consumer for all purposes during the currency of this agreement and is liable for all the prescribed fees in respect of the rendering of water supply services until the agreement has been terminated in accordance with these Bylaws.
- (4) The Municipality may, if it deems necessary, require a third party to be bound jointly and severally as surety and co-principal debtor with the consumer, for the payment of any prescribed fee.
- (5) The application form must at least contain the following information -
  - (a) acceptance by the consumer of the provisions of these Bylaws and acceptance of liability for the cost of all water consumed until the agreement is terminated;
  - (b) name of consumer, and the consumer's identity or registration number, where applicable;
  - (c) address or stand number of premises at which water is to be supplied, or on which a communal water connection operates;
  - (d) address to which accounts must be sent;
  - (e) the purpose for which water is to be used;
  - (f) the agreed date on which the water service shall be provided; and
  - (g) the conditions applicable to the provision of water services or at least, a reference that these conditions may be found in the Bylaws.
- (6) The applicant must be informed if the Municipality refuses an application for the provision of water supply services, or is unable to render such water supply services on the date requested for provision of services to commence, or is unable to render the water supply services, and the Municipality must furnish the applicant with the reasons therefore and, if applicable, the date when the Municipality will be able to provide such water supply services.

- (7) The Municipality or its appointed agent may, on written notice, where permissible allocate a consumer to treated effluent supply services without the consumer making the application in terms of bylaw 103: provided that the consumer enters into an agreement with the Municipality or its appointed agent in terms of bylaw 104.

## **20. Agreements For Supply Of Water**

- (1) No person, other than one supplied with water as part of Service Level 1, shall take water from the water supply system unless an agreement to do so in terms of bylaw 18 or 19 has been concluded with the Municipality.
- (2) The Municipality may enter into a special agreement for the supply of water to an applicant -
- (a) inside its area of jurisdiction, if the supply necessitates the imposition of conditions not covered in the usual application form; and
  - (b) outside its area of jurisdiction, if such application has also been approved by the municipality in which the applicant resides.
- (3) If the Municipality provides a supply of water to an applicant outside its area of jurisdiction in terms of a special agreement, it may permit him or her to sell such water to other persons outside its area of jurisdiction, only if provision has been made for this in the special agreement, or the written permission of the Municipality to do so has been obtained.

## **21. Change In Purpose Of Supply**

Where the purpose for, or extent to which, any municipal water supply service is changed, or required to be changed, the consumer shall advise the Municipality of the change and enter into a new water supply service agreement with the Municipality.

## **22. General Conditions Of Water Supply**

- (1) Subject to the provisions of the Act, the supply of water by the Municipality shall not constitute an undertaking by it to maintain at any time or at any point in its water supply system -
- (a) an uninterrupted supply;
  - (b) a specific pressure or rate of flow in such supply; or
  - (c) a specific standard of quality of the water.
- (2) The Municipality may, subject to the provisions of sub-bylaw (I)(b), specify the maximum height in a building, or the maximum height above ground level or mean sea level, to which water will be supplied from the water supply system.
- (3) The municipality may place limits on the supply of water services to specified zonings in the town planning scheme.



- (4) If an owner and/or consumer should require that any uninterrupted supply, specific pressure or rate of flow or specific water quality standard is maintained on his or her premises, the owner and/or consumer shall make his or her own provision in the water installation for such operation and shall undertake regular maintenance thereof.
- (5) The Municipality may, in an emergency, interrupt the supply of water to any premises without prior notice, provided that if there is any interruption of services for longer than 24 hours, the Municipality must ensure alternative access to at least 10 litres of water per day and sufficient sanitation for health purposes.
- (6) Subject to sub-bylaw (4), once the Municipality has been informed of the presence of any leaks by any person, the Municipality shall repair these within 24 hours of becoming aware of them.
- (7) If in the opinion of the Municipality the consumption of water by a consumer adversely affects the supply of water to another consumer/s, it may apply such restrictions as it may deem fit to the supply of water to the first-mentioned consumer in order to ensure a reasonable supply of water to the other consumers.
- (8) If it is not possible to meet the requirements of all existing consumers in full, preference will be given to the supply of basic water supply and sanitation services.
- (9) The Municipality will not be liable for any damage to premises caused by water flowing from fittings left open when the water supply is reinstated, following an interruption in supply for any reason.
- (10) Every steam boiler and any premises with installations which require, for the purposes of the work undertaken on the premises, a continuous supply of water, must have a storage reservoir fitted and maintained in working order and holding a water supply deemed adequate by the owner/consumer of the premises.
- (11) No consumer may sell water supplied to him by the Municipality, except with the written permission of the Municipality, which may stipulate the maximum price at which the water may be resold, and may impose such other conditions as the Municipality may deem necessary.

## **Part 2: Connection of water supply**

### **23. Provision Of Connection Pipe**

- (1) If an agreement for a supply of water in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall apply to the Municipality for this connection and pay the prescribed charge for the installation of such a pipe.
- (2) If an application is made for a supply of water to premises which are so situated that it is necessary to extend the water supply system in order to supply water to the premises, the Municipality may agree to the extension subject to such conditions as it may impose.
- (3) The owner may not install his or her own connection pipes or alter any existing water installation in order to receive any water supply.

**24. Location Of Connection Pipes**

- (1) A connection pipe provided and installed by the Municipality must -
  - (a) be located in a position and be of a suitable size determined by the Municipality; and
  - (b) terminate at the boundary of the land owned by or vested in the Municipality, or over which it has a servitude or other right, or at the outlet of the water meter if the meter is located on the premises being supplied.
- (2) In reaching agreement with an owner concerning the location of a connection pipe, the Municipality shall ensure that the owner is aware of -
  - (a) practical restrictions which may exist regarding the location of a connection pipe;
  - (b) the cost implications of the various possible locations of the connection pipe;
  - (c) whether or not the Municipality requires the owner to fix the location of the connection pipe by providing a portion of the owner's water installation at or outside the boundary of the owner's premises, or such agreed position inside or outside his or her premises where the connection is required, for the Municipality to connect to such installation.

**25. Interconnection Between Premises**

An owner of premises shall ensure that no interconnection exists between the water installation on the owner's premises and the water installation on other premises, unless the owner has obtained the prior written consent of the Municipality and complies with any conditions that it may have imposed.

**26. Provision Of Single Water Connection For Supply To Several Consumers On Same Premises**

- (1) Only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, commercial units or consumers located on such premises.
- (2) Where the owner, or the person having charge or management of any premises on which several accommodation units, commercial units, or consumers are situated, requires the supply of water to such premises for the purpose of separate supply to the different units or consumers, the Municipality may, in its discretion, provide and install either -
  - (a) a single measuring device in respect of the premises as a whole or a number of such units or consumers; or
  - (b) a separate measuring device for each such unit or consumer or any number thereof provided such device is on the street boundary.
- (3) Where the Municipality has installed a single measuring device as contemplated in sub-bylaw (2)(a), the owner or the person having the charge or management of the premises, as the case may be -

- (a) must, if the Municipality so requires, install and maintain on each branch pipe extending from the connection pipe to the different units or consumers -
    - (i) a separate measuring device; and (ii) an isolating valve; and
  - (b) is liable to the Municipality for the prescribed fees for all water supplied to the premises through such single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Notwithstanding the provisions of sub-bylaw (1), the Municipality may permit more than one connection pipe to be provided on the water supply system for the supply of water to any premises comprising, duets provided, that such connections are separately metered and provided on the street boundary.
  - (5) Where the provision of more than one connection pipe is authorised by the Municipality in terms of sub-bylaw (4), the prescribed fees for the provision of a connection pipe are payable in respect of each connection so provided.
  - (6) Where the premises are supplied with water by a number of connection pipes, the Municipality may require the owner to reduce the number of connection points and alter the owner's water installation accordingly at the owner's expense.

## **27. Restriction Or Cutting-Off Of Supply**

- (1) Without prejudice to any other right it may have, the Municipality may, if a consumer has -
  - (a) failed to pay a sum due to it in terms of these Bylaws; or
  - (b) committed a breach of these Bylaws and has failed to rectify such breach within the period specified in a written compliance notice served on the consumer;

act against such a consumer in terms of these Bylaws, the Municipality's Credit Management Bylaws or other applicable legislation, provided that the Municipality is not absolved from its duty to provide basic water supply services to all within its area.
- (2) If, in the opinion of the Municipality, action is necessary as a matter of urgency to prevent waste of water, damage to premises or water installations, danger to life or pollution of water, it may -
  - (a) without prior notice, cut off the supply of water to any premises; and
  - (b) enter upon such premises and do such emergency work, at the owner's expense, as it may deem necessary, and in addition by written notice require the owner to do such further work as it may deem necessary within a specified period, provided that –
    - (i) such action is reasonable in the circumstances, and
    - (ii) if there is any interruption of services for longer than 24 hours, the Municipality shall ensure alternative access to at least 10 litres of water per day.

- (3) (a) The Municipality may cut off a person's water supply immediately and without notice in circumstances where any tampering, (such as where the water supply has been interfered with or the meter bypassed), has occurred and the manner of disconnection may be such that no further water supply at those premises is possible.
- (b) Any person who tampers with the water supply will be dealt with in the following manner:
  - (i) First Tampering Offence:
    - (aa) Supply will be isolated at point of supply.
    - (bb) Written notification will be given to the consumer informing the consumer of isolation, as well as the fees due in respect of the tampering fee for a first offence, and the calculated amounts.
    - (cc) The Municipality will only re-instate services after the required amounts mentioned in the notification have been paid,
  - (ii) Second Tampering Offence:
    - (aa) In instances of a second tampering offence, the Municipality may immediately disconnect the service supply and remove pipes and the meter.
    - (bb) A written notification will be sent to the consumer informing the consumer of the removal of the services and of any outstanding fees, including tampering fees and calculated amounts due. If the money due has not been paid by a specific date and time to be mentioned in the notice, the matter will be referred for debt collection.
    - (cc) A written notification will also be sent to the owner of the premises to the effect that the service supply has been removed and that a new supply will only be installed after the following conditions have been met:
    - (dd) A written application for reconnection of the supply, including a motivation, has been received and approved by the Municipality.
    - (ee) The fee for a new connection, including the pipe cost, (as well as any other outstanding water supply related costs) has been paid.
- (c) In addition to the provisions dealing with tampering in this sub-bylaw the Municipality may enforce any other rights or exercise any power conferred upon it by the Act, these Bylaws and any other applicable legislation.

## **28. Disconnection Of Water Supply**

- (1) The Municipality may, at the written request of a consumer, disconnect the supply of water to the consumer's premises on a date specified by the consumer and reconnection may only take place thereafter if -

- (a) the consumer has requested reconnection from a specified date in writing; and
  - (b) has, prior to the restoration of the water supply, paid the actual cost plus 10% (ten percent) for the cutting-off of the supply of water, and for its restoration.
- (2) The Municipality may of its own accord, disconnect a water installation from the connection pipe and remove the connection pipe if -
  - (a) the agreement for supply has been terminated in terms of bylaw 13 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 (ninety) days of such termination; or
  - (b) the building on the premises concerned has been demolished.

## **29. Water Supplied From A Fire Installation**

- (1) The Municipality may permit a temporary supply of water to be taken from one or more fire installations specified by it.
- (2) A person who desires a temporary supply of water from a specified fire installation shall apply on the form and in the manner prescribed in bylaw 18(1) and subject to such additional conditions as may be prescribed by the Municipality.
- (3) The Municipality may, subject to any conditions it deems fit, for purposes of supplying water from a fire installation, provide a portable water meter to be used and returned to the Municipality on termination of the temporary supply, which portable meter and all other apparatus and fittings used for the connection of a portable water meter to a fire installation shall remain the property of the Municipality.

### **Part 3: Measuring water supplied**

## **30. Metering Requirements**

- (1) All water supplied to a consumer by the Municipality at Service Level 3 and, if applicable, also at Service Level 2, shall pass through a meter or other suitable water volume measuring device.
- (2) If a dwelling, building or irrigation system is constructed or installed after 8 June 2001 (the date of promulgation of the Regulations relating to Compulsory National Standards and Measures to Conserve Water (GN R509 of 8 June 2001)), a suitable water volume measuring device or volume controlling device must be fitted to separately measure or control the water supply to every-
  - (a) individual dwelling within a new sectional title development, group housing development or apartment building;
  - (b) individual building, having a maximum designed flow rate exceeding 60 litres per minute within any commercial or institutional complex; and
  - (c) irrigation system with a maximum designed flow rate exceeding 60 litres per minute that uses water supplied by a water services institution.

- (3) Water services supply institutions other than the Municipality, supplying water to water consumers shall, when required to do so by the Municipality, in respect of each calendar month or, alternatively, for each 30 (thirty) day meeting cycle, report to the Municipality the amount of water provided to such consumer.
- (4) A water services supply institution shall, when required to do so by the Municipality, report to the Municipality the amount of water withdrawn from a water resource, during a calendar month or alternatively during a prescribed 30 (thirty) day period.
- (5) A meter referred to in sub-bylaw (1) must comply with the Trade Metrology Act 1973 (Act 77 of 1973), if it is of a size regulated under that Act.
- (6) Any meter and its associated apparatus shall be provided and installed by the Municipality, shall remain its property, and may be changed by the Municipality whenever it deems necessary.
- (7)
  - (a) The Municipality may install a meter, (together with its associated apparatus), serving a water installation at any point in the installation; and
  - (b) if the Municipality installs a meter in a water installation in terms of paragraph (a), it may install a bylaw of pipe and associated fittings between the end of its connection pipe and the meter, and such bylaw shall be deemed to form part of the water installation.
- (8) If the Municipality installs a meter (together with its associated apparatus) in a water installation in terms of sub-bylaw (7), the owner shall -
  - (a) provide a place satisfactory to the Municipality in which to install it;
  - (b) ensure that unrestricted access is available to it at all times;
  - (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
  - (d) ensure that no connection is made to the pipe in which the meter is installed, between the meter and the connection pipe serving the installation;
  - (e) keep the meter clean, accessible, free from debris and prevent the meter being overgrown by grass or plants; and
  - (f) make provision for the drainage of water which may be discharged, from the pipe in which the meter is installed, in the course of work done by the Municipality on the meter.
- (9) No person other than an authorised official shall -
  - (a) disconnect a meter and its associated apparatus from the pipe in which they are installed;
  - (b) break a seal which the Municipality has placed on a meter; or
  - (c) in any other way interfere with a meter and its associated apparatus.

- (10) If the Municipality considers that the size of a meter is unsuitable for the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned, the prescribed charge for the installation of the meter.

### **31. Quantification Of Water Supplied**

- (1) For the purpose of assessing the quantity of water supplied to a consumer during any period and measured through a meter installed by the Municipality over a specific period, it shall be deemed, unless the contrary can be proved, that -
- (a) the quantity is represented by the difference between readings of the meter taken at the beginning and end of such period;
  - (b) the meter was registering correctly during such period; and
  - (c) the entries in the records of the Municipality were correctly made.
- (2) If water is supplied to, or taken by, a consumer without its passing through a meter, the estimate by the Municipality of the quantity of such water shall be deemed to be correct.
- (3) If a meter is by-passed and a contravention of bylaw 30(5) occurs, the Municipality, may for the purposes of rendering an account, make an estimate, in accordance with sub-bylaw (4), of the quantity of water supplied to the consumer during the period that water was so taken by the consumer.
- (4) For the purposes of sub-bylaw (3), an estimate of the quantity of water supplied to a consumer must be based on -
- (a) the average monthly consumption of water on the premises registered over three succeeding measuring periods over not more than 180 (one hundred and eighty) days in total, after the date on which the irregularity referred to in sub-bylaw (2) was discovered and rectified; and /or
  - (b) the period preceding the date referred to in sub-bylaw (2) but not exceeding 36 (thirty six) months.

### **32. Defective Meters**

- (1) If a consumer has reason to believe that a meter, used for measuring water, which was supplied to the consumer by the Municipality, is defective, the consumer may, against payment of the prescribed fee, make application in writing for the meter to be tested.
- (2) The prescribed fee referred to in sub-bylaw (1) shall be -
- (a) retained by the Municipality if the meter is found in terms of sub-bylaw (3) or (4) not to be defective; or
  - (b) refunded to the applicant if the meter is found in terms of those sub-bylaws to be defective.



- (3) A meter to which the regulations relating to water meters published under the Trade Metrology Act, 1973 (Act No 77 of 1973) are applicable shall be deemed to be defective if, when tested in accordance with SANS 1529-1: 2003, is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of that specification.
- (4) A meter of size greater than 100mm diameter to which the specification referred to in sub-bylaw (3) is not applicable, shall be deemed to be defective if it is found to have a percentage error in over-registration or under-registration greater than 5 % (five percent) when tested between 20% (twenty percent) and 75% (seventy-five percent) of its designed maximum rate of flow.
- (5) In addition to applying the provisions of sub-bylaw (2) if the meter is found to be defective, the Municipality must -
  - (a) repair the meter or install another meter which is in good working order, without charging the consumer, unless the costs thereof are recoverable from the consumer where bylaw 30(5) has been contravened;
  - (b) determine the quantity of water supply services for which the consumer will be charged on the basis set out in bylaw 33.
- (6) Any meter removed by the Municipality for testing must be retained intact and must be available for a period of 3 (three) months after testing.

**33. Adjustment Of Quantity Of Water Supplied Through Defective Meter**

- (1) If a meter is found to be defective, the Municipality may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such meter was defective, on the basis of the average daily quantity of water supplied to the consumer over -
  - (a) a period between 2 (two) successive measurements subsequent to the replacement of the meter or, if this is not possible; ( b) the period in the previous year, corresponding to the period in which the meter was defective or, if this is not possible;
  - (c) the period between 3 (three) successive measurements prior to the meter becoming defective.
- (2) (a) If the quantity of water supplied to a consumer during the period when the consumer's meter was defective cannot be estimated in terms of sub-bylaw (1), the Municipality may estimate the quantity; and
- (b) the consumer must be informed of the method used by the Municipality to estimate the quantity of water supplied to the consumer as contemplated in sub-bylaws (1) and (2), and given the opportunity to make representations within 14 (fourteen) days to the Municipality before a final estimate is arrived at.

**34. Special Meter Reading At Request Of Consumer**

The Municipality must, on receipt from the consumer of a written notice of not less than 7 (seven) days and subject to payment of any fee that may be prescribed for rendering this special service, read a meter at a time or on a day other than that upon which it would normally be read.

**35. Special Measurement by Municipality**

- (1) If the Municipality wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of the water installation, it may by written notice advise the owner concerned of its intention to install a meter at such point in the water installation as it may specify.
- (2) The installation of a meter referred to in sub-bylaw (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the Municipality.
- (3) The provisions of bylaws 30(4) and 30(5) shall apply insofar as they may be applicable in respect of a meter installed in terms of sub-bylaw (1).

**Part 4: Payment and accounts****36. Payment For Water Supplied**

All water supplied by the Municipality must be paid for by the consumer in accordance with bylaw 10 of these Bylaws.

**37. Water Accounts**

- (1) The Municipality shall, barring circumstances referred to in bylaw 33, show on each metered water account rendered to a consumer the actual meter readings in kilolitres, together with the dates of the readings and the total amount due in Rands.
- (2) If a water installation on any premises is defective and water is wasted, a consumer shall not be entitled to a reduction of the amount payable for water services from the Municipality

**38. Charges Other Than For Water Supplied**

- (1) The Municipality may, in addition to fees for the amount of water supplied prescribe and levy any of the following fees:
  - (a) a fee payable by the consumer in respect of each connection pipe or meter provided by the Municipality to serve the premises occupied by the consumer, whether or not water has been supplied to the consumer, the fee being due from the date referred to in the water services application and such fee shall not be based on any quantity of water consumed;
  - (b) a fee prescribed by the Municipality to promote or achieve the conservation of water, provided that such fee is in substantial compliance with any national norms and standards that may be prescribed in that regard;

- (c) a fee prescribed by the Municipality for any fire extinguishing installation or appliance used or installed at any premises, which fee the consumer and the owner of the premises are jointly and severally liable to pay.

#### **Part 5: Municipal approval for work and use of pipes and fittings**

#### **39. Approval Of Installation Work**

- (1) If an owner wishes to have installation work done, the owner shall first obtain the Municipality's written approval; provided that approval shall not be required in the case of water installations in dwelling units, or installations where no fire installation is required, or for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- (2) If any of the installation work is part of an activity that requires environmental authorization in terms of NEMA, the owner must ensure that such authorisation is obtained before the installation work commences.
- (3) Application for the approval referred to in sub-bylaw (1) shall be made on the form prescribed by the Municipality and shall be accompanied by -
  - (a) the prescribed fees, if applicable; and
  - (b) copies of the drawings as prescribed by the Municipality, giving information in the form required by the relevant clause of SANS 10252-1:2004; or
  - (c) a certificate from a person approved by the Municipality certifying that the installation has been designed in accordance with SANS 10252-1: 2004 or has been designed on a basis approved by the Municipality.
- (4) The provisions of sub-bylaws (1), (2) and (3) shall not apply to a registered plumber who replaces a fixed water heater or its associated protective devices.
- (5) Authority given in terms of sub-bylaw (1) shall lapse at the expiry of a period of 24 (twenty-four) months after the first day of the month succeeding the month in which the authority is given.
- (6) A complete set of approved drawings of installation work must be available at the site of the work at all times until such work has been completed, where permission is required in terms of sub-bylaw (1).
- (7) If installation work has been done in contravention of sub-bylaws (1), (2) or (3), the Municipality may by written notice require the owner of the premises concerned to comply with that regulation within a specified period, and if work is in progress, to cease the work, and may further require the owner to remove all such work which does not comply with these Bylaws and to take all other reasonable steps to remediate the receiving environment, while also bearing the full environmental cost thereof.

#### **40. Persons Permitted To Do Installation Work**

- (1) No person who is not registered with the SAQCC for the Water Supply Industry, in the category appropriate for the work to be undertaken, shall be permitted to:

- (a) do installation work other than the replacement or repair of an existing pipe or water fitting;
  - (b) replace a fixed water heater or its associated protective devices;
  - (c) inspect, disinfect and test a water installation, fire installation or storage tank;
  - (d) service, repair or replace a backflow preventer; or
  - (e) install, maintain or replace a meter provided by an owner in a water installation.
- (2) No person shall require or engage a person who is not a registered plumber to do the work referred to in sub-bylaw (1).
- (3) The provisions of sub-bylaw (1) shall not apply to a person acting in the scope of that person's employment with a registered plumber or a registered contractor.
- (4) Notwithstanding the provisions of sub-bylaw (1), a person who, in terms of any law in force immediately prior to the commencement of these Bylaws, was entitled to do the work described in sub-bylaw (1), may continue to do such work for a period not exceeding 12 (twelve) months after these Bylaws became effective.
- (5) Notwithstanding the provisions of sub-bylaw (1), the Municipality may permit a person who is not a registered plumber or a registered contractor to do installation work on that person's own behalf on domestic premises owned and occupied solely by that person and that person's immediate household; provided that such work may be inspected and approved by a person registered with the SAQCC for the Water Supply Industry, in the category appropriate to the work being undertaken, at the direction of Municipality.

#### **41. Provision And Maintenance Of Water Installation**

- (1) An owner must provide and maintain a water installation at the owner's own cost and must ensure that the installation is situated within the boundary of the owner's premises, except -
- (a) in the case of a connection to a connection pipe; or
  - (b) where permitted in terms of bylaw 24(2)(c).
- (2) Before doing work in connection with the maintenance of a portion of the owner's water installation which is situated outside the boundary of the owner's premises, an owner shall obtain the written consent of the Municipality or the owner of the land on which such portion is situated, as the case may be.

#### **42. Technical Requirements For Water Installation**

- (1) Notwithstanding the requirement that a certificate be issued in terms of bylaw 39(3)(c), all water installations shall comply with SANS 10252-1: 2004 -Water supply and Drainage for Buildings and all fixed electric storage water heaters shall comply with SANS 10254: 2004 -The Installation of Fixed Electric Storage Water Heating Systems, or any similar substituting standard or amendment thereof provided the consumer installation is of a type regulated by either standard;

- (2) In addition to any requirement of SANS 10252-1: 2004, the consumer must at the consumer's own expense, or the Municipality may in its discretion at the consumer's expense and for the consumer's exclusive use, provide and install a stop-cock at a suitable point inside the boundary of the premises on the consumer's side of the meter leading to the water installation.
- (3) Any water reticulation system installed after June 2001 must operate below a maximum pressure of 900 kPa, provided that where water pressure could rise above 900 kPa, the Municipality must install a pressure control device.

**43. Requirements For Use Of Pipes And Fittings.**

- (1) No person shall, without the prior written authority of the Municipality, install or use a pipe or water fitting in a water or drainage installation within the Municipality's area of jurisdiction unless it is included in the Municipality's Schedule of Approved Pipes and Fittings.
- (2) A pipe or water fitting may be included in the Schedule referred to in sub-bylaw (1) if -
  - (a) it bears the standardisation mark of the SABS in respect of the relevant SANS specification issued by the SABS; or
  - (b) it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with a SANS specification or a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years; or
  - (c) it complies with the JASWIC standards.
- (3) The Municipality may, in respect of any pipe or water fitting included in the Schedule, impose such additional conditions as it may deem necessary in respect of the use or method of installation thereof.
- (4) A type of pipe or water fitting may be removed from the Schedule if it -
  - (a) no longer complies with the criteria upon which its inclusion was based; or
  - (b) is no longer suitable for the purpose for which its use was accepted.
- (5) The current Schedule referred to in sub-bylaw (1) must be available for inspection at the office of the Municipality at any time during working hours.
- (6) The Municipality may sell copies of the current Schedule at the prescribed fee.

**44. Labeling Of Terminal Water Fittings And Appliances**

- (1) All terminal water fittings and appliances using or discharging water shall be marked, or have included within the packaging of the item, the following information:
  - (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate;

- (b) the flow rates, in litres per minute, related to the design pressure range;
- provided that this information shall be given for at least the following water pressures:

- (i) 20 (twenty) kPa
- (ii) 100 (one hundred) kPa
- (iii) 400 (four hundred) kPa

**45. Unlawful Water Installation**

Where any installation work has been undertaken in contravention of the requirements of these Bylaws, the owner and/or consumer must on receiving a compliance notice by the Municipality carry out such alterations to the installation as may be prescribed in the notice.

**46. Pipe In Street Or Public Place**

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

**47. Special Provision For Fire Services**

- (1) Any water installation for the provision of water for fire fighting purposes, must comply with the provisions of SANS 10252-1: 2004 and SANS 10400: 1990 - Part T, Fire-Fighting Systems, or any revision or substitution thereof.
- (2) Notwithstanding the provisions of sub-bylaw (1), the special provisions contained in bylaw 47 to 56 inclusive apply, insofar as they are applicable, to the supply of water for firefighting purposes.

**48. Dual And Combined Installations**

- (1) Any new building erected after the adoption of these Bylaws must comply with the following requirements in relation to the provision of fire extinguishing services -
  - (a) if, in the opinion of any authorised official of the Municipality charged with the approval of plans, boosting of the system is required, either in terms of ensuring adequate pressure or supply of water for the purposes which the system is intended to meet, a dual pipe system must be used, one for fire extinguishing purposes and the other for general domestic purposes;
  - (b) combined installations, in which the same pipes and fittings are used for fire extinguishing and general domestic purposes, are only permitted where no booster pumping connection is provided on the water installation;

- (c) in the circumstances contemplated in paragraph (2), a fire hydrant must be provided by the Municipality, at the consumer's expense, within 90 (ninety) metres of the premises to provide a source of water for the use of the crew of any fire tender sent to extinguish a fire; and
- (d) all pipes and fittings must be capable of handling pressures in excess of 1015 (one thousand and fifteen) kPa, which could be expected when boosting takes place and must be designed to maintain their integrity when exposed to fire conditions.

**49. Connection Pipe For Fire Extinguishing Services**

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

**50. Valves In Connection Pipe**

- (1) Every connection pipe must be fitted with a proper gate valve, which must be -
  - (a) supplied by the Municipality at the expense of the owner;
  - (b) installed between the owner's premises and the main; and
  - (c) installed in such position as may be specified by the Municipality.

**51. Inspection And Approval Of Fire Installation**

- (1) No water may be supplied to any fire installation until -
  - (a) it has been inspected and tested by the Municipality;
  - (b) the Municipality has certified in writing that such water installation is complete and complies with the requirements of these Bylaws; and
  - (c) the fees required by the Municipality for such inspection and testing have been paid.



**52. Connection At The Pleasure Of The Municipality**

- (1) The Municipality is entitled, in its absolute discretion, to grant or refuse an application for the connection of a fire extinguishing installation to its main.
- (2) If in its opinion a fire extinguishing installation which it has allowed to be connected to its main is not being kept in proper working order or is otherwise not being properly maintained, or is being used in contravention of bylaw 49(3) or 49(4), the Municipality is entitled either to require the installation to be disconnected from the main, or itself to carry out the work of disconnecting it at the expense of the owner or consumer, as the case may be.

**53. Meter In Fire Installation**

The Municipality must install a water meter in any connection pipe used solely for fire extinguishing purposes, and the owner of the premises will be liable for the whole of the costs.

**54. Sprinkler Extinguishing Installation**

A sprinkler installation may be linked directly with the main, but the Municipality is not bound to guarantee any specified pressure at any time.

**55. Header Tank Or Double Supply From Main**

- (1) Unless a sprinkler installation is provided with a duplicate or reserve supply from a separate main, the consumer must install a header tank on or in the building or structure at such elevation as will compensate for any failure or reduction of pressure in the Municipality's main.
- (2) The main pipe leading from such header tank to the sprinkler installation may be linked with the main from which the principal supply of water is drawn, provided that such main pipe must be equipped with a backflow preventer which, if the pressure in the main fails or is reduced for any reason, will shut off the opening to the main.
- (3) Where a sprinkler installation is provided with a duplicate or reserve supply from a separate main, each supply pipe must be equipped with a backflow preventer situated within the premises.

**56. Sealing Of Private Fire Hydrant**

- (1)
  - (a) Except in the case of a fire installation supplied through a connection pipe fitted with a meter, a private hydrant and hose-reel must be sealed by the Municipality and such seal may not be broken by any person other than the Municipality in the course of servicing and testing, except for the purpose of opening the hydrant in the case of fire.
  - (b) Every owner or consumer must give the Municipality at least 48 (forty-eight) hours' notice of the owner or consumer's intention to cause a fire extinguishing installation to be tested.

- (2) The cost of resealing a hydrant and hose-reel referred to in sub-bylaw 1(a), must be borne by the consumer except when such seal is broken by the Municipality's employee for testing purposes.
- (3) Any water consumed after the breaking of the seal referred to in sub-bylaw (2), other than in the course of testing by the Municipality or of fighting a fire, must be paid for by the consumer at the fees determined by the Municipality.
- (4) The quantity of water consumed as contemplated in sub-bylaw (3), must be determined by the Municipality.

#### **Part 6: Water conservation and prevention of pollution**

#### **57. Waste Of Water**

- (1) No consumer shall permit -
  - (a) the purposeless or wasteful discharge of water from terminal water fittings;
  - (b) pipes or water fittings to leak;
  - (c) the use of maladjusted or defective water fittings;
  - (d) an overflow of water to persist;
  - (e) an inefficient use of water to persist; or
  - (f) any major, visible leak to remain unreported.
- (2) Unless otherwise authorised (such as where permission from the Municipality has been obtained to store and use the run-off from roofs) any seepage, run-off or water containing waste must be returned to the water resource from which the water was taken.
- (3) An owner shall repair or replace any part of the owner's water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in sub-bylaw (1).
- (4) If an owner fails to take measures as contemplated in sub-bylaw (2), the Municipality shall, by written notice, require the owner to comply with the provisions of sub-bylaw (1).
- (5) If an owner fails to comply with the notice referred to in sub-bylaw (3), the Municipality shall take such measures as it may deem fit without prior notice and recover the cost of doing so from the owner.
- (6)
  - (a) A consumer shall ensure that any equipment or plant connected to the consumer's water installation uses water in an efficient manner.
  - (b) The Municipality may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Municipality.

**58. Vehicle Washing Facilities**

- (1) All commercial vehicle washing facilities shall be constructed and operated in such a manner that 50 % (fifty percent) of the water used by such facility is recycled for re-use in the vehicle washing process,
  - (2) All effluent, including re-used effluent must be disposed to the sewer in compliance with the provisions of the National Building Regulations.
  - (3) No vehicle washing facility may commence operations after the promulgation of these Bylaws, without approval from an authorised official of the Municipality.
  - (4) Application for approval to operate a vehicle washing facility must be made in the prescribed manner and on the prescribed form.
- (4) Non-compliance with this bylaw may result in any authorization being revoked and/or the imposition of a fine, as may be determined by the Municipality.

**59. Grey Water Practices**

- (1) Grey water, excluding grey water that may contain food particles, may be used at the premises where it is generated provided that:
  - (a) such use shall not pose a health risk; and
  - (b) such water may only be discharged after re-use, to the sewer.

**60. Equipment Specification To Facilitate Water Conservation**

- (1) No cistern, and related pan designed to operate with such cistern, shall be installed with a cistern capacity of greater than 6 (six) litres.
- (2) Only flushing urinals that are user activated may be installed.
- (3) In any water installation where the dynamic water pressure is more than 200 (two hundred) kPa at a shower control valve, and where the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve, a shower head with a maximum flow rate of no greater than 10 (ten) litres per minute shall be installed.
- (4) The maximum flow rate from any tap installed on a wash hand basin shall not exceed 6 (six) litres per minute.
- (5) The prescribed cistern capacity, maximum flow rate of a shower head and the maximum flow rate from a tap on a hand basin in sub-bylaws (1), (3) and (4), shall be adjusted from time to time according to the requirements of the national Building Regulations, as amended.

**61. Water Demand Management**

- (1) No person shall, without prior written authority from the Municipality, water a garden, sports field, park or other grassed or horticultural area between the hours of 11:00 and 15:00, between the months of October and March inclusive, irrespective of the source of the water used, provided that the Municipality may by notice determine a different period of time or part of year within which watering is prohibited, depending upon the demands of water resource management.
- (2) Any person who contravenes or fails to comply with sub-bylaw (1) shall be guilty of an offence and liable in addition to penalties prescribed in the National Water Act, or any other applicable legislation.

**62. Water Restrictions**

- (1) The Municipality may, subject to other applicable legislation, by notice -
  - (a) prohibit or restrict the consumption of water –
    - (i) for specified purposes or otherwise;
    - (ii) during specified hours of the day or on specified days or otherwise than during specified hours of the day or on specified days; and
    - (iii) in a specified manner or otherwise than in a specified manner;
  - (b) determine and impose -
    - (i) limits on the quantity of water which may be consumed over a specified period;
    - (ii) fees additional to those prescribed in respect of the supply of water in excess of a limit contemplated in subparagraph (i); and
    - (iii) a general surcharge on the prescribed fees in respect of the supply of water; and
  - (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- (2) The Municipality may limit the application of the provisions of a notice contemplated by sub-bylaw (1) to specified areas and classes of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on such grounds as it may deem fit.
- (3) The Municipality may -
  - (a) take, or by written notice require a consumer at the consumer's own expense to take such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with notice published in terms of sub-bylaw (1); or

- (b) cut off or, for such period as it may deem fit, restrict the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of sub-bylaw (1), and where the supply has been cut off, it shall only be restored when the prescribed charge for cutting off and reconnecting the supply has been paid.
- (4) The provisions of this bylaw shall also apply in respect of water supplied directly by the Municipality to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of sub-bylaw (1).

### **63. Consumer To Prevent Pollution Of Potable Water**

- (1) A consumer shall provide and maintain approved measures to prevent the entry of a substance, which may be a danger to health, or adversely affect the potability of water, or affect its fitness for use, into
  - (a) the water supply system; and
  - (b) any part of the water installation on the consumer's premises.
- (2) If any person contravenes sub-bylaw (1), the Municipality may:
  - (a) by written notice require the consumer to cease the activity and to take specified remedial steps to prevent pollution of the water in the water supply system or water installation on the consumer's premises within a specified period; or
  - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice undertake the work required by sub-bylaw 2(a) and recover the costs, from the consumer.

### **64. Protection Of Water Supply System And Installation**

- (1) The owner must take any of the measures referred to in sub-bylaw (2) to prevent the backflow of water from the water installation to the water supply system in the case of -
  - (a) a fire or combined installation on premises; and
  - (b) a general installation serving the following activities -
    - (i) medical treatment of people or animals;
    - (ii) medical, pharmaceutical or chemical research and manufacturing;
    - (iii) agriculture, including dairies and nurseries;
    - (iv) photographic processing;
    - (v) laundering and dry-cleaning;
    - (vi) metal plating;

**CONTINUES ON PAGE 130 - PART 2**



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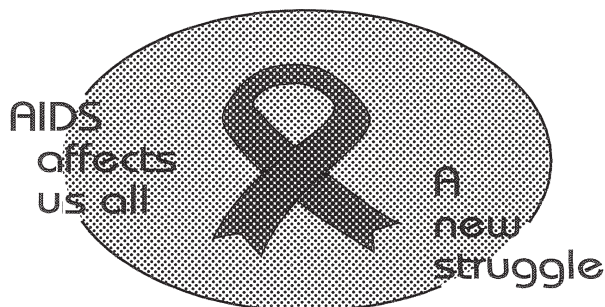
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**PART 2 OF 2**

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- (vii) treatment of skins and hides;
    - (viii) mortuaries;
    - (ix) abattoirs;
    - (x) sewage purification works;
    - (xi) refuse processing plants;
    - (xii) oil processing and storage facilities;
    - (xiii) wineries, distillers, breweries, yeast and cold drink factories;
    - (xiv) sports facilities; or
    - (xv) any other premises on which an activity is carried out which in the opinion of the Municipality is likely to cause a danger to health or affect the potability of water in the event of a substance resulting from such activity entering the water supply system; and
  - (c) a general installation on any premises after a compliance notice by the Municipality to do so.
- (2) The measures required in terms of sub-bylaw (1) are -
- (a) the discharge of water from the service pipe into a storage tank through an air gap; or
  - (b) the passing of water through a backflow preventer; or
  - (c) any other measures approved by the Municipality which achieve the same purpose.
- (3) The owner of any premises must prevent the back siphonage into the owner's water installation of a substance which is likely to cause a danger to health or affect the potability of water, in the case of -
- (a) a terminal water fitting which is so designed that a hose or other flexible pipe is or can be attached to it, which shall include a hose bibcock, a laboratory tap, and a movable shower unit;
  - (b) a fire hose-reel in a combined installation;
  - (c) an underground irrigation system; or
  - (d) any other fitting which may provide contact between polluted water and the water installation.



**Part 7: Water supply services: Miscellaneous****65. Use Of Water From Source Other Than Water Supply System**

- (1) No person shall use or permit the use of water obtained from a source other than the Municipality's water supply system for domestic, commercial or industrial purposes, except water from rain water tanks which are not connected to the water installation, except with the prior consent of the Municipality and in accordance with such conditions as it may impose.
- (2) Any person desiring the consent referred to in sub-bylaw (1) shall provide the Municipality with satisfactory evidence to the effect that the water referred to in that sub-bylaw complies, whether as a result of treatment or otherwise, with the requirements of SANS 241: 2001 - Drinking Water (or any succeeding version of the standard), or that the use of such water does not or will not constitute a danger to health.
- (3) Any consent given in terms of sub-bylaw (1) may be withdrawn if, in the opinion of the Municipality -
  - (a) a condition imposed in terms of sub-bylaw (1) is breached; or
  - (b) the water no longer conforms to the requirements referred to in sub-bylaw (2).
- (4) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the Municipality's sewerage system, the Municipality may install a meter in the pipe leading from such borehole or other source of supply to the point or points where it is so used.
- (5) The provisions of bylaw 30 shall apply insofar as they may be applicable in respect of the meter referred to in sub-bylaw (4).

**66. Boreholes**

- (1) The owner of any premises within the municipal area upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, shall notify the Municipality in writing of the existence of a borehole on such premises and provide the Municipality with such information in respect thereof as it may require.
- (2) The sinking of a new borehole or the rehabilitation of an existing borehole with the intention to use it as a borehole, is only allowed above the 50m (fifty metre) mean sea level contour line.
- (3) Notwithstanding sub-bylaw (2) the sinking of boreholes below the 50m (fifty metre) mean sea level contour line may in the Municipality's discretion be authorised on conditions deemed necessary by the Municipality, for research or monitoring purposes. A written application must be submitted to the Municipality for its approval prior to the commencement of any work in connection therewith.

**67. Sampling Of Water**

- (1) The Municipality may take samples of water obtained from a source other than the water supply system and cause the samples to be tested for compliance with the requirements of the National Water Act.
- (2) The prescribed charge for the taking and testing of the samples referred to in bylaw (1) shall be paid by the person to whom consent to use the water was granted in terms of the National Water Act.

**68. Supply Of Non-Potable Water By The Municipality**

- (1) The Municipality may on application in terms of bylaw 18, agree to supply non-potable water to a consumer (excluding residential premises) subject to such terms and conditions as the Municipality may impose.
- (2) Any supply of water agreed to in terms of sub-bylaw (1) shall not be used for any purposes which, in the opinion of the Municipality may give rise to a health hazard.
- (3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the Municipality or its suitability for the purpose for which the supply was granted.
- (4) The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss to the consumer or others arising directly or indirectly therefrom, including the consequences of any bona fide fault of the Municipality or the malfunction of a treatment plant.

**69. Testing Of Pressure In System**

The Municipality may, on application by an owner and on payment of the prescribed charge, determine and furnish the owner with the value of the pressure in the water supply system relating to an owner's premises over such period as the owner may request.

**70. Warning Notices**

- (1) At premises on which non-potable water is used, the owner shall ensure that every terminal water fitting and every appliance which supplies or uses the water is clearly marked with a weatherproof notice indicating that the water therefrom is water unsuitable for domestic purposes.
- (2) Where the use of treated sewage effluent has been authorised by the relevant competent authorities, prior to the commencement of such use, the owner shall erect weatherproof notices in prominent positions warning that such effluent is not suitable for domestic purposes.
- (3) Every warning notice prescribed in terms of sub-bylaws (1) and (2) shall be as provided for in terms of the language requirements of section 21 of the Local Government: Municipal Systems Act 32 of 2000 and shall include the symbolic sign for non-potable water, the sign PV5 as described in SANS 1186-1: 2003, or any succeeding version of the standard.

**71. Water Audit**

- (1) Major water consumers (those using more than 3 650 kilolitres per annum or any other amount of water determined by the Municipality from time to time as qualifying as major consumption), excluding those comprising multiple dwelling units, shall undertake a water audit as and when required by the Municipality.
- (2) The audit shall detail the following:
  - (a) amount of water used during the financial year;
  - (b) amount paid for water for the financial year;
  - (c) number of people living on the stand or premises;
  - (d) number of people permanently working on the stand or premises;
  - (e) comparison of the above factors with those reported in each of the previous three years (where available);
  - (f) seasonal variation in demand (monthly consumption figures);
  - (g) details of water pollution monitoring methods;
  - (h) details of current initiatives to manage their demand for water;
  - (i) details of plans to manage their demand for water;
  - (j) comparison of the above factors with those reported in each of the previous 3 (three) years (where available); and
  - (k) estimate of consumption by various components of use.

**CHAPTER 3****SANITATION SERVICES****Part 1: Disposal of sewage****72. Discharge To Sewage Disposal System**

No person shall discharge any sewage in any manner into the sewage disposal system unless he or she has made an application to the Municipality to authorise the discharge has been made and the application has been accepted, provided also, that any discharge is subject to any conditions that may have been imposed by the Municipality.

**73. Objectionable Discharges**

- (1) No person shall cause or permit any solid, liquid or gaseous substance other than uncontaminated storm water to enter: -

- (a) any storm water system or excavated or constructed watercourse; or
  - (b) any watercourse, whether ordinarily dry or otherwise, except in accordance with the provisions of the National Water Act; or
  - (c) any street or premises
- (2) No person shall, other than in compliance with the conditions of any permissions issued in terms of these Bylaws, discharge, or permit the discharge or entry into the sewage disposal system of any sewage or toxic substance -
  - (a) which does not as a minimum, comply with the standards and criteria prescribed in the Schedules to these Bylaws or other applicable legislation;
  - (b) which contains any substance in such concentration as will produce or is likely to produce in the final treated effluent at any treatment works or sea outfall discharge point or in any water resource, any offensive or otherwise undesirable taste, colour or odour or any foam;
  - (c) which is of such a level of toxicity that it may adversely affect any waste water treatment works or sea outfall pipeline;
  - (d) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use or treated to produce sludge for disposal;
  - (e) which contains any substance or thing of whatever nature which is not amenable to treatment at treatment works to a satisfactory degree or which causes or is likely to cause a breakdown or inhibition of the treatment processes in use at such works;
  - (f) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (3) No person shall cause or permit any storm water to enter the sewage disposal system.
- (4) No person shall cause or permit any medical waste to enter the sewage disposal system.
- (5) If any unauthorised entry in terms of sub-bylaws (1), (2), (3) and (4) occurs, an authorised official may, by written notice, demand that certain prescribed steps are taken to cease or contain the illegal discharge.
- (6) An authorised official may, by written notice, order the owner or occupier to conduct, at his or her own cost, periodic expert inspections of the premises and analyses of any effluent discharges, to identify any precautionary measures which should be taken would ensure compliance with these Bylaws and to report such findings to an authorised official.
- (7) If any person becomes aware of any contravention of these Bylaws, such person shall immediately report such contravention to the Municipality.
- (8) In circumstances where a polluting discharge is authorised, and the permitted standards have not been exceeded, every person must nevertheless take all reasonable measures as prescribed by section 28 of NEMA to minimize the level and extent of pollution.

**74. Application For Use Of Sewage Disposal System**

- (1) Any person who desires to be connected to the sewage disposal system must submit an application to the Municipality on the prescribed form accompanied by such information as set out in bylaw 74(2) and any additional information that the Municipality may require from time to time.
- (2) The application form must at least contain the following information -
  - (a) acceptance by the user of the provisions of these Bylaws and acceptance of liability for the cost of all sanitation services used until the agreement is terminated;
  - (b) name of user, and the user's identity or registration number, where applicable;
  - (c) address or stand number of the premises at which the sanitation service is to be provided, or on which a communal sewer connection is used;
  - (d) address to which accounts must be sent;
  - (e) the agreed date on which the sanitation service shall be provided.
- (3) The approval of an application referred to in sub-bylaw (1) shall constitute an agreement between the Municipality and that person.
- (4) After approval of the application the applicant referred to in sub-bylaw (1) shall be liable for all the prescribed fees in respect of the use of the sewage disposal system in accordance with these Bylaws.
- (5) Where premises have been connected to the sewage disposal system or are reasonably capable of being so connected, the owner shall be liable for compliance with these Bylaws.

**75. Special Agreements For Disposal Of Sewage**

- (1) The Municipality may enter into a special agreement for the disposal of sewage with -
  - (a) a person within the Municipality's area of jurisdiction, if the disposal necessitates the imposition of conditions not contained in these Bylaws.
  - (b) a person outside the Municipality's area of jurisdiction.
- (2) If the Municipality, in terms of a special agreement contemplated in sub-bylaw (1), provides a means of disposal of sewage to a person outside the Municipality's area of jurisdiction, it may permit that person to accept sewage for eventual disposal by the Municipality from other persons outside the Municipality's area of jurisdiction, subject to such conditions as the Municipality deems fit.

**76. Application For Infrastructure**

- (1) If an agreement for on-site sanitation and associated services in accordance with bylaw 75 has been concluded, and no infrastructure in connection therewith exists on the

premises, the owner must immediately make written application for the installation thereof and-

- (a) pay the prescribed fees for the installation of the necessary infrastructure; or
  - (b) with the approval of the Municipality install on-site sanitation services in accordance with the specifications of the Municipality.
- (2) In approving an application for the installation of infrastructure, the Municipality may specify the type of on-site sanitation services to be installed.

**77. Septic Tank, Treatment Plant And French Drain**

- (1) No person may without the prior written permission of the Municipality construct, install, maintain or operate any septic tank, French drain, soak pit or other plant for the treatment, disposal or storage of sewage, if a sewage disposal system and/or connection to sewer is available.
- (2) The permission referred to in sub-bylaw (1) is subject to the provisions of these Bylaws, any other relevant Bylaws of the Municipality, or any other applicable law.

**78. Conservancy Tank**

- (1) The Municipality may when no sewage disposal system is available, at its discretion permit the owner of any premises to construct a conservancy tank and ancillary appliances for the retention of soil water, or such other sewage or effluent as it may decide, and such tank and appliances must be of such capacity, constructed of such material, and located in such position and at such level as it may prescribe.
- (2) Where there is already a conservancy tank on the premises, the owner must notify the Municipality of its existence.

**79. Ventilated Improved Pit Latrine**

- (1) The Municipality may at its discretion and on such conditions as it may prescribe, taking into regard the nature and permeability of the soil, the depth of the water table, the size of and access to the site and the availability of a piped water supply and any other factors which may have the potential to cause harm to the environment if approval is granted, permit the disposal of human excrement by means of a ventilated improved pit latrine, constructed in accordance with the specifications and located in a position indicated by the Municipality.
- (2) No person shall cause or permit any disposal of water into a ventilated improved pit latrine.

**80. Services Associated With On-Site Sanitation Services**

The removal or collection of conservancy tank contents, night soil or the emptying of pits must be undertaken by the owner or an approved service provider and the onus of managing this task rests on the owner.

**81. Provision Of A Connecting Sewer**

- (1) If application has been made in accordance with bylaw 74 for use of the sewage disposal system and no connecting sewer exists in respect of the premises, the owner or his or her agent shall immediately apply to the Municipality for the installation of such a connecting sewer and pay the prescribed fee.
- (2) If an application is made for use of the sewage disposal system to premises which is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, an authorised official may agree to the extension subject to such conditions as he or she may impose including the option of an additional fee.
- (3) An authorised official may at the request of any person agree, subject to such conditions as the authorised official may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises; provided that the applicant shall be responsible, at the applicant's cost, for any extension of the drainage installation to the connecting point designated by an authorised official and for obtaining such servitudes over other premises as may be necessary.
- (4) A connecting sewer provided and installed by the Municipality shall --
  - (a) be located in a position determined by an authorised official;
  - (b) terminate at a connection point approximately 1 (one) metre inside the premises from the boundary of the land owned by or vested in the Municipality or over which it has a servitude or other right or when sub-bylaw (3) applies, at the connecting point designated in terms of that sub-bylaw; and
  - (c) be of a size determined by an authorised official.

**82. Construction Of Drainage Installation**

Any drainage installation must comply with SANS 10400: 1990 - Part P: Drainage, or any amendments thereto.

**83. Use Of Pipes And Fittings In Drainage Installation To Be Authorised**

No person may, without the prior written permission of the Municipality install or use a pipe or fitting in a drainage installation within the Municipality's area of jurisdiction, unless it is of a type included in the Schedule referred to in bylaw 43.

**84. Approval Of Drainage Work**

- (1) No person may construct, reconstruct, alter, add to or make any permanent disconnection in or of any drainage installation without first having obtained the permission of the Municipality in writing.
- 2) No drainage work mentioned in sub-bylaw (1) for which permission has been given in terms of these Bylaws, may be commenced until after the expiration of 2 (two) clear days notice after notice in writing has been served on the Municipality stating the day on and time at which it is intended to commence the work.

- (3) Before any part of a drainage installation is permanently covered or otherwise rendered practically inaccessible to visual inspection, it must be inspected and approved by the Municipality.
- (4) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.

**85. Interconnection Between Premises**

Every owner of premises must ensure that no interconnection exists between the drainage installation on the owner's premises and any drainage installation on other premises, unless the owner has obtained the prior written permission of the Municipality and complies with any conditions that may have been imposed in granting such permission.

**86. Acceptance Of Sewage Delivered By Road Haulage**

- (1) An authorised official may, subject to such conditions as the authorised official may specify, accept sewage for disposal delivered to the Municipality's facilities by road haulage.
- (2) No person shall discharge sewage into the Municipality's facilities by road haulage, unless he or she has made an application to the Municipality to authorize the discharge and the application has been accepted, provided also, that any discharge is subject to any conditions that may have been imposed by the Municipality and in accordance with the written permission of an authorized official.
- (3) If, in the opinion of the authorised official, the capacity of the sewage disposal system is sufficient to permit the conveyance, effective treatment and lawful disposal of the industrial effluent, the authorised official may, for such period and subject to such conditions as the authorised official may impose, grant written permission in terms of sub-bylaw (1).
- (4) A person to whom such permission is granted shall pay to the Municipality any fee (including but not limited to, any administration fee) that may be prescribed. Fees relating to the acceptance of any domestic or industrial effluent shall be calculated in accordance with Schedules B and C, subject to the proviso that such tariff or fees is reasonable in the circumstances.
- (5) The Municipality shall determine the fees for any sewage delivered as contemplated in sub-bylaw (1) for disposal to any of the Municipality's facilities according to the volume of sewage requiring disposal in terms of the prescribed tariff of fees.
- (6) The Municipality may prescribe a higher fee for the acceptance of any COD (Chemical Oxygen Demand) removal and settleable solids taken from any industrial effluent and discharged as contemplated in sub-bylaw (1) and this fee must also be included in the prescribed Tariff of Fees.
- (7) When delivery is by road haulage -
  - (a) the time of delivery shall be arranged with an authorised official; and
  - (b) the nature and composition of the sewage shall be established to the satisfaction of an authorised official prior to the discharge thereof, and



- (c) no person shall off load sewage which does not comply with any standards determined in terms of these Bylaws.
- (8) An authorised official may withdraw any permission to discharge sewage delivered in terms of this bylaw if the person to whom such permission had been given:
  - (a) fails to ensure that the sewage so delivered conforms to the standards prescribed in Schedule "B" or "C", as applicable, or in the permit; or
  - (b) fails to ensure that the sewage complies with the conditions of any permit; or
  - (c) fails or refuses to comply with any notice lawfully served on the person in terms of these Bylaws or contravenes any provisions of these Bylaws.
  - (d) fails to pay the assessed charges in respect of any sewage delivered provided that 14 (fourteen) days' notice has been given.

#### **87. Measurement Of Quantity Of Domestic Effluent Discharged**

The measurement of the quantity of domestic effluent must be determined in accordance with the formula prescribed in Schedule A.

### **Part 2: Industrial effluent**

#### **88. Discharge Of Industrial Effluent**

- (1) No person shall discharge or cause or permit to be discharged into the sewage disposal system, unless he or she has made an application to the Municipality to authorise the discharge and the application has been accepted, provided also, that any discharge is subject to any conditions that may have been imposed by the Municipality and in accordance with the written permission of an authorised official..
- (2) If, in the opinion of the authorised official, the capacity of the sewage disposal system is sufficient to permit the conveyance, effective treatment and lawful disposal of the industrial effluent, the authorised official may, for such period and subject to such conditions as the authorised official may impose, grant written permission in terms of sub-bylaw (1).
- (3) A person to whom such permission is granted shall pay to the Municipality any fee (including but not limited to, any administration fee) that may be prescribed. Fees relating to the acceptance of any domestic or industrial effluent shall be calculated in accordance with Schedules B and C, subject to the proviso that such tariff of fees is reasonable in the circumstances.
- (4) The person to whom permission has been granted in terms of this Chapter shall ensure that no industrial effluent is discharged into the sewage disposal system unless it complies with the standards and criteria set out in Schedules "B" and "C", which standards must at least themselves comply with any applicable national standards.

- (5) An authorised official may, (prior to the permission to discharge being granted), require the person discharging the industrial effluent to provide an independent expert analysis of the effluent at such person's own cost.

**89. Relaxation Of Standards**

- (1) An authorised official may relax or vary the standards prescribed in Schedules "B" or "C" provided that -
- (a) compliance with any national standards is not affected and
  - (b) the authorised official is satisfied that any such relaxation represents the best practicable environmental option.
- (2) In determining whether relaxing or varying the standards in Schedules "B" or "C" represents the best practicable environmental option an authorised official shall apply a risk-averse and cautious approach and give consideration to:
- (a) whether the applicant's plant is operated and maintained at optimal levels;
  - (b) whether technology used by the applicant represents the best available to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
  - (c) whether the applicant is implementing a program of waste minimization which complies with national and local waste minimization standards to the satisfaction of the authorised official;
  - (d) the cost to the Municipality of granting the relaxation or variation; and
  - (e) the environmental impact, or potential impact, if the relaxation or variation is granted.

**90. Test Samples**

- (1) Test samples may be taken at any time for analysis by a duly qualified expert to ascertain whether the industrial effluent complies with the standards in Schedule B or C or with any other standard contained in any permit.
- (2) Such sampling for analysis may include analysis to determine the toxicity of the industrial effluent.
- (3) The permit holder of a permit issued in terms of sub-bylaw (1) shall provide a sampling point, to the satisfaction of the authorised official, in respect of the industrial premises concerned.
- (4) The sampling referred to in sub-bylaws (1) and (2) shall be at the cost of the owner of the industrial effluent.

**91. Duties Of Permit Holder**

- (1) An authorised official may in the permit or at any time, by written notice, require a person to whom permission had been granted in terms of bylaw 88(1) to -
- (a) subject the industrial effluent to such preliminary treatment as in the opinion of an authorised official will ensure that the industrial effluent conforms to the standards prescribed in Schedules "B" and "C" before being discharged into the sewage disposal system;
  - (b) install such equalizing tanks, valves, pumps, appliances, meters and other equipment or technology as in the opinion of an authorised official will be necessary to control the rate and time and quality of discharge into the sewage disposal system in accordance with the conditions imposed by the authorised official;
  - (c) install for the conveyance of industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent and may prohibit such permit holder from disposing of industrial effluent at any other point and from disposing of waste water and standard domestic effluent by means other than into a sewage disposal system;
  - (d) construct on any pipe conveying industrial effluent to any sewer, a manhole and/or stop-valve in such position and of such dimensions and materials as an authorised official shall prescribe;
  - (e) provide all such information as may be required or called for by an authorised official to enable the authorised official to assess the charges due to the Municipality in terms of these Bylaws in accordance with the formula prescribed by it;
  - (f) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch pits, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of these Bylaws;
  - (g) cause any meter, gauge or other device installed in terms of this bylaw to be calibrated by an independent authority at the cost of the permit holder at times laid down by an authorised official and copies of the calibration to be forwarded to the authorised official;
  - (h) cause industrial effluent to be analysed as often and in such manner as may be prescribed by an authorised official and provide the authorised official with results of these tests when completed;
  - (i) obtain the written permission of an authorised official for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system;
  - (j) undertake inspections at specified, regular intervals to facilitate compliance with permit conditions.

- (k) in the event of the permit holder discharging into the sewage disposal system any industrial effluent which does not comply with the permit issued in respect of that process or premises, the permit holder shall, within 12 (twelve) hours of the discharge, notify an authorised official of the incident and the reasons for it. (2) The cost of any treatment, plant, works or analysis required in terms of sub-bylaw (1), shall be borne by the person to whom permission had been granted.

**92. Withdrawal Of Written Permission For Disposal Of Industrial Effluent**

- (1) Provided that an authorised official shall give 14 (fourteen) days' written notice, the authorised official may withdraw any permission to discharge industrial effluent into the sewage disposal system granted in terms of this Chapter if the person to whom such permission had been granted;
  - (a) fails to ensure that the industrial effluent so discharged conforms to the industrial effluent standards prescribed in Schedules "B" and "C" of these Bylaws or in the permit;
  - (b) fails or refuses to comply with any notice lawfully served on the person in terms of these Bylaws or contravenes any provision of these Bylaws or any condition imposed upon the person in terms of any permission granted to the person; or
  - (c) fails to pay the charges due in respect of any industrial effluent discharged.
- (2) The authorised official may, when withdrawing the permission as contemplated in sub-bylaw (1),
  - (a) and in addition to any steps prescribed in these Bylaws, on 14 (fourteen) days' written notice served on the person concerned, authorise the closing or sealing of the connecting sewer or drain of the said premises to any sewer at the cost of such a person;
  - (b) refuse to accept any further industrial effluent until the authorised official is satisfied that the person concerned has taken adequate steps to ensure that the industrial effluent to be discharged conforms with the standards prescribed in these Bylaws.
- (3) An authorised official may, subsequent to a drain or connecting sewer having been closed or sealed in terms of sub-bylaw (2), upon being satisfied that the effluent to be discharged meets with the standards prescribed in these Bylaws and against payment of the prescribed fees, open or authorise the reopening of the connection or seal.

**93. Measurement Of Quantity Of Industrial Effluent Discharged**

- (1) The Municipality may install, in such position as it determines, in any drainage installation conveying industrial effluent to a sewer, any meter or gauge or other device for the purposes of ascertaining the quantity or composition of the industrial effluent and it may recover the installation and maintenance costs from the owner.
- (2) It is an offence for any person to bypass, open, break into or otherwise interfere with or to damage any such meter, gauge or other device.

- (3) The Municipality may, after consultation with the person concerned, establish an alternative method of assessing the quantity of the effluent to be discharged.
- (4) Notwithstanding the foregoing provisions of this bylaw, the Municipality may require any person who discharges industrial effluent into its sewers to provide one or more meters in such a position in the water installation as the Municipality may deem necessary to record the water consumption in a specific part of the premises and further more require the owner and/or user of the sewer to submit the readings of such meter or gauge to the Municipality on a monthly basis.
- (5) The Municipality may determine a rebate to apply to the prescribed fees if the owner or occupier discharges industrial effluent -
  - (a) solely during periods specified by the Municipality; and/or
  - (b) containing constituents which will have a beneficial effect on the effluent discharged from the sewage treatment plant.
- (6) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the Municipality may, upon application, reduce the assessed quantity of industrial effluent.

**94. Damage To Sewage Disposal System Or The Environment**

- (1) If a person is discharging industrial effluent which will, if allowed to continue, seriously damage the sewage disposal system or the environment, an authorised official may immediately authorise the sealing of the sewer connection through which the industrial effluent is being discharged.
- (2) The re-opening of that connection may not be permitted until an authorised official is satisfied that the industrial effluent complies with the prescribed standards.

**95. Provision Applicable To Sea Outfall Pipeline**

- (1) The provisions of this chapter shall apply *mutatis mutandis* to effluent discharged into any sea outfall.
- (2) Where effluent is accepted for discharge into a sea outfall, it shall be delivered to the point of acceptance approved by an authorised official by means of a pipeline constructed and maintained by the person to whom permission to discharge had been granted, at such person's expense.
- (3) No effluent shall be accepted for discharge into a sea outfall unless it complies with the standards and criteria set out in Schedule "C".
- (4) Effluent shall not be accepted for discharge into a sea outfall unless it, whether alone or in combination with other substances, can be demonstrated to the satisfaction of an authorised official, not to:
  - (a) be toxic to marine fauna or flora;

- (b) contain any other constituents in concentrations which can create a nuisance on the beaches or in the sea, or a health hazard or which may have an adverse effect on bathing or other recreational activities;
- (c) contain any floating material;
- (d) contain any substance which may be prejudicial or injurious to the Municipality's sea outfall and associated sumps, sewers, plant and equipment or to the public;
- (e) contain any materials capable of creating a nuisance by frothing; or
- (f) contain any standard domestic effluent.

**96. Maintenance Of Delivery Pipeline**

The delivery pipeline from the premises concerned to the point of acceptance shall be maintained by the permit holder in a proper condition and free from leaks.

**97. Periodic Review**

Acceptance of the industrial effluent shall be subject to periodic review; provided that such review may be made at any time if, in the opinion of an authorised official, special circumstances such as pollution of the sea or beaches, the killing of fish or other incidents arise as a result of the acceptance thereof into a sea outfall.

**98. Change In Process Of Manufacture Of Materials**

An authorised official shall be notified of any proposed change in the process of manufacture or in the quantity or nature of the materials used which is likely to affect the nature, composition or quantity of the industrial effluent discharged and the authorised official's permission for the continued discharge of such effluent shall be obtained.

**Part 3: Sanitation: Miscellaneous**

**99. Damage To Sewage Disposal System**

- (1) A person may not damage or endanger the sewage disposal system, or cause or permit it to be damaged or endangered.
- (2) Any person who intends performing work on land owned by or vested in the Municipality or over which it has a servitude or other right and which may cause damage to the sewage disposal system shall, prior to commencement of such work, ascertain from an authorised official if any part of the sewage disposal system is situated on the said land.
- (3) If work is to be performed or is being performed on land referred to in sub-bylaw (2), or on land adjacent thereto which in the opinion of an authorised official could damage or endanger the sewage disposal system the authorised official may, by notice in writing, require the person concerned not to commence, or to cease performing, the work until such time as the person has complied with the conditions specified in the notice.

**100. CONSEQUENTIAL MAINTENANCE OF SEWERS**

Whenever a sewer is damaged or becomes obstructed or in need of repair as a result of the act or omission of any person, whether by reason of the failure of such person to comply with the requirements of these Bylaws or otherwise, the Municipality shall be entitled to remove the obstruction or perform the maintenance or repairs deemed necessary by the authorised official, at the expense of such person.

**101. WORK BY PRIVATE PERSONS**

The Municipality or its agent s shall lay all sewers and connecting sewers unless it elects not to do so, in which case the work shall be executed in accordance with the Municipality's specifications applicable to the work, as well as the following provisions:

- (1) any person performing work in terms of this bylaw shall, prior to commencement of such work, lodge with an authorised official a written indemnity to the satisfaction of the authorised official indemnifying the Municipality against all liability in respect of any accident or injury to persons or loss or damage to property which may occur as the direct or indirect result of the execution of such works;
- (2) where a connection is to be made with any sewer it shall be made at a point indicated by an authorised official;
- (3) whenever the surface of any street or road has been disturbed in the course of such work, the restoration of such surface shall be undertaken solely by the Municipality at the expense of the person performing the work. Prior to the disturbance of the surface of such street or road a deposit shall be made by such person with the Municipality which in the opinion of an authorised official is sufficient to cover the estimated cost of such restoration. When the actual cost exceeds or is less than the amount deposited, any excess shall be recoverable from such person and any balance shall be refunded to the person;
- (4) all work shall be performed in accordance with the requirements and to the satisfaction of an authorised official.

**CHAPTER 4****TREATED EFFLUENT SUPPLY SERVICES****Part 1: Provisions relating to the supply of treated effluent****102. Unauthorised use of treated effluent**

No person may use treated effluent from the water supply system—

- (a) unless an agreement referred to in bylaw 104 has been concluded;
- (b) unless his or her potable water supply has a suitable backflow preventer to the satisfaction of the authorised official installed; or

- (c) except through a metered and backflow prevented treated effluent supply point specifically installed by the Municipality or its appointed agent for the supply of treated effluent.

103. **Application for supply of treated effluent**

- (1) Treated effluent from the water supply system of the Municipality will not be supplied to premises of the consumer unless the consumer has applied to the Municipality or its appointed agent for a supply and such application has been agreed to, subject to such conditions as may be imposed by the Municipality or its appointed agent.
- (2) The Municipality or its appointed agent may take into account the volume of a daily water consumption and quality required by an applicant when considering the Applications.
- (3) The Municipality or its appointed agent may, on written notice, where permissible allocate a consumer to treated effluent supply services without the consumer making the application in terms of bylaw 103: provided that the consumer enters into an agreement with the Municipality or its appointed agent in terms of bylaw 104.
- (4) The consumer is liable for all the fees in respect of the supply of treated effluent, determined in terms of the Tariff of Charges, until the supply has been interrupted at the request of the consumer or the agreement has been terminated in accordance with this bylaw.
- (5) An application must contain at least the following information—
  - (a) a declaration that the applicant is aware of and understands the contents of the agreement;
  - (b) acceptance of liability in terms of this bylaw for the cost of the supply of treated effluent until the agreement is terminated;
  - (c) the name of the applicant and his or her identity number;
  - (d) the address or erf number of the premises to or on which treated effluent is to be supplied;
  - (e) the address where accounts must be sent;
  - (f) the purpose for which the treated effluent is to be used;
  - (g) the agreed date on which the supply of treated effluent will commence;
  - (h) the plumbing layout; and
  - (i) an undertaking by the applicant to inform the Municipality or its appointed agent of any change in regard to the provisions of (a) to (h).
- (6) Where the purpose for, or extent to which, the treated effluent applied for in sub-bylaw (3)(f) is changed, the consumer must promptly in addition to advising the Municipality of the change, enter into a new agreement with the Municipality or its appointed agent.



**104. Agreements**

- (1) All consumers of treated effluent are required to enter into an agreement with the Municipality or its appointed agent subject to the provisions of this bylaw.
- (2) The agreement contemplated in sub-bylaw (1) must include all the information referred to in bylaw 103(5) (a) to (j).

**105. Termination of agreements**

- (1) A consumer may terminate an agreement for the provision of treated effluent by giving the Municipality or its appointed agent not less than thirty (30) days' notice in writing of his or her intention to do so.
- (2) The Municipality or its appointed agent reserves its right to charge a consumer an appropriate amount including any capital costs for early termination of the agreement in circumstances where such termination is prejudicial to the Municipality or its appointed agent.
- (3) The authorised official may, by notice in writing of not less than fourteen (14) days, advise a consumer of the termination of his or her agreement for the supply of treated effluent—
  - (a) where the agreement has expired, that he or she has not made arrangements to the satisfaction of the authorised official for the continuation of the agreement; or
  - (b) where he or she has failed to comply with the provisions of this bylaw or has failed to rectify such failure following the issue of a compliance notice; or
  - (c) where he or she has failed to pay any fees due and payable in terms of the Tariff Bylaw.
- (4) The Municipality or its appointed agent may terminate an agreement for the supply of treated effluent if the premises to which such agreement relates have been vacated.

**106. Interference with the water supply system**

No person other than the Municipality or its appointed agent may effect a connection to the water supply system of the Municipality.

**107. Obstruction of access to the water supply system**

No person may prevent or restrict the access of officials of the Municipality or its appointed agent to the water supply system.

**108. Servitudes**

The consumer is responsible for obtaining at his or her cost, such servitudes over other property as may be necessary for the water supply system.

**109. Provision and position of isolating valves**

- (1) The Municipality or its appointed agent must install an isolating valve between every meter and the main.
- (2) The consumers must, at their own expense, and for their exclusive use, provide and install an isolating valve—

- (a) in the case of a meter installed on the premises, at a suitable point on their side of the meter;
  - (b) in the case of a meter installed outside the premises, at a suitable point immediately inside the boundary of their premises, provided that the authorised official may, on failure of the consumer and at the latter's expense, provide and so install an isolating valve.
- (3) No person may without the approval of the Municipality or its appointed agent tamper with the isolating valve between the meter and the main.

**110. Availability and assurance of supply**

- (1) The Municipality or its appointed agent ensures the supply of treated effluent but this must be construed as constituting an absolute undertaking to maintain, at any time or at any point in its water supply system,
- (a) an uninterrupted supply;
  - (b) a specific pressure or rate of flow in such supply;
- (2) The Municipality or its appointed agent may, for the purpose of this bylaw, with prior written notice, interrupt the supply of treated effluent.

**111. Restriction or cutting-off of supply**

- (1) Subject to any other right the Municipality or its appointed agent may have, the authorised official may, if a consumer has failed to pay a sum due in terms of the Tariff of Charges, by written notice inform him or her of the intention to restrict or cut off the supply of treated effluent on a specified date and to restrict or cut off such supply on or after that date.
- (2) Subject to any other right the Municipality or its appointed agent may have, the authorised official may by written notice, if the consumer has contravened this bylaw and has failed to rectify such contravention within the period specified in a written notice served on him or her requiring him or her to do so, inform him or her of the intention to restrict or cut off his supply of treated effluent on a specified date and to restrict or cut off such supply on or after that date.
- (3) The consumer must pay the fees for the cutting-off of supply and restoration of the treated effluent supply in terms of the Tariff of Charges: Provided that all such fees are paid prior to the restoration of the treated effluent supply.
- (4) The consumer whose access to treated effluent has been restricted or disconnected, who unlawfully reconnects it, must be disconnected.

**112. Metering of treated effluent supplied**

- (1) Treated effluent supplied to premises must pass through a meter, installed in a position determined by the Municipality or its appointed agent.
- (2) A meter and its associated apparatus provided and installed by the Municipality or its appointed agent, remains its property, and may be replaced or removed when deemed necessary by the Municipality or its appointed agent.
- (3) If the Municipality or its appointed agent installs a meter together with its associated apparatus in a treated effluent installation the consumer —
- (a) must provide an installation point approved by the authorised official;

- (b) must ensure that unrestricted access is available to it at all times;
  - (c) is responsible for its protection when situated inside the property and liable for the costs arising from damage thereto excluding damages arising from normal fair wear and tear;
  - (d) must ensure that no connection is made to the pipe in which the meter is installed, between the meter and the main;
  - (e) must make provision for the drainage of treated effluent which may be discharged from the pipe in which the meter is installed, in the course of work done by the Municipality or its appointed agent on the meter; and
  - (f) may not use, nor permit to be used, on any treated effluent installation, any fitting, machine or appliance which causes damage or is likely to cause damage to the water supply system inclusive of the meter.
- (4) Only the Municipality or its appointed agent may—
- (a) disconnect a meter and its associated apparatus from the pipe in which they are installed;
  - (b) break a seal on a meter; or
  - (c) in any other way interfere with a meter and its associated apparatus.
- (5) Any person contravening sub-bylaw (4) must pay the Municipality or its appointed agent the cost of such quantity of treated effluent as was supplied.
- (6) A consumer must, immediately upon detection of a leak in a service pipe or from the body of the meter or its associated fittings, inform the Municipality or its appointed agent.
- (7) If access to a meter is denied for reading purposes, the authorised official may—
- (a) upon written notice to the consumer, inform him or her of the intention to install at the consumer's cost, another meter;
  - (b) render an account for the quantity of treated effluent consumed at such premises as measured on the meter installed.
- (8) The consumer is liable for all costs of the water supply system and apparatus inclusive of the meter where damaged as a result of negligence or installation of incorrect fittings or appliances.

113. **Quantity of treated effluent supplied**

For the purpose of assessing the quantity of treated effluent supplied through a meter over a specific period, it must be deemed, unless the contrary can be proved, that—

- (a) the quantity is represented by the difference between readings of the meter taken at the beginning and end of such period;
- (b) the meter was registering correctly during such period; and
- (c) the entries in the records of the Municipality or its appointed agent were correctly made;

provided that if treated effluent is supplied or taken without its passing through a meter where tampering has occurred, the estimate by the authorised official of the quantity of such treated effluent shall be deemed to be correct.

114. **Resale of treated effluent**

- (1) No person who is supplied with treated effluent in terms of these Bylaws may sell such treated effluent unless—
  - (a) provision has been made thereof in an agreement referred to in bylaw 104; or
  - (b) he or she has obtained the prior written permission of the authorised official.
- (2) If the authorised official grants the permission referred to in sub-bylaw (1) (b), he or she may stipulate the maximum price, determined by Council, at which the treated effluent may be sold and impose such other conditions as he or she may deem fit.
- (3) Permission referred to in sub-bylaw (1) (b) may, due to failure to comply with the conditions imposed by the authorised official, be withdrawn at any time.

115. **Estimation of quantity of treated effluent supplied to consumer through defective meter**

- (1) If a meter is found to be defective, the authorised official may estimate the quantity of treated effluent supplied to the consumer concerned during the period in which such meter was defective, on the basis of the average daily quantity of treated effluent supplied over—
  - (a) a period between two successive meter readings subsequent to the replacement of the meter; or
  - (b) a period in the previous year corresponding to the period in which the meter was defective; or
  - (c) the period between three successive meter readings prior to the meter becoming defective, whichever the authorised official considers the most appropriate.
- (2) If the quantity of treated effluent supplied to a consumer during the period when the meter was defective cannot be estimated in terms of sub-bylaw (1), the authorised official may estimate the quantity on any basis that is available.
- (3) The consumer must be informed of the method used by the authorised official to estimate the quantity of treated effluent supplied to him or her, as contemplated in sub-bylaws (1) and (2).

116. **Special Measurement**

- (1) If the authorised official requires, for purposes other than charging for treated effluent consumed, to ascertain the quantity of treated effluent which is used in a part of a treated effluent installation, may, by written notice, advise the consumer concerned of his or her intention to install a measuring device at any point in the treated effluent installation that he or she may specify.
- (2) The installation and removal of a measuring device referred to in sub-bylaw (1) will be carried out at the expense of the Municipality or its appointed agent.
- (3) The provisions of bylaws 112(3)(b) and 113(b) apply, insofar as they may be applicable, in respect of a measuring device that has been installed in terms of sub bylaw (1).

- (4) The Municipality or its appointed agent may on receipt of a written notice from the consumer and subject to arrangement of payment of the relevant prescribed charge for treated effluent meters, read the meter to ascertain the quantity of treated effluent supplied at a time, or on a day, other than upon which the meter would normally be read.

## **Part 2: General Treated Effluent Installation Requirements**

### **117. Provision and maintenance of treated effluent installations**

- (1) A consumer must provide and maintain the treated effluent installation at own cost and, except in the case of a connection to a communication pipe, must ensure that the installation is within the boundary of the premises.
- (2) Before work is commenced in connection with the maintenance of a portion of the treated effluent installation which is situated outside the boundary of the premises, a consumer must obtain the written consent of the authorised official or the owner of the land on which such portion is situated, as the case may be.

### **118. Accepted pipes and treated effluent fittings**

- (1) No person may install or use a pipe or treated effluent fitting in a treated effluent installation unless it complies with Schedule 1.
- (2) Notwithstanding the provision of sub-bylaw (1), the authorised official may for a specific use in a specific installation, permit the installation or use of a pipe or treated effluent fitting which is not included in Schedule 1.
- (3) The authorised official may, in respect of any pipe or treated effluent fitting included in Schedule 1, impose such conditions as he or she may deem necessary in respect of the use or method of installation thereof.
- (4) The authorised official may at any time remove a pipe or treated effluent fitting from Schedule 1 if the pipe or treated effluent fitting no longer suitable for the purpose for which its use was accepted or included.

### **119. Signage**

- (1) An owner of premises on which treated effluent water is used, must ensure that every terminal water fitting and every appliance which supplies or uses the water is clearly marked with a weatherproof notice indicating that such water is unsuitable for domestic purposes.
- (2) In an area where treated effluent is used, the consumer shall erect weatherproof notices in prominent positions warning that such water is not suitable for domestic purposes.
- (3) Every warning notice prescribed in terms of sub-bylaws (1) and (2) must be in the three official languages (IsiZulu, English and Afrikaans) used in the Municipality.
- (4) Signage must comply with the minimum standard set in the signage of the Municipality -

- (5) Prominent notices indicating that treated effluent water is being used is to be erected in a position clearly visible from a public thoroughfare, at positions determined by the Municipality or its appointed agent.
- (6) The authorised official may, subject to national legislation or any other law, issue revised or new signage applicable in terms of this bylaw.

120. **Design criteria for treated effluent installations**

- (1) A consumer must ensure that—
  - (a) treated effluent installations comply with SANS 10252: 2004 Part 1, or as it may be amended; and
  - (b) no interconnection between treated effluent and potable water supplies exist.
- (3) If a pipe or treated effluent fitting of a particular type is unsuitable for use in a particular situation or any connection between treated effluent and potable water supplies are made, the authorised official may by written notice to the owner—
  - (a) prohibit the use thereof; or
  - (b) require acceptable protective measures to be applied.
- (4) No person may connect to a treated effluent installation a treated effluent fitting or apparatus which causes or is likely to cause damage to the treated effluent supply system or another water installation as a result of pressure surges.
- (5) Premises that require feeds from both the treated effluent and potable supply schemes must comply with the following minimum standard—
  - (a) Where both treated effluent and potable supply is to feed into a storage tank with separate lines without connection—
    - (i) the feeds should be into the top of such a storage tank and close with manual or float ball valves;
    - (ii) the potable supply pipe must pass over the rim of the tank, not through the sidewall and end at least 100mm above the top of the maximum possible water level in the tank to ensure an air gap is always present and no feedback is possible; and
    - (iii) distribution from the tank can then take place with a pump or other reticulation system.
  - (b) Feed into an irrigation system or other distribution may take place through a switchover chamber that allows only one connection at a time through a flexible hose installation.
  - (c) The flexible hose installation referred to in paragraph (b) shall include the following safety systems—

- (i) the connection of the flexible hose to the discharge or downstream side shall be fixed and unremovable;
  - (ii) a vacuum break air valve shall be installed on the discharge or downstream side; and
  - (iii) the covers to the chamber shall be lockable for controlled access.
- (6) The connection details of the chosen standard as described in sub-bylaw (5) must be submitted to the Municipality or its appointed agent for approval and the approved copy will form part of the signed agreement in bylaw 104.
- (7) Any consumer with both a treated effluent and a potable water supply on the premises, must install a Reduced Pressure Zone Backflow Preventer (RPZ) in accordance with SANS 10252-1: 2004 Part 1 in all the potable water supply points entering the premises, downstream of his or her isolating valve which is situated downstream of the water meter.
- (8) The treated effluent tracer of the Municipality or its appointed agent with text and SABS non-potable sign must be installed—
- (a) for the full length of all pipelines, including all distribution lines within the property;
  - (b) directly over the pipeline; and
  - (c) at a depth not greater than 500mm below ground level.
- (9) All pipelines must be painted orange and suitably designated.

### **Part 3: Water Quality**

#### **121. Disclaimer in respect of treated effluent quality**

- (1) The Municipality or its appointed agent will ensure the quality of treated effluent is at the reasonable acceptable level of a treated effluent. It however does not warrant, expressly or impliedly, the purity of any treated effluent supplied by it or its suitability for the purpose for which the supply was granted beyond the reasonable acceptable level.
- (2) The quality of the treated effluent may vary and the consumer must take this into account.
- (3) The use of treated effluent is entirely at the risk of the consumer and the Municipality or its appointed agent is not liable for any consequential damage or loss arising directly or indirectly therefrom.

**Part 4: Disposal of Industrial Effluent****122. Exclusive right**

- (1) The Municipality has exclusive right to give permission for disposal of industrial effluent, which must be applied for in terms of bylaw 88 of the Municipality's Water Services Bylaws (2010).
- (2) No person may enter into an agreement the subject of which is the disposal of industrial effluent without first obtaining prior written permission from the Municipality.
- (3) No person may enter an agreement to sell treated effluent without first obtaining prior written permission from the Municipality.
- (4) The Municipality may not unreasonably withhold the permission.

**CHAPTER 5****ENFORCEMENT OF BYLAWS AND LEGAL MATTERS****123. Authorisation Of An Authorised Official**

A service provider as contemplated in the definition of the Municipality and in section 76 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), may authorise any person in its employ to be an authorised official.

**124. Functions Of An Authorised Official**

- (1) An authorised official may execute work, conduct an inspection and monitor and enforce compliance with these Bylaws.
- (2) Subject to the provision of any other law, an authorised official must carry out the functions contemplated in this bylaw and the powers set out in bylaw 125, in accordance with the procedure outlined in bylaws 126 and 127.

**125. Additional Powers Of An Authorised Official**

- (1) An authorised official, in addition to any power conferred upon him or her in terms of these Bylaws, may -
  - (a) execute work on or inspect premises;
  - (b) question a person present on any premises in respect of any matter which may be relevant to the work or inspection;
  - (c) question a person whom the authorised official believes may have information relevant to the work or inspection;
  - (d) inspect any document that a person is required to maintain in terms of any law or that may be relevant to work or inspection;



- (e) copy any document referred to in paragraph (d) or if necessary, remove the document in order to copy it;
  - (f) take samples of any substance that is relevant to the work or inspection;
  - (g) monitor and take readings or make measurements;
  - (h) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises; and
  - (i) do what is necessary for the execution of work or the conducting of an inspection that the Municipality is required to undertake in terms of these Bylaws.
- (2) An authorised official who removes anything other than a substance contemplated in sub-bylaw (1)(f) from the premises being worked upon or inspected, must -
- (a) issue a receipt for it to the owner or person in control of the premises; and
  - (b) return it as soon as is practicable after achieving the purpose for which it was removed.

**126. Procedure To Execute Work Or Conduct An Inspection: Entry With A Written Authorisation**

- (1) An authorised official may subject to section 101 of the Local Government: Municipal Systems Act 2000 (Act 32 of 2000), enter any premises if a justice of peace as contemplated in bylaw 3 and 4 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963) has issued a written authorisation to enter and execute work or inspect the premises, and the written authorisation is still valid.
- (2) A justice of peace may issue a written authorisation to enter and execute work or inspect any premises if, from information on oath, there are reasonable grounds to believe that -
- (a) in the interest of the public, it is necessary to execute work or obtain information that cannot be obtained without entering those premises;
  - (b) there is non-compliance with any provision of these Bylaws in respect of the premises; and
  - (c) significant environmental degradation or water pollution has taken, or is likely to take place, or is suspected.
- (3) A justice of peace may issue a written instruction to the owner or person in control of the premises to do work, at the expense of such owner or person, which is necessary to enable an authorised official to -
- (a) determine whether or not there has been a contravention of these Bylaws on such premises;
  - (b) restore access to water supply system or any sanitation service where the owner or such person has restricted access; and

- (c) properly or effectively execute work or inspect premises, as contemplated in sub-bylaw (1).
- (4) If, after the work contemplated in sub bylaw (3) has been performed, it is established that no contravention of these Bylaws has taken place, the expenses incurred in performing the work and restoring the premises to its former condition, shall be paid by the Municipality.
- (5) A written authorisation in terms of sub-bylaw (2) may be issued at any time and must specifically-
  - (a) identify the premises that may be worked on or inspected; and
  - (b) authorise the authorised official to enter and execute work or inspect the premises and do anything listed in bylaw 125(1).
- (6) A written authorisation issued in terms of sub-bylaw (2) is valid until one of the following events occur:
  - (a) it is carried out;
  - (b) is cancelled by the person who issued it or, in that person's absence, by a person with similar authority;
  - (c) the purpose for which it was issued, has lapsed; and
  - (d) 3 (three) months have passed since the date of issue.
- (7) A written authorisation issued in terms of sub-bylaw (2) may only be carried out between 07:00 and 19:00, unless the justice of peace who issues it states in writing that it may be carried out at a different time reasonable in the circumstances.
- (8) Before commencing any work or inspection, an authorised official who carries out a written authorisation must either -
  - (a) if the owner of or a person apparently in control of the premises is present -
    - (i) identify him or herself and explain his or her authority to that person or furnish proof of such authority; and
    - (ii) hand a copy of the written authorisation to that person;
  - (b) if the owner or person apparently in control of the premises is absent or refuses to accept a copy, attach a copy of the written authorisation to the premises in a prominent and visible place.

**127. Procedure To Execute Work Or Conduct An Inspection: Entry Without A Written Authorisation**

- (1) An authorised official who does not have a written authorisation may, subject to section 101 of the Systems Act, enter and execute work or inspect -

- (a) any premises with the consent of the owner or person apparently in control of the premises; or
  - (b) any premises, except residential premises, on a routine basis
    - (i) no more frequently than 6 (six) times during a 12 (twelve) month period; or
    - (ii) more frequently if permitted by these Bylaws for the purposes of any work or inspection;
  - (c) any premises, if there are reasonable grounds to suspect that there is an emergency, and/or that any delay in commencing any work or inspection may -
    - (i) disrupt or adversely affect the provision of water and/or services;
    - (ii) result in excessive wastage or pollution of water; or
    - (iii) have significant detrimental effects on public or private health and safety;
  - (d) any premises from which there is a discharge or suspected discharge, into any sewer of any storm water, sewage, industrial effluent, or other liquid or substance contemplated in bylaw 73(1), (2) and (3);
  - (e) any premises on which a nuisance is caused by, or related to, or emanates from a drainage installation; and
  - (f) any premises on which a contravention of bylaw 6 exists or is suspected.
- (2) Unless the emergency and/or delay in commencing any work or inspection referred to in sub-bylaw (1)(c) was caused by an act or omission of the Municipality or its appointed agent, the cost of any remedial action taken in connection with sub-bylaws (c), (d), (e) and (f) must be paid by the owner of the premises.
- (3) In addition to the entry permitted in terms of sub-bylaw (1), an authorised official may enter any premises without a written authorisation in respect of which there is an outstanding compliance notice, issued in terms of bylaw 131 for the purposes of determining whether that notice has been complied with.
- (4) Before commencing work or inspecting any premises in terms of this bylaw, an authorised official must identify himself or herself and explain his or her authority or furnish proof of such authority to the person apparently in control of the premises or the person who gave permission to enter.
- (5) Any entry and execution of work or inspection without a written authorisation must be carried out at a reasonable time in the circumstances.

## **128. USING FORCE TO ENTER**

- (1) An authorised official carrying out a written authorisation in terms of bylaw 125 may overcome any resistance to entry, execution of work or inspection by using as much force

as is reasonably required, including breaking a lock, door or window of the premises to be entered.

- (2) Before resorting to force, the person carrying out the written authorisation must audibly demand admission and must announce his or her purpose, unless he or she reasonably believes that doing so may induce someone to destroy, dispose of, or tamper with, an article or document that is the object of the inspection.
- (3) The Municipality or its appointed agent must compensate anyone who suffers damage because of forced entry during the execution of any work or any inspection when no one responsible for the premises was present.
- (4) Force may not be used to affect an entry or execute work or conduct an inspection in terms of bylaw 125 unless in the opinion of the authorised official, an emergency situation that may result in the risk of serious harm to health and safety or serious pollution or detriment to the environment arises.

#### **129. Authorised Official May Be Accompanied**

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

#### **130. Duty To Produce Document**

Any person who holds any document relevant to the execution of any work or inspection contemplated in this Chapter must produce it at the request of an authorised official.

#### **131. Compliance Notice**

- (1) An authorised official who becomes aware that any provision of these Bylaws has not been complied with, may issue a compliance notice to the owner or person apparently in control of the relevant premises.
- (2) An authorised official who is satisfied that the owner or person apparently in control of any premises has satisfied the terms of a compliance notice may issue a compliance certificate to that effect.
- (3) A compliance notice remains in force until an authorised official has issued a compliance certificate in respect of that notice.
- (4) A compliance notice must set out -
  - (a) the provision that has not been complied with;
  - (b) details of the nature and extent of non-compliance;
  - (c) any steps that are required to be taken and the period within which those steps must be taken;
  - (d) any penalty that may be imposed in terms of these Bylaws in the event of non-compliance with these steps; and

- (e) must include a reference to the right to a hearing and the time period within which this must be held.

**132. Complaints Against Persons Other Than The Municipality**

Anyone may lodge a complaint with an authorised official, either directly or through any other channel established by the Municipality, that another person -

- (1) is likely to cause or has caused a disruption of the provision of water services without just cause; or
- (2) is likely to act or has acted contrary to the provisions of these Bylaws; in which event the authorised official, unless that authorised official has reasonable grounds to believe that the complaint is frivolous, must investigate the complaint and, take any necessary action which is competent in terms of these Bylaws.

**133. Official Address**

- (1) For the purposes of the service of any notice, order or other document relating to legal proceedings -
  - (a) the address of the owner of the premises on which domestic water is consumed or generated is deemed to be the official address of such owner; and
  - (b) the address of the consumer and/or user, as referred to in bylaws 18(5) and 74(2) is deemed to be the official address of the consumer and/or user.
- (2) Where any notice or other document is required by these Bylaws to be served on any person other than for the purpose of criminal proceedings, it must be served on that person, failing which it may be served on any member of that person's household or an employee as the case may be, of the apparent age of 16 (sixteen) years or older, at the place of residence or business of that person, or if sent by registered post, to the official address contemplated in sub-bylaw (1), it will constitute prima facie proof of the service of such notice.

**134. Recovery Of Costs And Fees**

Any costs which the Municipality or its appointed agent is entitled to recover from a consumer and/or user, owner or other person in terms of these Bylaws shall include, where applicable, any prescribed fees, expenses incurred to protect the water supply system, the cost of any exploratory investigation, survey, plan, specification, or the completion of any schedule of quantities, supervision, administration or authorisation charges, including the cost of any ancillary work associated therewith, wear and tear on plant and equipment utilized in any of these activities, the provision of labour and the costs, including environmental costs, involved in the disturbing and making good of any part of any street, ground or water services work.

**135. Legal Compliance Warranty**

Notwithstanding any provisions to the contrary, any consumer and/or user by making application for water services, warrants that he or she will -

- (1) in his or her activities, application and use of the water services, comply with all relevant laws, regulations and standards governing the environment, health and safety;
- (2) take all reasonable measures to prevent pollution or environmental degradation from occurring, continuing or recurring;
- (3) in so far as such harm to the environment is authorised by law, or cannot reasonably be avoided or stopped, minimize and rectify such pollution or degradation of the environment; and
- (4) bear all costs and expenses incurred in meeting the above obligations and the implementation thereof.

#### **136. False Statement Or Information**

No person may make a false statement or furnish false information to the Municipality, an authorised official or an employee of the Municipality or falsify a document that has been issued in terms of these Bylaws.

#### **137. Exceptions To Application Of These Bylaws**

- (1) If authority was given before the date of commencement of these Bylaws for installation work to be done, or if authorised work is in progress on such a date, such work must comply with any applicable laws which were in force in the area of jurisdiction of the Municipality, immediately prior to such date.
- (2) For a period of 90 (ninety) days after the commencement of these Bylaws, the Municipality may give authority for installation work to be done in accordance with any law mentioned in sub-bylaw (1).
- (3) No owner may be required to comply with these Bylaws by altering a water installation or part thereof which was installed in conformity with any law applicable immediately before the date of commencement of these Bylaws provided that, if in the opinion of the Municipality or its appointed agent, the installation or part thereof is so defective, or in such a condition or position to cause waste or undue consumption of water and/or treated effluent, pollution of the water supply, or a health, safety or environmental hazard, it may by notice in writing require the owner to comply with the provisions of these Bylaws within a specified and reasonable period.

#### **138. Exemptions**

- (1) The Municipality may by resolution exempt any person from complying with a provision of these Bylaws, subject to conditions, if the provision is considered to be unreasonable, provided that an exemption may not be granted which will result in -
  - (a) unauthorised or avoidable wastage or excessive water consumption;
  - (b) evasion or avoidance of water restrictions;
  - (c) a danger for public health, safety or the environment;
  - (d) non-payment for services;

- (e) the installation of pipes and fittings which are not approved in terms of the applicable SANS Codes and in terms of these Bylaws;
  - (f) non-compliance with the Act and regulations made in terms thereof.
- (2) The Municipality may at any time withdraw an exemption given in terms of sub-bylaw (1), provided that it must give the person concerned reasonable notice in writing of its intention to withdraw an exemption previously granted.

### **139. Offences**

- (1) It is an offence for any person to -
- (a) refuse to grant an authorised official access to premises to which that authorised official is duly authorised to have access;
  - (b) obstruct, interfere or hinder an authorised official who is exercising a power or carrying out a duty under these Bylaws;
  - (c) fail or refuse to provide an authorised official with a document or information that the person is required to provide under these Bylaws;
  - (d) give false or misleading information to an authorised official;
  - (e) unlawfully prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of these Bylaws;
  - (f) pretend to be an authorised official;
  - (g) falsely alter an authorisation to an authorised official or written authorisation, compliance notice or compliance certificate issued in terms of this Chapter;
  - (h) enter any premises without a written authorisation in circumstances requiring such authorisation;
  - (i) act contrary to a written authorisation issued in terms of these Bylaws;
  - (j) without authority -
    - (i) enter or inspect premises;
    - (ii) carry out any act mentioned in bylaw 101(1);
  - (k) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of these Bylaws, except -
    - (i) to a person who requires that information in order to perform a function or exercise a power in terms of these Bylaws;
    - (ii) if the disclosure is ordered by a court of law; or

- (iii) if the disclosure is in compliance of the provisions of any law. (1) contravene or fail to comply with the provisions of these Bylaws; (m) fail to comply with any notice issued in terms of these Bylaws; (n) fail to comply with any lawful instruction given in terms of these Bylaws; (o) obstruct or hinder any authorised official of the Municipality or its appointed agent in the execution of his or her duties under these Bylaws; or
- (p) cause any damage to any water installation or the sewage disposal system which is the property of the Municipality whether such water installation or the sewage disposal system is located outside the boundaries or inside the boundaries of the premises of which such person is the owner or occupier.

#### **140. Penalties**

- (1) Any person convicted of an offence contemplated in bylaw 139 is liable on conviction to a fine or in default of payment, to imprisonment for a period not exceeding 6 (six) months, or to both the period of imprisonment and the fine.
- (2) For every day the offence continues after the date on which he or she has been given written notice to perform or discontinue an act, such person is deemed guilty of a continuing offence and liable on conviction to a fine not exceeding R1 000 per day or to imprisonment for a period not exceeding 10 days or to both such fine and such imprisonment.
- (3) In the case of a second or subsequent offence, he or she shall be liable on conviction to a fine or to imprisonment not exceeding 6 (six) months or to both such fine and imprisonment.

#### **141. APPEALS**

- (1) Any person aggrieved by a decision of the Municipality or an Authorised Official taken in terms of these bylaws shall be entitled to lodge an appeal against such a decision with the Municipal Manager.
- (2) Such person shall lodge a memorandum of appeal, with the Municipal Manager and a copy thereof with the Director/Manager: Water and Sanitation, within 10 (ten) days of being notified of a decision complained of.
- (3) The right of appeal to the Municipal Manager against a decision complained of lapses if an appellant fails to lodge a memorandum of appeal within 10 (ten) days of being notified of the decision.
- (4) A memorandum of appeal must –
  - (a) provide the essential facts of the matter;
  - (b) state the grounds of appeal and the relief sought;
  - (c) raise any issues, which the appellant wants the Municipal Manager to consider in making his or her decision.
- (5) The Municipal Manager –
  - (a) must determine the procedure to deal with such appeals which may include the holding of an appeal hearing where he or she deems such a hearing necessary,
  - (b) determines the procedure of the appeal hearing, where applicable; and



- (c) decides on all matters of law, arising during the appeal, including whether a matter is a question of fact or of law.
- (6) The Municipal Manager must reach a decision on the outcome of an appeal heard by him or her within 14 (fourteen) days of receiving the memorandum of appeal or where an appeal hearing was held, within 14 (fourteen) days of such a hearing, or within such extended period as agreed to by the appellant.
- (7) The Municipal Manager may –
  - (a) uphold and confirm the decision of the Authorised Official against which the appeal is brought;
  - (b) alter the decision of the Authorised Official;
  - (c) set the decision of the Authorised Official, and
    - (i) replace the decision of the Authorised Official with his or her own decision; or
    - (ii) remit the matter to the Authorised Official for reconsideration in the event that a procedural defect occurred, provided that the Municipal Manager shall provide reasons for such decision within 14 (fourteen) days from the date of his or her decision, and provided further that the Municipal Manager shall be entitled to make and order.
- (8) The Municipal Manager may make any order in terms of which a party in any appeal proceedings is ordered to pay the costs of any other party in those proceedings in prosecuting or opposing an appeal.
- (9) The Municipal Manager shall be entitled to appoint any other person to hear and decide any appeal lodged in terms of these provisions, in which case these provisions shall apply mutatis mutandis to such person, provided that no person responsible for taking the decision against which the appeal has been lodged, shall be entitled to hear such appeal, and provided further that the Municipal Manager and the Authorised Official shall be bound by any decision taken by such other person.
- (10) These bylaws shall not detract from any other appeal provision provided for in any other applicable law, provided that an appellant who has lodged an appeal against a decision taken in terms of these bylaws, shall not be entitled to also lodge and pursue an appeal against the same decision provided for in such other applicable law.
- (11) The Municipality shall be entitled to levy and determine a charge or tariff in respect of any appeal lodged pursuant to these bylaws.

#### **142. Application Of This Chapter**

The provisions of this Chapter apply to all persons or bodies, including organs of State.

#### **143. Repeal Of Bylaws**

The Bylaws listed in Schedule D are hereby repealed.

#### **144. Short Title**

These Bylaws are called the Water Services Bylaws, 2010.

**SCHEDULE A****TARIFFS OF CHARGES:****DISCHARGE OF SEWAGE, INDUSTRIAL EFFLUENT, AND OTHER SUBSTANCES**

The Drainage Bylaws (Tariffs) published on 31 October 1974 under Municipal Notice 525 and amended in Municipal Notice 272 on 12 October 1989 are hereby further amended by the substitution of Bylaws A and B for the following:

**A:1 GENERAL**

- (1) Every premises upon which a building has been erected or if it is undeveloped, or is large enough in the opinion of Council to be utilised, provided it is connected, or in the opinion of the Council could be connected to Council's sewage disposal system, is subject to a levy/tariff.
- (2) The following formula shall be applied in order to determine the monthly charges per erf or connection point, in respect of the usage of the sewage disposal system:

(a) Developed Erven:

$$C = \frac{b (V + B + S) T}{360 (eb_v eb_B eb_s)}$$

(b) Undeveloped Erven:

$$C = \frac{b (V + S) T}{360 (eb_v eb_s)}$$

C	Monthly charges per erf or connection point
b	Calculated, measured or as agreed upon monthly discharge per connection point of the sewage, industrial effluent and other substances
eb <sub>v</sub>	Estimated daily capacity of the sewage disposal system
eb <sub>B</sub>	Estimated daily discharge in the sewage disposal system determined by the authorised officer from time to time
eb <sub>s</sub>	Daily capacity purchased in the sea (outfall)
V	Annual estimated capital cost of the sewage disposal system
B	Annual estimated operating cost of the sewage disposal system
S	Annual estimated cost of the sea (outfall)
T	A surcharge determined by the council

- (3) The monthly discharge is calculated, measured or as agreed upon per month and in accordance with the table in paragraph B. The discharge figures in the respective tables are for Primary Uses in accordance with the proposed City of uMhlathuze Land Use Scheme in course of preparation.
- (4) After approval of a consent use, the erf will be reclassified to the applicable use zone.
- (5) Should the registered owner or occupier disagree with the determined discharge, the onus rests with the owner or user of developed erven to deliver proof of the monthly discharge, to the satisfaction of the authorised official.

**B. DISCHARGE FIGURES****(1) MONTHLY DISCHARGE FIGURES FOR UNDEVELOPED ERVEN**

The discharge shall be a minimum of 20 cubic metres or as determined below provided that the maximum erf size shall be 10 000 square metres.

(a) Residential 1,2,3	20 cubic m
(b) Residential 4,5	20 cubic m
(f) Residential 6, 7	0,090 cubic m./m <sup>2</sup>
(d) Residential 8 & 9	0,090 cubic m./m <sup>2</sup>
(e) Residential Estate and Small Holdings	0,090 cubic m./m <sup>2</sup>
(f) Hotel & Resort	0,120 cubic m./m <sup>2</sup>
(8) Public Garage	112,5 cubic m.
(h) Service Industrial	0,240 cubic m./m <sup>2</sup>
(i) Low, medium & high impact industrial	0,075 cubic m./m <sup>2</sup>
(j) Institutional	0.045 cubic m./m <sup>2</sup>
(k) Worship	0.045 cubic m./m <sup>2</sup>
d) Educational, Health and Welfare:	
Creche and Pre-Primary	0.045 cubic m./m <sup>2</sup>
Primary School	0.045 cubic m./m <sup>2</sup>
High School	0.045 cubic m./m <sup>2</sup>
(m) Limited Commercial ] & 2	0,056 cubic m./m <sup>2</sup>
Special Commercial 1 & 2	
(n) General Commercial	0,225 cubic m./m <sup>2</sup>
(o) Active Open Space, Passive Open Space, Agricultural! & 2, Special uses and other Per Agreement	
(P) Municipal & Government 1 & 2	0,056 cubic m./m <sup>2</sup>
(1) Core mixed use 1 & 2	0,240 cubic m./m <sup>2</sup>
(r) Mixed use medium & low	0,056 cubic m./m <sup>2</sup>
(s) Multi use retail and office	0,056 cubic m./m <sup>2</sup>
(t) Quarrying and mining	Per Agreement
(u) Airport	Per Agreement
(v) Harbour & Harbour Resort	Per Agreement
(w) Railways, Bus & Taxi Rank	Per Agreement

**(2) MONTHLY DISCHARGE FIGURES FOR DEVELOPED ERVEN**

The discharge shall be a minimum of 20 cubic metres or as determined below:

(a)	Residential 1,2 & 3	Number of Units @ 20 cubic m.
(b)	Residential 4 & 5	Number of Units @ 20 cubic m.
(c)	Residential 6&7	Number of dwellings x 20 cubic m.
(d)	Residential 8 & 9	Number of dwellings x 20 cubic m.
(e)	Residential Estate and Small Holdings	Number of dwellings x 20 cubic m. or per agreement
(f)	Hotel & Resort	100% of water consumption or per agreement
(g)	Public Garage	100% of water consumption or per agreement
(h)	Service Industrial	100% of water consumption or per agreement
(i)	Low, medium & high impact industrial	100% of water consumption or per agreement
(j)	Institutional	100% of water consumption or per agreement
(k)	Worship	100% of water consumption or per agreement
(l)	Educational, Health and Welfare:Creche and Pre-Primary	100% of water consumption or per agreement
	Primary School	100% of water consumption or per agreement
	High School	100% of water consumption or per agreement
(m)	Limited Commercial 1 & 2, Special Commercial 1 & 2, Light Commercial	100% of water consumption or per agreement
(n)	General Commercial	100% of water consumption or per agreement
(o)	Active Open Space, Passive Open Space, Agricultural 1 &2, special uses and other	Per agreement
(p)	Municipal & Government 1 &2	100% of water consumption or per agreement
(q)	Core mixed use 1 & 2	100% of water consumption or per agreement
(r)	Mixed use medium & low	100% of water consumption or per agreement
(s)	Multi use retail and office	100% of water consumption or per agreement
(t)	Quarrying and mining	100% of water consumption or per agreement
(u)	Airport	100% of water consumption or per agreement
(v)	Harbour & Harbour Resort	100% of water consumption or per agreement
(w)	Railways, Bus & Taxi Rank	100% of water consumption or per agreement

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

No industrial effluent shall be accepted for discharge into the sewage disposal system unless it complies with the following conditions. The effluent shall not contain concentrations of substances in excess of those stated below: Large Works = A sewage works of greater than 25 Ml/d capacity. Small Works = A sewage works with less than 25 Ml/d capacity

**Special Limitations**

1. No calcium carbide, radioactive waste or isotopes
2. No yeast & yeast wastes, molasses spent or unspent
3. No cyanides or related compounds capable of liberating HCN gas or cyanogen
4. No degreasing solvents, petroleum spirit, volatile flammable solvents or any substance which yields a flammable vapour above 20°C

<b>General Quality Limits</b>	<b>Large Works &gt; 25 Ml/d</b>	<b>Small Works &lt; 25 Ml/d</b>	<b>Units</b>
1. Temperature (°C)	<44°C	<44°C	Degrees Celsius
2. pH	6 < pH < 10	6,5 < pH < 10	pH units
3. Oils, greases, waxes of mineral origin	50	50	mg/1
4. Vegetable Oils, greases, waxes	250	250	mg/1
5. Total sugar and starch (as glucose)	1000	500	mg/1
6. Sulphates in solution (as so <sub>4</sub> )	250	250	mg/1
7. Sulphides, hydrosulphides and polysulphides (as s)	1	1	mg/1
8. Chlorides (as C')	1 000	500	mg/1
9. Flouride (as F <sup>1</sup> )	5	5	mg/1
10. Phenols (as phenol)	10	5	mg/1
11. Cyanides (as CN)	20	10	mg/1
12. Settle-able Solids	Charge	Charge	ml/m
13. Suspended Solids	2 000	1 000	mg/1
14. Toatal dissolved solids	1 000	500	mg/1
15. Electrical Conductivity	-	400	mS/m
16. Anionic Surfactants	-	500	mg/1
17. C.O.D.	Charge	Charge	mg/1
<b>Heavy Metal Limits</b>			
18. Copper (as Cu)	50	5	mg/1

19. Nickel (N)	50	5	mg/1
20. Zinc (Zn)	50	5	mg/1
21. Iron(Fe)	50	5	mg/1
22. Boron (B)	50	5	mg/1
23. Selenium (Se)	50	5	mg/1
24. Manganese (Mn)§	50	5	mg/1
25. Lead(Pb)	20	5	mg/1
26. Cadmium (Cd)	20	5	mg/1
27. Mercury (Hg)	1	1	mg/1
28. Total Chrome (Cr)	20	5	mg/1
29. Arsenic (As)	20	5	mg/1
30. Titanium (Ti)	20	5	mg/1
31. Cobalt (Co)	20	5	mg/1
Total Metals	100	20	mg/1

**SCHEDULE C****ACCEPTANCE OF TRADE EFFLUENT FOR DISCHARGE INTO SEA OUTFALLS**

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

<b>Sea Outfall Quality Limited</b>		<b>Units</b>
1. Temperature (°C)	44°C	Degrees Celsius
2. pH	5,5 < pH < 9,5	
3. Settle-able Solids	2	mg/1
4. Oils, greases, waxes of mineral origin	50	mg/1
5. Arsenic (expressed as As)	5	mg/1
6. Cadmium (expressed as Cd)	1,5	mg/1
7. Total chromium (expressed as Cr)	3	mg/1
8. Copper (expressed as Cu)	3	mg/1
9. Lead (expressed as Pb)	5	mg/1
10. Mercury (expressed as Hg)	0,05	mg/1
11. Cyanides (expressed as CN)	10	mg/1
12. Nickel (expressed as Ni)	10	ml/m
13. Zinc (expressed as S)	20	mg/1
14. Sulphide (expressed as S))	1	mg/1
15. Sulphates in solution (as SO4)	250	mg/1

## SCHEDULE D

## TARIFFS OF CHARGES: TREATED EFFLUENT

1. The tariff model is based on a derived tariff approach which has three components, namely: volumetric charge, distribution charge and availability charge
2. The volumetric charge and distribution charge are derived based on a cost-recovery approach
3. The following formulas for each components shall be applied in order to determine the monthly charges in respect of the usage of the treated effluent:
  - (a) Affordability charge: (Capex Costs, excluding distribution Infrastructure, life cycle and financing costs, and Target Equity Return and DSCR)

$$T_1 = \frac{(K_c + K_t + L + F)}{V}$$

$T_1$  = availability charge

$K_c$  = Capital costs of effluent collection infrastructure

$K_t$  = Capital costs of treatment works

$L$  = life cycle costs

$F$  = Functioning costs (cost of debt + the target equity return)

$V$  = the average estimated demand requirements of the off Taker in megalitres



- (b) **Volumetric charge:** (Operational costs on a R/Kl basis, which raises by by inflation annually, in line with the operational costs increases).

$$T_2 = \frac{(O_c + O_t + O_d)}{V}$$

$T_2$  = volumetric charge.

$O_c$  = the annual operating costs associated with the bulk collection of effluent

$O_t$  = the annual operating costs associated with the treatment of the effluent

$O_d$  = the annual operating costs associated with the distribution of the reuse water and

$V$  = the average estimated demand requirements of the off taker in megalitres

- (c) **Distribution charge:** (Capital costs of distribution infrastructure allocate to each off taker, Based on utilization of each specific pipeline on a volume basis, Distribution charge (R/KL) calculated for each of taker, Distribution charge is fixed for operations period

$$T_3 = \frac{K_d}{(V \times N)}$$

$T_3$  = distribution charge

$K_d$  = capital costs of distribution infrastructure

$V$  = the average estimated demands requirements of the off taker in megalitres

$N$  = operation period of the project

**SCHEDULE E****REPEALED BYLAWS**

<b>Number and Year</b>	<b>Name of Bylaws</b>	<b>Extent of Repeal</b>
Municipal Notice 11 dated 26 April 2001	uMhlathuze Municipality (KZ 282) Water Bylaws from KZ 282 District	Whole
Administrator's Notice 297 dated 8 June 1967	Borough of Empangeni: Sanitation Bylaws	Whole
Municipal Notice 105 dated 10 May 1990	Borough of Richards Bay: Bylaws Relating to the Discharge of Sewage, Industrial Effluents and other Substances	Whole
Municipal Notice 272 dated 12 October 1989	Borough of Richards Bay: Tariffs of Charges: Discharge of Sewage, Industrial Effluents and other Substances	Whole
Municipal Notice 10/2022 Provincial Gazette 6096 dated 11 April 2002	uMhlathuze Municipality Water & Sanitation Bylaws	Whole

**MUNICIPAL NOTICE 31 OF 2020**  
**NEWCASTLE MUNICIPALITY**

**NOTICE N<sup>o</sup> CS 7/2020**

**PUBLIC NOTICE CALLING FOR INSPECTION OF THE FIRST SUPPLEMENTARY VALUATION ROLL AND LODGING OF OBJECTIONS**

Notice is hereby given in terms of Section 49(1)(a)(i) read together with section 78(2) of the Local Government : Municipal Property Rates Act, 2004 (Act No 6 of 2004), amended by Act No 29/2014, hereinafter referred to as the "Act", that the First Supplementary Valuation Roll (SV01), for the 2019/2020 financial year will be open for public inspection at the Municipal Offices, 37 Murchison Street, Newcastle, the Madadeni, Osizweni, Stafford, Ngagane and Charlestown offices and all libraries within the area of jurisdiction of the Newcastle Municipality, from 20 April 2020 to 22 May 2020. In addition the First Supplementary Valuation Roll (SV01) will be available on the Municipality's website: [www.newcastle.gov.za](http://www.newcastle.gov.za).

An invitation is hereby made in terms of section 49(1)(a)(ii) read together with section 50(1)(c) of the Act that any owner of property or other person who so desires, should lodge an objection with the Municipal Manager in respect of any matter reflected in, or omitted from, the First Supplementary Valuation Roll (SV01) within the abovementioned period.

Attention is specifically drawn to the fact that in terms of section 50(2) of the Act an objection must be in relation to a specific individual property and not against the First Supplementary Valuation Roll (SV01) as such.

The forms for the lodging of an objection are obtainable at: Municipal Offices, 2<sup>nd</sup> floor – office B245, 37 Murchison Street, Newcastle, Monday to Friday 08:00 to 15:00, or on the aforesaid website.

The completed forms must be returned by **or** **hand delivered to :**  
**registered post to:**

The Municipal Manager  
Attention – Valuations Section  
Private Bag X6621  
Newcastle  
2940

Municipal Offices  
Second Floor – Office B245  
37 Murchison Street  
Newcastle

For enquiries please telephone: Dot Moynihan - 034 328 7634 or Thabisile Cele - 034 3287641  
or by e-mail to: [dot.moynihan@newcastle.gov.za](mailto:dot.moynihan@newcastle.gov.za) or [thabisile.cele@newcastle.gov.za](mailto:thabisile.cele@newcastle.gov.za)

MJ Mayisela – Acting Municipal Manager  
Municipal Offices: Newcastle Municipality  
Private Bag X6621, Newcastle 2940

Date: 27 March 2020

Notice N<sup>o</sup> CS 7/2020

**MUNICIPAL NOTICE 32 OF 2020****uMlalazi Municipality****LEVYING OF RATES 2020/2021****Notification in terms of Section 14 (2) of the Local Government: Municipal Property Rates Act No. 6 of 2004**

Notice is hereby given that the following resolutions have been taken by the uMlalazi Municipality, in terms of Sections 17 and 24 of the Municipal Finance Management Act No 56 of 2003, read with Section 14 (1) of the Local Government: Municipal Property Rates Act No. 6 of 2004:

**1. DETERMINATION OF RATES**

In terms of Section 2(3) of the Local Government: Municipal Property Rates Act the following property rates for the 2020/2021 shall be levied.

<b>Category</b>	<b>Rates Randage (from 01 July 2020) c/R</b>	<b>Ratio to Residential Tariff</b>
Residential Properties	1.0744	1:1
Commercial and Industrial	1.3430	1:1.25
Vacant Land	2.1489	1:2
Mining	2.1489	1:2
State Owned	1.3430	1:1.25
Agricultural properties	0.2686	1:0.25
Public Benefit Organisation	0.2686	1:0.25
Public Service Infrastructure	0.2686	1:0.25

It must be noted that the fourth general valuation roll, presented in terms of section 32 of the Local Government Municipal Property Rates Act No 6 of 2004, shall be implemented with effect from 01 July 2020, and property rates were accordingly reviewed for all categories of properties.

**2. EXEMPTIONS, REBATES AND REDUCTIONS**

- The first R15 000 of the market value of a property used for residential purposes is excluded from the rate-able value (Section 17 (h) of the MPRA). In addition to this rebate, a further R 135 000 reduction on the market value of a property will be granted in terms of the municipality's own Property Rates Policy;
- 100 per cent rebate will be granted to registered indigents in terms of the Indigent Policy;
- For pensioners, physically and mentally disabled persons, a rebate will be granted to owners of rate-able property as follows:

40 per cent rebate

- (i) A single person receiving a total income of R 7579 per month or less
- (ii) A married couple receiving a joint monthly income of R9455 per month or less

20 per cent rebate

- (i) A single person receiving a total income of R7580 per month or more
- (ii) (A married couple receiving a joint monthly income of R9455 per month or more

In this regard the following stipulations are relevant:

- The rate-able property concerned must be occupied only by the applicant and his/her spouse, if any, and by dependants without income;
  - The applicant must submit proof of his/her age and identity and, in the case of a physically or mentally handicapped person, proof of certification by a Medical Officer of health, also proof of the annual income from a social pension;
  - The applicant's account must be paid in full, or if not, an arrangement to the debt should be in place; and
  - The property must be categorized as residential.
- The municipality may award a 100 per cent grant in aid on the assessment rates of rate-able properties of certain classes such as churches, registered welfare organizations, institutions or organizations performing charitable work, sports grounds used for purposes of amateur sport.
  - Council at its meeting held on 29 May 2012, resolved to grant a 20% early settlement rebate to ratepayers other than farms and commercial that makes a single rates payment at the end of September of each year.

### **3. DATE OF OPERATION OF DETERMINATION OF RATES**

That this determination comes into operation on 01 July 2020.

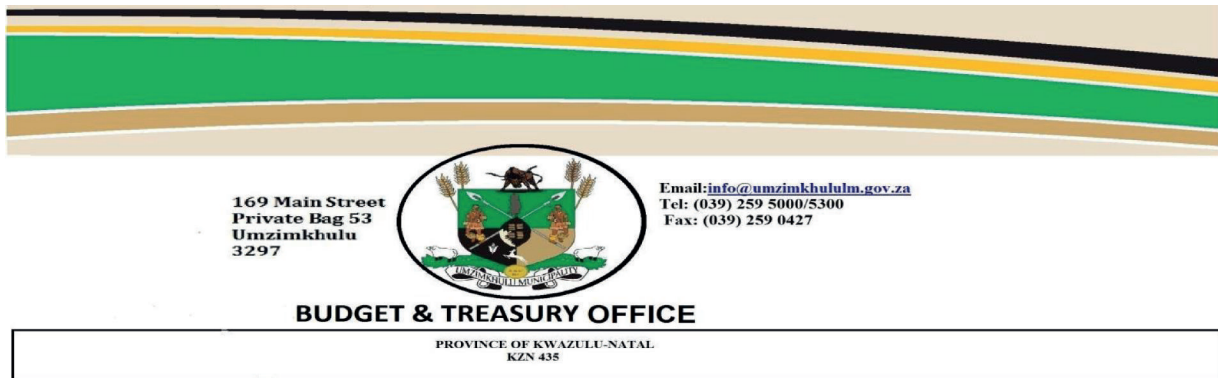
### **4. FINAL DATE FOR PAYMENT OF RATES:**

- **Annual payment of rates:** That the final date for the payment of annual rates is 30 November 2020. Interest shall be raised in terms of Council's Credit Control Policy and Tariff of Charges.
- **Monthly rates payments:** That rates shall be paid in 12 (twelve) equal instalments with the first instalment payable on or before the last municipal working day of August 2021. Thereafter each monthly instalment must be paid on or before the last working day of each month and provided that interest will accrue at 9.75% per annum or 0.81% per month in terms of Council's Credit Control Policy and Tariff of Charges if an instalment is not paid by the last working day of the month.

**R P Mnguni**  
**Municipal Manager**

Municipal Offices  
Hutchinson Street  
P O Box 37  
Eshowe  
3815

## MUNICIPAL NOTICE 33 OF 2020



**RESOLUTION ON LEVYING PROPERTY RATES IN TERMS OF SECTION 14 OF THE LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT, 2004. (ACT NO. 6 of 2004).**

Notice No. KZN435/19/20/006/BTO

Date 02 June 2020

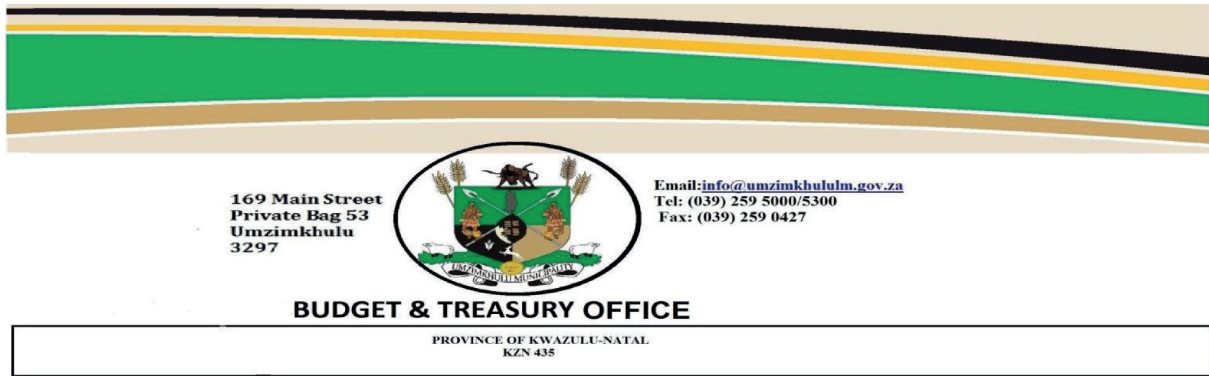
MUNICIPAL NOTICE NO: SPCL400/28.05.2020-1 of 2020

UMZIMKHULU MUNICIPALITY

**RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 1 JULY 2020 TO 30 JUNE 2021**

Notice is hereby given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004; that the Council resolved by way of council resolution number *SPCL400/28.05.2020/1*, to levy the rates on property reflected in the schedule below with effect from 1 July 2020.

Category of property	Cent amount in the Rand determined for the relevant property category
Residential property	0.0088
Business and commercial property	0.0135
Industrial property	0.0022
Agriculture property	0.0022
Agricultural property	0.0022
Agricultural Smallholding property	0.0022
Communal land property	0.0021
Public service infrastructure	0.0021
State Owned property	0.0088
Place of worship	0.0088
Public Services Purposes	0.0088
Public Benefit Organisation	0.0088



Full details of the Council resolution and rebates, reductions and exclusions specific to each category of owners of properties or owners of a specific category of properties as determined through criteria in the municipality's rates policy are available for inspection on the municipality's offices, website ([www.umzimkhulum.gov.za](http://www.umzimkhulum.gov.za)) and all public libraries.

NAME: ZWELIPHANTSI SIKHOSANA  
DESIGNATION: MUNICIPAL MANAGER

**MUNICIPAL NOTICE 34 OF 2020**

# **UMZIMKHULU LOCAL MUNICIPALITY**



## **TARIFF BY-LAWS**

## **FINAL 2020-2021**

**EFFECTIVE AS FROM 01 JULY 2020**



**UMZIMKHULU MUNICIPALITY: TARIFF BY-LAW****TARIFF BY-LAW**

To provide for the adoption and implementation of a tariff policy; for the power to levy and recover fees, charges and tariffs and for matters incidental thereto.

**PREAMBLE**

**WHEREAS** section 229(1) of the Constitution authorises a municipality to impose

- (a) Rates on property and surcharges on fees for services provided by or on behalf of a municipality ; and
- (b) If authorised by national legislation, other taxes, levies and duties appropriate to local government or to the category of local government into which that municipality falls;

**WHEREAS** section 75A of the Local Government: Systems Act, 2000 (Act 32 of 2000) authorizes a municipality to levy and recover fees, charges or tariffs in respect of any function or service of the municipality, and to recover collection charges and interest on any outstanding amount.

**WHEREAS** in terms of section 74(1) of the Systems Act, a municipal council must adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of service delivery agreements which complies with the provisions of the Systems Act, the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) and any other applicable legislation.

**WHEREAS** in terms of section 75(1) of the Systems Act, a municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policy

**WHEREAS** in terms of section 75(2) of the Systems Act, by-laws adopted in terms of subsection 75(1) may differentiate between different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination.

Notice is hereby given in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) that the Council of UMzimkhulu Municipality has made the bylaws set out hereunder:

**NOW THEREFORE** be it enacted by the Municipality of UMzimkhulu as follows:

## **1. DEFINITIONS**

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

**“Municipality”** means the UMzimkhulu Municipality;

**“Tariff policy”** means a tariff policy adopted by the Municipality in terms of the Systems Act and this By-laws;

**“Constitution”** means the Constitution of the Republic of South Africa, 1996 (Act 107 of 1996);

**“Credit Control and Debt Collection By-laws and Policy”** means the Municipality’s Credit Control and Debt Collection By-laws and Policy as required by sections 96(b), 97 and 98 of the Systems Act;

**“Systems Act”** means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

**“tariff”** means fees, charges, or any other tariffs levied by the Municipality in respect of any function or service provided by the Municipality, excluding rates levied by the Municipality in terms of the Local Government: property Rates Act, 2004 (Act 6 of 2004).

## **2. ADOPTION AND IMPLEMENTATION OF TARIFF POLICY**

- (a) The municipality must adopt and implement a tariff policy on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements, and which complies with provisions of the Municipal System Act, the Municipal finance Management Act and any other applicable legislation.
- (b) The tariff policy adopted in terms of subsection (1) must be reviewed annually by the Municipality.
- (c) The Municipality shall not be entitled to impose tariffs other than in terms of a valid tariff policy.

## **3. CONTENT OF TARIFF POLICY**

3.1 The Municipality’s tariff policy applies to all tariffs imposed by the a

municipality.

3.2 The Tariff policy must reflect the principles referred to in the Municipal System Act, namely that

- (a) Users of municipalservices should be treated equitably in the application of tariffs;
- (b) The amount individual users pay for municipal services should generally be in proportion to their used of that services;
  - (i) Poor households must have access to at least basic services through
    - Tariffs that cover only operating and maintenance cost;
    - Special tariffs or life line tariffs for low level of use or consumption of services or for basic levels of service;
    - Any other direct or indirect method of subsidisation of tariffs for poor households;
- (ii) Tariffs must reflect the costs reasonably associated with rendering the services ,including capital ,operating ,maintenance, administration and replacement cost, and interest charges ;
- (iii) Tariffs must be set at levels that facilitate the financial sustainability of the service taking into account subsidisation from sources other than service concerned ;
- (iv) Provision may be in appropriate circumstances for a surcharge on tariff for a services;
- (v) Provision may be made for promotion of local economic development through special tariffs for categories of commercial and industrial users;
- (vi) The economical ,efficient and effective use of resources, the recycling of waste, and other appropriate environmental objectives must be encouraged; and
- (vii) The extent of subsidisation of tariffs for poor households and other categories of users should be fully disclosed.

### 3.3 The municipality's tariffs policy must

- (a) Specify the manner in the referred to in subsection(2) are to be implemented; Specify the basis of differentiation ,if any ,between different categories of users,debtors,service provider ,services, services standard, geographical area and other matters as long as the differentiation does not amount to unfair discrimination; and
- (b) Include any further enforcement mechanisms the municipality may wish to impose in addition to those contained in the Credit Control and Debt Collection By –Law and Policy.

#### **4. GENERAL POWER TO LEVY AND RECOVER FEES, CHARGES AND TARIFFS**

4.1 The Municipality has the power to

- (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.

4.2 Fees charges and tariffs referred to subsection (1) are levied by resolution passed by the municipal council with a supporting vote of majority of its members.

4.3 After a resolution contemplated in terms of subsection (2) has been passed, the municipal manager must, without delay:

- (a) Conspicuously display a copy of the resolution for a period of at least 30 days at the as the City Hall and at such other places within the municipality to which the public has access as the municipal manager may determine;
- (b) Push in a newspaper of general circulation in the municipality a notice starting

4.4 Has been passed by the council;

- (i) That a resolution as contemplated in subsection
- (ii) That a copy of the resolution is available for public inspection during office hours at the City Hall and at the other places specified in the notice; and
- (iii) The date on which the determination will come into operation; and (c) seek to convey the information referred to in paragraph (b) to the local community by means of radio broadcasts covering the area of the municipality.

4.5 The Municipal manager must forthwith send a copy of the notice referred to in subsection 3(b) to the MEC for local government concerned

#### **5. ENFORCEMENT OF TARIFF POLICY**

5.1 The Municipality's tariffs policy shall be enforced through

- (a) Its Credit Control and Debt Collection By –Law and policy; and
- (b) Any other enforcement mechanism stipulated in the Tariff policy.

#### **6. DELEGATIONS**

6. (1) Subject to the constitution and applicable nation and provincial law, any-

- (a) Power, excluding a power referred to in section 160(2) of the

Constitution ;

- (b) 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, to an entity within, or a staff member employed by, the Municipality.

6.(2) The delegation in terms of sub- section (1) must be effected in accordance with the system with the system of delegation adopted by the Council in accordance with section 59(1) of the Local Government: Municipal Systems Act ,2000 ( Act No. 32 of 2000),subject to the criteria set out in section 59(2) of said Act.”

6(3) Any delegation contemplated in this section must be recorded in the System 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. Short Title and Commencement.

## **7.SHORT TITLE AND COMMENCEMENT**

This By –Law is called the uMzimkhulu Municipality: Tariff By –Law, and takes effect on the date of the publication thereof in the Provincial Gazette or as otherwise indicated in the notice thereto.

# UMASIPALA WASEMZIMKHULU



## IMITHETHO KAMASIPALA EQONDENE NEZINKOKHELO EZIMISIWE

### OKUNGEYOKUGCINA YONYAKA WEZI- 2020-2021

IQALA UKUSEBENZA MHLA LULU-01 KUNTULIKAZI WEZI- 2020

UMTHETHO KAMASIPALA OQONDENE NEZINKOKHELO EZIMISIWE  
KAMASIPALA WASEMZIMKHULU

**UMTHETHO KAMASIPALA OQONDENE NEZINKOKHELO EZIMISIWE**

Ukuhlinzekela ukwamukelwa kanye nokuqalisa ukusebenza kwenqubomgomo eqondene nezinkokhelo ezimisiwe; amandla okunquma kanye nokubuyisa izimali, izinhlawulo kanye nezinkokhelo ezimisiwe okufanele zikhokhwe ngokunjalo nezimo ezihambisana nalokho.

**ISENDLALELO**

**NJENGALOKHU** isigaba 229 (1) soMthethosisekelo sigunyaza umasipalaukuba unqume

- (c) Intela yezakhiwo kanye nenhlawulo eyengeziweyezinsiza ezihlinzekwe ngumasipala kumbe egameni lawo; futhi
- (d) Uma kugunyazwe ngumthetho kazwelonke, ezinye izintela, ilevi kanye nemisebenzi efanele uhulumeni wasekhaya noma uhlaka lukahulumeni wasekhaya umasipala ongena ngaphansi kwalo;

**NJENGALOKHU** isigaba 75(1) soMthetho Wokuhulumeni Basekhaya: uMthetho Wezinhlelo Zikamasipala, wezi – 2000 (uMthetho uNo.32 wezi – 2000) ugunyaza umasipala ukuba unqume futhi ubuyise izimali, izinhlawulo noma izinkokhelo ezimisiwe maqondana nanoma yimuphi umsebenzi noma izinsiza zikamasipala, ngokunjalo nokubuyisa izinhlawulo zokuqoqwa kwemali nenzalo yanoma yiyiphi imali esilele ukukhokhwa.

**NJENGALOKHU** ngokwesigaba 74(1) soMthetho Wezinhlelo, kumele umkhandlu kamasipala wamukele futhi uqalise ukusebenza kwenqubomgomo eqondene nezinkokhelo ezimisiwe maqondana nokunquma izimali zezinsiza zikamasipala ezihlinzekwe ngumasipala noma ngokwenza izivumelwano zokuhlinzeka izinsiza okuhambelana nezihlinzeko zoMthetho Wezinhlelo Zikamasipala, uHulumeni Wasekhaya: uMthetho Wokulawulwa Kwezimali Zikamasipala, wezi-2003 (uMthetho uNo. 56 wezi-53) kanye nanoma yimuphi omunye umthetho osebenzayo.

**NJENGALOKHU** ngokwesigaba 75(1) soMthetho Wezinhlelo, kumele umkhandlu kamasipala wamukele imithetho kamasipala ezokwenza ukuba kuqaliswe ukusebenza kanye nokuphoqelesa ukusebenza kwenqubomgomo yawo yezinkokhelo ezimisiwe.

**NJENGALOKHU** ngokwesigaba 75(1) soMthetho Wezinhlelo, imithetho kamasipala eyamukeliwe ngokwesigatshana 75(1) ingahlukanisa ngokwemikhakha

yabasebenzisi, abakweletayo, abahlinzeki misebenzi, izinsiza, amaqophelo ezinsiza kanye nezindawo inqobo nje lokho kwehlukahlukana kungadali ukubandlululwa okungafanelekile.

Lapha kukhishwa isaziso ngokwesigaba 13 soHulumeni Basekhaya: uMthetho Wezinhlelo, wezi-2000 (uMthetho uNo. 32 wezi-2000) sokuthi uMkhandlu kaMasipala waseMzimkhulu sewenze imithetho kamasipala njengalokhu kubalulwe lapha ngezansi:

**MANJE YINGAKHO-KE** kumiswe nguMasipala waseMzimkhulu kanje:

## **1. IZINCAZELO ZAMAGAMA**

Kule mithetho kamasipala, ngaphandle uma ingqikithi ikhomba okunye-

**“UMasipala”** kusho uMasipala waseMzimkhulu;

**“Inqubomgomo eqondene nezinkokhelo ezimisiwe”** kusho inqubomgomo yezinkokhelo ezimisiweeyamukelwe nguMasipala ngokoMthetho Wezinhlelo kanye nale Mithetho kamasipala;

**“UMthethosisekelo”** kusho uMthethosisekelo waseNingizimu Afrika, we-1996 (uMthetho uNo. 107 we-1996);

**“IMithetho kamasipala neNqubomgomo Yezokulawulwa kanye Nokuqoqwa Kwezikweletu”** kusho iMithetho kaMasipalaneNqubomgomo Yezokulawulwa kanye Nokuqoqwa KwezikweletukaMasipala njengalokhu kuyalelwe yizigaba 96(b), 97 kanye no 98 zoMthetho Wezinhlelo;

**“UMthetho Wezinhlelo”** kusho uMthetho Wezinhlelo Zikamasipalawezi-2000:uHulumeni Basekhaya, (uMthetho uNo. 32 wezi-2000).

**“Inkokhelo emisiwe”** kusho izimali, izinhlawulo, noma nanoma yiziphi ezinye izinkokhelo ezimisiwe ezinqunywe nguMasipala maqondana nanoma yimuphi umsebenzi noma izinsiza ezihlizekwe nguMasipala, ngaphandle kwentela enqunywe nguMasipala ngokoMthetho oqondene Nentela Yezakhiwo, wezi- 2004: UHulumeni wasekhaya: (uMthetho uNo. 6 wezi-2004).

## **2. UKWAMUKELWA KANYE NOKUQALISWA KOKUSEBENZA**

### **KWENQUBOMGOMOYEZINKOKHELO EZIMISIWE**

(a) Umasipala kumele wamukele futhi uqalise ukusebenza kwenqubomgomo yezinkokhelo ezimisiwe maqondana nokukhokhisa imali ngezinsiza zikamasipala



ezihlizelwe ngumasipala uqobo noma ngokwenza izivumelwano zokunikezelwa kwezinsiza, futhi ehambelana nezihlizelwe zoMthetho Wezinhlelo Zikamasipala, uMthetho Wokulawulwa Kwezimali Zikamasipala kanye nanoma yimuphi omunye umthetho osebenzayo.

(b) Inqubomgomo yezinkokhelo ezimisiwe eyamukelwe ngokwesigatshana (1) kumele uMasipala uyibuyekeze njalo ngonyaka.

(c) UMasipala awunalo angeke ube nelungelo lokunquma izinkokhelo ezimisiwe ezihlukile kulezo ezisemthethweni kunqubomgomo yezinkokhelo ezimisiwe.

### **3.OKUQUKETHWE YINQUBOMGOMO YEZINKOKHELO EZIMISIWE**

3.1 Inqubomgomo yezinkokhelo ezimisiwe kamasipala isebenza maqondana nazo zonke izinkokhelo ezimisiwe ezinqunywe ngumasipala .

3.2. Inqubomgomo yezinkokhelo ezimisiwe kumele iveze imigomo ebalulwe eMthethweni Wezinhlelo Zikamasipala, okuyile ethi

(a) abasebenzisi bezinsiza zikamasipala kumele baphathwe ngokulinganayo ngokwezinkokhelo ezimisiwe;

(b) Isamba umuntu ngamunye osebenzisa izinsiza zikamasipala okufanele asikhokhe kumele silingane nalokho kutshenziswa kwalezo zinsiza;

(j) Imindeni ehlwempu kumele ikwazi ukuthola okungenani izinsiza eziyisisekelo

- ngokwezinkokhelo ezimisiwe ezifaka kuphela izindleko zokuzisebenzisa kanye nezokunakekelwa;
- ngokwezinkokhelo ezimisiwe eziyisipesheli noma izinkokhelo ezimisiwe ezixhaswa nguhulumeni zokusetshenziswa ngokwezinga eliphansi kumbe ukusetshenziswa kwezinsiza noma izinga eliyisisekelo lezinsiza;
- ngokwanoma yiyiphi enye indlela esobala noma ecashile yoxhaso lukahulumeni lwezinkokhelo ezimisiwe zemindeni ehlwempu;

(viii) Izinkokhelo ezimisiwe kumele ziveze izindleko ezihambelana ngokufanele nokunikezelwa kwezinsiza, kubandakanya izindleko zokwenziwa komsebenzi, ukusebenza, ukunakekelwa, ukwenganyelwa kanye nokufakwa kwezinye izinsiza ezintsha ngokunjalo nenhlawulo yenzalo;

(ix) Izinkokhelo ezimisiwe kumele zihlelwe ngokwamazinga enza kube lula ukusimama kwezezimali zezinsiza ngokubheka ukuxhaswa okuvela kulabo abayimithombo ngale kophiko oluthintekayo;

(x) Zingaba khona izihlizelwe ezimweni ezifanelekile zenhlawulo eyengeziwe maqondana nenkokhelo emisiwe yezinsiza;

- (xi) Zingenziwa izinhlinzeko zokukhuthaza ukuthuthukiswa komnotho wendawo ngokusebenzisa inkokhelo emisiwe eyisipesheli emikhakheni yabasebenzisi bamabhizinisi kanye nezimboni;
- (xii) Kumele kukhuthazwe ukusetshenziswa kwezinsiza ngokonga nangendlela efanelekile, ukusetshenziswa kwemfucuza ukuba yenze enye into ezosetshenziswa, kanye nangezinye izinhlosongqongi zezemvelo; futhi
- (xiii) Ubungako bokuxhaswa kwezinkokhelo ezimisiwe kwemindeni ehlwempu kanye neminye imikhakha yabazisebenzisayo kumele kudalulwe ngokucacile.

### **3.4 Inqubomgomo kamasipala yezinkokhelo ezimisiwe kumele**

- (c) Ibalule indlela okubhekiswe kuyo esigatshaneni (2) ezoqaliswa ukusebenza;
- (d) Ibalule izizathu zokuhlukanisa, uma kukhona, phakathi kwemikhakha yabasebenzisi, abakweletayo, abahlinzeki msebenzi, izinsiza, iqophelo lezinsiza, indawo kanye nokunye, inqobo nje uma ukwahlukaniswa kungeke kwadala ukubandlululwa okungafanelekile; futhi
- (e) Ibandakanye nanoma yiziphi ezinye izindlela zokuphoqelesa umthetho uMasipala ongafisa ukuzinquma ukwengeza kulezo eziqukethwe kwiNqubomgomo naseMthethweni kaMasipala oqondene Nokulawulwa kanye Nokuqoqwa Kwezikweletu.

## **4. AMANDLA JIKELELE OKUNQUMA NOKUKHOKHISA IZIMALI EZIKHOKHWAYO, IZINHLAWULO KANYE NEZINKOKHELO EZIMISIWE**

### **4.1 UMasipala unegunya**

- (c) Lokunquma kanye nokukhokhisa izimali ezikhokhwayo, izinhlawulo noma izinkokhelo ezimisiwe maqondana nanoma yimuphi umsebenzi noma izinsiza zikamasipala; kanye
- (d) Nelokukhokhisa izinhlawulo zokuqoqa imfucuza ngokunjalo nenzalo maqondana nanoma yiyiphi imali okumele ikhokhwe.

4.2 izinhlawulo zezimali ezikhokhwayo kanye nezinkokhelo ezimisiwe okubhekiswe kuko esigatshaneni (1) kunqunywa ngokwezinqumo ezigunyazwa ngumkhandlu kamasipala ngokwesekwa yivoti leningi lamalungu awo.

4.3 Emva kwesinqumo esiningwe ngokwesigatshana (2) sesigunyaziwe, imenenja kamasipala kumele, ngale kokuthandabuza

- (c) Yenze ukuba kukhonjiswe ngokusobala ikhophi yesinqumo okungenani isikhathi esiyizinsuku ezingama-30 ehholo ledolobha kanye nakwezinye izindawo ezingaphansi kukamasipala lapho umphakathi ukwazi ukufinyelela khona njengalokhu imenenja kamasipala inganquma;
- (d) Ishicilele isaziso ephephandabeni elitholakala kuwo wonke umasipala.

4.4 Uma sekugunyazwe ngumkhandlu;

- (i) ukuthi isinqumo njengalokhu kuningwe esigatshaneni
- (ii) ukuthi ikhophi yesinqumo ikhona ukuze ihlolwe ngumphakathi ngesikhathi zokusebenza eHholo ledolobha nakwezinye izindawo ezibalulwe esazisweni; kanye
- (iii) nosuku lapho ukunqunywa lokho kuzoqala ukusebenza ngalo; kanye (c) nokudlulisela imininingwane okukhulunywa ngayo endimeni (b) emphakathini wendawo ngokuba kumenyezwe emsakazweni osakaza endaweni kamasipala.

4.5 Imenenja kamasipala kumele ngokushesha ithumele ikhophi yesaziso okubhekiswe kuso esigatshaneni 3(b) kuNgqongqoshe Wesifundazwe Wezohulumeni Basekhaya othintekayo

## **5. UKUPHOQELEWA KOMTHETHO NGOKUSEBENZA KWENQUBOMGOMO YEZINKOKHELO EZIMISIWE**

5.1 Inqubomgomo kaMasipala yenkokhelo ezimisiwe kuzophoqeelwa ukusebenza kwayo ngokusebenzisa

- (a) Inqubomgomo kanye noMthetho kaMasipala eqondene Nokulawulwa kanye Nokuqoqwa Kwezikweletu; kanye
- (b) nanoma yiziphi ezinye izindlela zokuqinisa umthetho ezibalulwe kunqubomgomo yezinkokhelo ezimisiwe.

## **6. UKWEDLULISELWA KWAMANDLA**

6.(1) Kuncike kuMthethosisekelo kanye nokomthetho osebenza kuzwelonke nasesifundazweni, nanoma -

- (a) yimaphi amandla, ngale kwamandla okukhulunwe ngawo esigabeni 160(2) soMthethosisekelo;
- (c) yimuphi umsebenzi onikeziwe, ngokwalo Mthetho kaMasipala, kuMkhandlu noma yinoma yiluphi olunye uhlaka lwezepolitiki lukaMasipala, amakhansela esezikhundleni ngokwezepolitiki kumbe abasebenzi abangaphakathi esikhungweni, noma kubasebenzi abaqashwe nguMasipala.

6.(2) Ukunikezelwa kwamandla ngokwesigatshana (1) kumele kuqale ukusebenza ngokuhambelana nohlelo lokunikezelwa kwamandla olwamukelwe nguMkhandlu ngokuhambelana nesigaba 59(1) soMthetho Wezinhlelo Zikamasipala: Uhulumeni Wasekhaya, wezi- 2000 (uMthetho uNo. 32 wezi- 2000), ngokwenqubo elandelwayo ebekwe esigabeni 59(2) salo Mthetho oshiwo.”

6(3) Yinoma yikuphi ukunikezelwa kwamandla okuningwe kulesi sigaba kumele kurekhodwe oHlelweni Lokunikezelwa Kwamandla, okumele lube nemininingwane emaqondana –

- (d) nohlaka noma umuntu odlulisela amandla kumbeodlulisela amandla abedluliselwe kuye;
- (e) nowamukela amandla adluliselwe kuye noma amandla adluliselwe kuye ngokade edluliselwe naye; kanye
- (f) nemibandela ehambisana nokudluliselwa kwamandla noma ukudluliselwa kwamandla abedlulisiwe.

## **7.ISIHLOKO ESIFISHANE KANYE NOKUQALISA UKUSEBENZA KWALE MITHETHO KAMASIPALA**

Lo Mthetho kamasipala ubizwa ngokuthi uMthetho kaMasipala waseMzimkhulu oqondene Nezinkokhelo Ezimisiwe, futhi uyoqala ukusebenza ngosuku oyoshicilelwa ngalo kuGazethi kaHulumeni noma njengalokhu kukhonjiswe ngenye indlela kulesi saziso.

**MUNICIPAL NOTICE 35 OF 2020**

# **UMZIMKHULU LOCAL MUNICIPALITY**



## **PROPERTY RATES BY-LAWS**

### **FINAL 2020-2021**

**EFFECTIVE AS FROM 01 JULY 2020**

Umzimkhulu Municipality, hereby, in terms of section 6 of the local government: Municipal Property Rates Act, 2004, has by way of resolution no..... adopted the municipality's Property Rates By-law set out hereunder.

## **UMZIMKHULU MUNICIPALITY**

### **PROPERTY RATES BY-LAWS**

#### **1. LEGISLATIVE CONTEXT**

1.1 Whereas section 229 (1) of the constitution requires a municipality to impose rates on property and surcharges on fees for the services provided by or on behalf of the municipality.

1.2 And Whereas Section 6 of the Municipal Property Rates Act, 2004(No. 6 of 2004) requires a Municipality to adopt by-laws to give effect to the implementation of its Property Rates Policy.

1.3 Now therefore the Municipal Council of UMzimkhulu Local Municipality approves and adopts the following Property Rates by-laws.

#### **2. DEFINITIONS**

In this by-law, any word or expression to which a meaning has been assigned in the Local Government Municipal Property Rates Act, 2004(Act No 6 of 2004), shall bear the same meaning unless the context indicates otherwise

**'Municipality'** means (name of the municipality);

**'Property rates Act'** means the Local Government: Municipal Property Rates Act, 2004 (Act No 6 of 2004);

**'Rates Policy'** means the policy on the levying of rates on rateable properties of the UMzimkhulu Municipality, contemplated in chapter 2 of the Municipal Property Rates Act.

#### **3. APPLICATION OF THESE BY-LAWS.**

In imposing the rate in the rand for each annual operating budget component, the Municipality shall grant exemptions, rebates and reductions to the categories of properties and categories of owners as allowed for in these by-laws.

#### **4. DIFFERENT CATEGORIES OF PROPERTY**

Section 8 of the Act provides for different categories of property that may be adopted by Municipalities for the purpose of levying different rates and/or exemptions and rebates. UM Council has adopted the following categories:

- Agricultural property (AGR);
- Agricultural smallholding property (AGRSH);
- Agriculture property (AGR);
- Business and commercial (BUS);
- Communal Property (CPA);
- Industrial property (IND);
- Municipal properties (MUN);
- Places of public worship (POW);
- Public Benefit Organisation (PBO);
- Public service infrastructure (PSI);
- Residential property (RES);
- State Owned Property (STO);
- Vacant land (VL);
- Properties used for multiple purpose, subject to section 9;

#### **5. CONTENTS OF A RATE POLICY**

The Rates Policy shall, inter alia:

- 5.1. Apply to all rates levied by the Municipality pursuant to the adoption of its Annual Budget;
- 5.2. Comply with the requirements for:
  - 5.2.1. The adoption and contents of a rates policy specified in section 3 of the Act;
  - 5.2.2. The process of community participation specified in section 4 of the Act; and
  - 5.2.3. the annual review of a Rates Policy specified in section 5 of the Act.
- 5.3. Provide for principles, criteria and implementation measures that are consistent with the Municipal Property Rates Act for the levying of rates which the Council may adopt; and
- 5.4. Provide for enforcement mechanisms that are consistent with the Municipal Property Rates Act and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

## **6. PAYMENT OF RATES**

- 10.1. The rates levied on the properties shall be levied and payable on a Monthly basis;
- 10.2 The municipality shall determine the due dates for payments and this Dates shall appear on the accounts forwarded to the owner/ tenant/ occupants/ agent;
- 10.3 Interest on arrears rates shall be calculated in accordance with the Provisions of the Credit Control and Debt Collection Policy of the Municipality.
- 10.4 If a property owner who is responsible for the payment of property rates in terms of these by-laws fails to pay such rates in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the Credit Control and Debt Collection Policy of the Municipality.
- 10.5 Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act as follows:-

If an amount, due for rates levied on a property, is not paid by the owner by the due date as shown on the account and no reaction is forthcoming from the owner after two written reminders have been issued, the Municipality shall recover the amount in full or partially as follows:-

- I) From the agent who is lawfully responsible to collect commission or rental in
  - II) respect of the property concerned;
  - III) From a tenant or occupier of the property, only after an attempt was made to collect it from an agent refers to in (I) but such attempt was unsuccessful or no such agent exists or only a part of the outstanding amount could successfully be recovered.
- 10.6 The amount recoverable is limited to the amount as stipulated in the Act and it may only be recovered after written notice has been served on the party concerned (tenant, occupier or agent) of the rates due and payable, but not yet paid by owner of the property.
  - 10.7 The notice referred to in 10.6 shall give the party concerned at least 14 calendar days to pay the outstanding rates.
  - 10.8 Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or



omission is detected back to the date on which rates were first levied in terms of the current valuation roll.

10.9 In addition, where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied in terms of the municipality's Credit Control and Debt Collection Policy.

1.10 When levying rates, a municipality must levy the rate for a financial year, and this rate lapses at the end of the financial year for which it was levied:

- (i) The levying of rates must form part of a municipality's annual budget
- (ii) process, and at the time of its budget, review the amount in the Rand of its current rates in line with its annual budget for the next financial year.
- (iii) A rate levied for a financial year may be increased during a financial year
- (iv) only when required in terms of a financial recovery plan (Section 28(6) of the MFMA).
- (iii) A rate becomes payable as from the start of a financial year.

10.11 The municipality shall as part of each annual operating budget determine a rate in the rand for every category. Rates are levied in accordance with the MPRA as an amount in the rand based on the market value of all rateable property as reflected in the valuation roll and any supplementary valuation roll.

## **7. ACCOUNT TO BE FURNISHED**

11.1 The municipality will furnish each person liable for the payment of rates With a written account, which will specify:-

- (i) The amount due for rates payable;
- (ii) The date on or before which the amount is payable;
- (iii) How the amount was calculated;
- (iv) The market value of the property; and
- (v) Rebates, exemptions, reductions or phasing-in, if applicable.

11.2 A person liable for payment of rates remains liable for such payment,

whether or not such person has received a written account from the municipality. If the person concerned has not received a written account, he/she must make the necessary enquiries with the municipality.

- 11.3 In the case of joint ownership, the municipality shall consistently, in order to minimise costs and unnecessary administration, recover rates from one of the joint owners provided the owners grant consent.

## **12. FREQUENCY OF VALUATION**

- 12.1 The municipality shall prepare a new valuation roll every 4 (four) years, with the option to extend the validity of the valuation roll to 5 (five) years with the approval of the MEC for Local Government and Housing in the province.
- 12.2 In accordance with the Act the municipality, under exceptional circumstances, may decide to extend the validity of the valuation roll to 5 (five) years by applying for approval to the MEC for Local Government and Housing in the province.
- 12.3 Supplementary valuations may be done on a continual basis but at least on annual basis.

## **13. REGULATION REVIEW PROCESSES**

The Property Rates by-laws shall be reviewed on an annual basis to ensure that they comply with the Municipality's strategic objectives as contained in the Integrated Development Plan and with legislation.

## **14. OFFENCES AND PENALTIES**

Anyone who provides false information in contravention of these by-laws shall be guilty of an offence and if found guilty shall be liable to a fine not exceeding a fine for such an offence as stated in the Adjustment of Fines Act or to imprisonment for a period not exceeding 6 (six) months.

## **15. SHORT TITLE AND COMMENCEMENT**

- 15.1 These By-Laws may be cited as The Municipal Property Rates By-Laws and takes effect on the 01 July 2019
- 15.2 These by-laws shall come into operating on the date on which they are Published in the Government Gazette.

# **UMASIPALA WASEMZIMKHULU**



## **IMITHETHO KAMASIPALA YENTELA YEZAKHIWO ZIKAMASIPALA**

### **OKUNGEYOKUGCINA YONYAKA WEZI-2020-2021**

**Iqala ukusebenza kusuka mhla lulu-01 kuNtulikazi wezi- 2020**

UMasipala waseMzimkhulu, ngokwesigaba 6 soHulumeni Basekhaya: soMthetho Wentela Yezakhiwo zikaMasipala, wezi-2004, ngokuthatha

isinqumo uNo. .... wamukela uMthetho kaMasipala Wentela Yezakhiwo zikaMasipala njengalokhu kubalulwe lapha ngezansi.

## **UMASIPALA WASEMZIMKHULU**

### **IMITHETHO KAMASIPALA EQONDENE NENTELA YEZAKHIWO**

#### **1. ISENDLALELO**

1.1 NJENGALOKHU iSigaba 229 (1) soMthethosisekelo siyalela umasipala ukuba uphoqelele ukukhokhwa kwentela eqondene nezakhiwo kanye nenhlawulo yezinsiza ezihlinzekwe ngumasipala noma egameni lawo.

1.2 NANJENGALOKHU iSigaba 6 soMthetho Wentela Yezakhiwo zikaMasipala, wezi- 2004 (uNo. 6 wezi- 2004) uyalela uMasipala ukuba wamukele imithetho kamasipala ezokwenza ukuba kuqaliswe ukusebenza kweNqubomgomo yawo yeNtela kaMasipala.

1.3 Manje yingakho-ke uMkhandlu kaMasipala weNdawo yaseMzimkhulu ugunyaza futhi wamukela le Mithetho kaMasipala Yentela Yezakhiwo zikamasipala.

#### **2. IZINCAZELO ZAMAGAMA**

Kulo mthetho kamasipala, nanoma yiliphi igama kumbe inkulumbo enikezwe incazelo eMthethweni Wentela Yezakhiwo Zikamasipala, wezi- 2004 (uMthetho uNo. 6 wezi- 2004), iyoba naleyo ncazelo, ngaphandle uma ingqikithi ikhomba okunye.

**‘uMasipala’** kusho uMasipala waseMzimkhulu;

**‘UMthetho Wentela Yezakhiwo zikaMasipala’** kusho: uMthetho Wentela Yezakhiwo zikaMasipala: uHulumeni Wasekhaya, wezi- 2004 (uMthetho uNo. 6 wezi-2004);

**‘Inqubomgomo Yezentela’** kusho inqubomgomo yokunqunywa kwentela yezakhiwo ezikhokhelwa intela zikaMasipala waseMzimkhulu, okuningwe naayo esahlukweni 2 soMthetho Wentela Yezakhiwo zikaMasipala.

**3. UKUSETSHENZISWA KWALE MITHETHO KAMASIPALA.**

Ekuphoqeleleni ukukhokhwa kwentela ngokwamarandikwengxenywe yesabelomali sokusebenza sonyaka ngayinye, uMasipala kuyomele anikezele ngokukhululwa, izaphulelo kanye nezimbuyiselo kulezo zakhiwo ezisemikhakheni ethile ngokunjalo nangokwezinhlobo zabanikazi abavumelekile kule mithetho kamasipala.

**4. IMIKHAKHA EYAHLUKENE YEZAKHIWO**

Isigaba 8 soMthetho sihlizenzeka imikhakha eyehlukene yezakhiwo ngokuthi zingemukelwa ngoMasipala ngenjongo yokukhokhisa intela eyahlukene kanye/ noma ukukhululwa nokwaphulelwa. UMkhandlu waseMzimkhulu ugunyaze le mikhakha elandelayo:

- Amapulazi;
- Amapulazi amancane;
- Izakhiwo zamabhizinisi,
- awokuhweba kanye nezimboni;
- Izakhiwo zomphakathi;
- Izimboni;
- Izakhiwo zikamasipala;
- Izakhiwo zokukhonza zomphakathi;
- Ingqalasizinda yezeMisebenzi kaHulumeni;
- Izikhungo zomphakathi;
- Izakhiwo ezihlala abantu;
- Izakhiwo zikahulumeni;
- Umhlaba ongahlonziwe;
- Umhlaba okungakhiwe lutho kuwona;
- Izakhiwo ezisetshenziselwa imisebenzi engxube, ngokwesigaba 9;
- Izakhiwo Zezinhlangano Ezinakekela Umphakathi

**5. OKUQUKETHWE YINQUBOMGOMO YENTELA**

INqubomgomo yentela kamasipala kumele, phakathi kokunye:

5.1. Isebenze kuyo yonke intela kamasipala enqunywa nguMkhandlu kulandela ukwamukelwa kweSabelomali sawo soNyaka;

5.2. ihambisane nezidingo:

5.2.1. zokwamukelwa kanye nokuqukethwe yinqubomgomo yentela kamasipala okubalulwe esigabeni 3 soMthetho;

5.2.2. zohlelo lokubamba iqhaza komphakathi olubalulwe esigabeni 4 soMthetho; kanye

5.2.3. nezokubuyekezwa kweNqubomgomo Yentela kaMasipala okwenziwa ngonyaka okubalulwe esigabeni 5 soMthetho.

(1) 5.3. Ihlinzekele imigomo, izindlela okumele zilandelwe kanye nezindlela zokuqalisa kokusebenza kwayo ezihambisana noMthetho Wentela Yezakhiwo Zikamasipala eziyokwamukelwa nguMkhandlu; futhi

5.4. Ihlinzekele izindlela zokuphoqelesa umthetho ezihambisana noMthetho Wentela Yezakhiwo Zikamasipala kanye noMthetho Wezinhlelo ZikamasipalakuHulumeni Wasekhaya; wezi- 2000 (uMthetho uNo. 32 wezi- 2000).

## **6. UKUKHOKHWA KWENTELA**

6.1.intela enqunywe ngokwezakhiwo kumele inqunywe futhi ikhokhwe njalo ngenyanga;

6.2 Umasipala kumele unqume izinsuku okumele kukhokhwe ngazo futhi lezi zinsuku kumele zikhonjiswe encwadini yesikweletu ethunyelelwa umnikazi/ oqashile/ abasebenzisa isakhiwo/ umphatheli womnikazi;

6.3 Inzalo yentela esilele emuva ukukhokhwa kumele ibalwe ngokuhambisana nezihlinzeko zeNqubomgomo Yokulawulwa kanye Nokuqoqwa Kwezikweletu kaMasipala.

6.4 Uma umnikazi wesakhiwo onesibopho sokukhokha intela yesakhiwo ngokwale mithetho kamasipala ehluleka ukukhokha leyo ntela ngendlela enqunyiwe, iyofunwa kuyena ngokuhambelana nezihlinzeko zeNqubomgomo Yokulawulwa kanye Nokuqoqwa Kwentela kaMasipala.

6.5 intela esilele emuva ukukhokhwa iyofunwa kulabo abaqashile, abasebenzisa isakhiwo kanjalo nakubaphatheli bomnikazi, ngokwesigaba 28 no 29 soMthetho, kanje:-

Uma inaniokumele likhokhelwe intela enqunyiwe yesakhiwo, umnikazi engalikhokhile ngosuku okufanele likhokhwe ngalo njengoba kukhonjisiwe encwadini yesikweletu futhi singekho isinyathelo esiqhamuka kumnikazi masinyane emva kwezikhumbuzo ezimbili ezibhaliwe anikezwe zona, kumele uMasipala ufune leso samba esiphelele noma ingxenye yaso, kanje:-

- I) Kumphatheli ogunyazwe ngokusemthethweni ukuba aqoae ikhomishini noma imali yerenti maqondana nesakhiwo esithintekayo;
- II) Kulowo oqashile noma osebenzisa isakhiwo, kuphela emva komzamo owenziwe wokusifuna kumphatheli okubhekiswe kuye ephuzwini (I) kodwa lowo mzamo wangaphumelela kumbe

engekho umphatheli noma kuyingxenywe kuphela yenani elisilele elingatholakala ngempumelelo.

6.6 Inani elifunekayo lilingana ncamashi l wuMthetho futhi lingafunwakuphela emva kokuba uhlangothi oluthintekayo (lowo oqashile, osebenzisa isakhiwo noma umphatheli) selukhishelwe isaziso esibhaliwe sentela okumele ikhokhwe, kodwa umnikazi wesakhiwo engakayikhokhi.

6.7 Isaziso okubhekiswe kuso ephuzwini 6.6 kumele sinikeze uhlangothi oluthintekayo okungena izinsuku eziyi-14 zokukhokha intela esilele ukukhokhwa.

6.8Lapho intela enqunyiwe maqondana nesakhiwo esithile inqunywe ngokungeyikho, okungaba yingenxa yephutha noma ukunganaki nje kukamasipala kumbe ulwazi olungelona iqiniso oluhlinzekwe ngumnikazi wesakhiwo esithintekayo noma ukwaphulwa kwendlela yokusetshenziswa okugunyaziwe kwesakhiwo esithintekayo, intela ekhokhwayo kumele ilungiswe ngendlela efanelekile esikhathini esinwetshiwe kusuka osukwini lapho iphutha noma ukunganaki okuhlonziwe kusuka osukwini lapho intela inqunywa okokuqala ngokomqulu oqukethe imininingwane yazo zonke izakhiwo wamanje.

6.9 Ngaphezu kwalokhu, lapho iphutha elenzeke ngenxa yokuthi umnikazi wesakhiwo uhlinzeke ulwazi olungelona iqiniso noma ngenxa yokuphulwa kwendlela yokusetshenziswa okugunyaziwe kwesakhiwo esithintekayo, kuyofanele kukhokhwe inzalo etholakala ngengxenywe engakhokhiwe yentela elungiswe kabusha ekhokhwayo kumele inqunywe ngokweNqubomgomo Yokulawulwa kanye Nokuqoqwa Kwezikweletu kaMasipala.

6.10 uma kunqunywa intela, kumele umasipala unqume intela yonyaka wezimali, futhi le ntela iphelelwa yisikhathi sokusebenza ekupheleni konyaka wezimali lowo ekade inqunyelwe wona:

- (i) Ukunqunywa kwentela kumele kube yingxenywe yenqubo yesabelomali sonyaka sikamasipala,
  - (ii) Kanti futhi esikhathini sesabelomali sawo, ukubuyekizwa kwesamba ngokwamaRandi entela yamanje yawo ngokuhambisana nesabelomali sawo sonyaka okungesonyaka wezimali olandelayo.
  - (iii) Intela enqunyiwe yonyaka wezimali ingakhushulwa ngawo lowo nyaka wezimali
  - (iv) Kuphela nje uma kudingeka ngokohlelo lokubuyiswa kwezimali (Isigaba 28(6) se-MFMA).
- (iii) Intela iqala ukukhokhwa nje uqala unyaka wezimali.

6.11 Umasipala kumele, njengalokhu kuyingxenye yesabelomali sokwenziwa komsebenzi, unqume intela ngokwamarandi yayo yonke imikhakha. Intela inqunywa ngokuhambelana ne-MPRA ibe yisamba ngokwamarandi esithathiselwa kwintengo yasemakethe yazo zonke izakhiwo ezikhokhelwa intela njengoba kukhonjiswe kumqulu oqukethe imininingwane yazo zonke izakhiwo kanye nanoma yimuphi umqulu oqukethe imininingwane yazo zonke izakhiwo owengeziwe.

## **7. IZINCWADI ZEZIKWELETU OKUMELE ZINIKEZELWE**

7.1 UMasipala uyonikeza umuntu ngamunye ofaneleke ukuba akhokhe intela incwadi ebhalwe isikweletu, ezobalula:-

- (i) isamba sentela okumele ikhokhwe;
- (ii) usuku lolo noma okungaphambi kwalo okufanele isamba lesi khokhwe ngalo;
- (iii) ukuthi kubalwe kwafinyelelwa kanjani emalini okufanele ukuba ikhokhwe;
- (iv) intengo yasemakethe yesakhiwo; kanye
- (v) Izephulelo, ukukhululwaukukhokha, ukuncishiswa kwesamba noma ukuqaliswa ukusebenza kwentela, uma kukhona.

7.2 umuntu onesibopho sokukhokhwa kwentela uhlala ebophezelekile ukuba akhokhe, noma ngabe lowo muntu akayitholanga incwadi yesikweletu evela kumasipala. Uma umuntu othintekayo engazange wayithola incwadi yesikweletu kumele athathe izinyathelo ezifanelekile zokubuza kumasipala.

7.3 esimweni lapho, kunobunikazi obuhlanganyele, kumele umasipala njalo, ukuze anciphise izindleko kanye nokulawulwa okungenasidingo, afune intela kumnikazi oyedwa walabo abahlanganyele, inqobo nje uma abanikazi benikeze invume.

## **8. ISIKHATHI SOKUHLOLWA KWEZAKHIWO**

8.1 UMasipala kumele ulungise umqulu oqukethe imininingwane yazo zonke izakhiwoomusha njalo eminyakeni emine 4, okuvumelekile nokuthi unwebe ukusebenza ngokusemthethweni komqulu oqukethe imininingwane yazo zonke izakhiwokube yiminyaka emihlanu 5 ngemvume kaNgqongqoshe Wezohulumeni Basekhaya kanye Nezezindlu esifundazweni.

8.2 Ngokuhambisana noMthetho, uMasipala, ngaphansi kwezimo eziyisipesheli, unganquma ukunwetshwa kokusebenza ngokusemthethweni komqulu oqukethe imininingwane yazo zonke izakhiwokube yiminyaka



emihlanu 5 ngokuba kufakwe isicelo sokuthola imvume kaNgqongqoshe Wezohulumeni Basekhaya kanye Nezezindlu esifundazweni.

8.3 Imiqulu equkethe imininingwane yazo zonke izakhiwoeyengeziwe ingenziwa njalo ngokuqhubekayo kodwa okungenani njalo ngonyaka.

## **9. IZINHLELO ZOKUBUYEKEZWA KOMTHETHONQUBO**

IMithetho kamasipala eqondene nentela yezakhiwo kumele ibuyekezwe njalo ngonyaka ukuze kuqinisekise ukuthi iyahambisana nezinhlosongqangi zokusebenza zikaMasipala njengalokhu kuqukethwe oHlelweni Lwentuthuko Edidiyele kanye nasemithethweni esebenzayo.

## **10. AMACALA KANYE NEZINHLAWULO**

Yinoma ngubani ohlinzeka ulwazi olungelona iqiniso ngokwaphula le mithetho kamasipala uyobekwa icala lokwaphula umthetho futhi uma etholwa enecala uyoyalelwa ukuba akhokhe inhlawulo engeqile kunhlawulo yalokho kwaphulwa komthetho njengalokho kubalulwe eMthethweni Wokuhlelwa Kwezinhlawulo noma uyogqunywa ejele isikhathi esingeke seqa ezinyangeni eziyisithupha (6).

## **11. ISIHLOKO ESIFISHANE KANYE NOKUQALISA UKUSEBENZA KWALE MITHETHO KAMASIPALA**

11.1 Le Mithetho kaMasipala ingabizwa ngokuthi iMithetho kaMasipala Yentela Yezakhiwo Zikamasipala futhi iyoqala ukusebenza mhla lu-01 kuNtulikazi wezi- 2019.

11.2 Le Mithetho kaMasipala iyoqala ukusebenza ngosuku eyoshicilelwa ngalo kuGazethi kaHulumeni.

**MUNICIPAL NOTICE 36 OF 2020****uMlalazi Municipality****LEVYING OF RATES 2020/2021****Notification in terms of Section 14 (2) of the Local Government: Municipal Property Rates Act No. 6 of 2004**

Notice is hereby given that the following resolutions have been taken by the uMlalazi Municipality, in terms of Sections 17 and 24 of the Municipal Finance Management Act No 56 of 2003, read with Section 14 (1) of the Local Government: Municipal Property Rates Act No. 6 of 2004:

**1. DETERMINATION OF RATES**

In terms of Section 2(3) of the Local Government: Municipal Property Rates Act the following property rates for the 2020/2021 shall be levied.

<b>Category</b>	<b>Rates Randage (from 01 July 2020) c/R</b>	<b>Ratio to Residential Tariff</b>
Residential Properties	1.0744	1:1
Commercial and Industrial	1.3430	1:1.25
Vacant Land	2.1489	1:2
Mining	2.1489	1:2
State Owned	1.3430	1:1.25
Agricultural properties	0.2686	1:0.25
Public Benefit Organisation	0.2686	1:0.25
Public Service Infrastructure	0.2686	1:0.25

It must be noted that the fourth general valuation roll, presented in terms of section 32 of the Local Government Municipal Property Rates Act No 6 of 2004, shall be implemented with effect from 01 July 2020, and property rates were accordingly reviewed for all categories of properties.

**2. EXEMPTIONS, REBATES AND REDUCTIONS**

- The first R15 000 of the market value of a property used for residential purposes is excluded from the rate-able value (Section 17 (h) of the MPRA). In addition to this rebate, a further R 135 000 reduction on the market value of a property will be granted in terms of the municipality's own Property Rates Policy;
- 100 per cent rebate will be granted to registered indigents in terms of the Indigent Policy;
- For pensioners, physically and mentally disabled persons, a rebate will be granted to owners of rate-able property as follows:

40 per cent rebate

- (i) A single person receiving a total income of R 7579 per month or less
- (ii) A married couple receiving a joint monthly income of R9455 per month or less

20 per cent rebate

- (i) A single person receiving a total income of R7580 per month or more
- (ii) (A married couple receiving a joint monthly income of R9455 per month or more

In this regard the following stipulations are relevant:

- The rate-able property concerned must be occupied only by the applicant and his/her spouse, if any, and by dependants without income;
  - The applicant must submit proof of his/her age and identity and, in the case of a physically or mentally handicapped person, proof of certification by a Medical Officer of health, also proof of the annual income from a social pension;
  - The applicant's account must be paid in full, or if not, an arrangement to the debt should be in place; and
  - The property must be categorized as residential.
- The municipality may award a 100 per cent grant in aid on the assessment rates of rate-able properties of certain classes such as churches, registered welfare organizations, institutions or organizations performing charitable work, sports grounds used for purposes of amateur sport.
  - Council at its meeting held on 29 May 2012, resolved to grant a 20% early settlement rebate to ratepayers other than farms and commercial that makes a single rates payment at the end of September of each year.

### **3. DATE OF OPERATION OF DETERMINATION OF RATES**

That this determination comes into operation on 01 July 2020.

### **4. FINAL DATE FOR PAYMENT OF RATES:**

- **Annual payment of rates:** That the final date for the payment of annual rates is 30 November 2020. Interest shall be raised in terms of Council's Credit Control Policy and Tariff of Charges.
- **Monthly rates payments:** That rates shall be paid in 12 (twelve) equal instalments with the first instalment payable on or before the last municipal working day of August 2021. Thereafter each monthly instalment must be paid on or before the last working day of each month and provided that interest will accrue at 9.75% per annum or 0.81% per month in terms of Council's Credit Control Policy and Tariff of Charges if an instalment is not paid by the last working day of the month.

**R P Mnguni**  
**Municipal Manager**

Municipal Offices  
Hutchinson Street  
P O Box 37  
Eshowe  
3815

MUNICIPAL NOTICE 37 OF 2020

# UMZIMKHULU LOCAL MUNICIPALITY



## **CREDIT CONTROL AND DEBT COLLECTION BY-LAWS FINAL 2020-2021**

**EFFECTIVE AS FROM 01 JULY 2020**

**CREDIT CONTROL AND DEBT COLLECTION BY-LAWS**

## PREAMBLE

**Whereas** Section 96(a) of the Local Government: Municipal System Act, No. 32 of 2000, obliges the UMzimkhulu Municipality to collect all money that is due and payable to it, subject to the provisions of that Act and any other applicable legislation;

**And whereas** Section 96(b) of the System Act requires the UMLM to adopt, maintain and implement a credit control and debt collection policy, which is consistent with its rates and tariff policies and complies with the provisions of the Act;

**And whereas** Section 97(1) of the System Act stipulates what a credit control and debt collection policy must provide for;

**Now therefore** the following is adopted as the Credit Control and Debt Collection Policy of UMLM as set out hereunder.

## 1. DEFINITIONS

In this by-law, any word or expression to which a meaning has been assigned in the Local Government Municipal Systems Act, No. 32 of 2000, Municipal Finance Management Act 2003 (Act No 56 of 2003) and Municipal Property Rates Act, 2004 (Act No 6 of 2004), shall bear the same meaning unless the context indicates otherwise.

‘Municipality’ means (name of the municipality);

‘Municipal Systems Act’ means the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000);

‘Credit Control and Debt Collection Policy’ means This policy shall apply only in respect of money due and payable to UMzimkhulu Municipality for; rates, fees, surcharges on fees, charges and tariffs in respect of the provision of refuse removal. Interest which has or will accrue in respect of any money due and payable or which will become due and payable to UMzimkhulu Local Municipality in regards to rates or services and collection charges.

## **2. OBJECTIVE**

The objective of the by-law is to give effect to the implementation of the Credit Control and Debt Collection Policy as contemplated in the Local Government: Municipal System Act.

## **3. APPLICATION**

This policy applies throughout the area of the Municipality.

The Council reserves the right to differentiate between different categories of consumers, debtors, services or service standards when applying the Policy.

The Council will on application of the credit control policy avoid discrimination as forbidden by the Constitution unless it is established that the discrimination is fair as allowed by the Constitution.

## **4. CONTENT OF CREDIT CONTROL AND DEBT COLLECTION POLICY**

### **4.1 COMPLY WITH THE REQUIREMENTS FOR**

- 4.1.1 The adoption and content of a credit control and debt collection policy;
- 4.1.2 The process of community participation specified in section 4 of the Municipal Systems Act; and
- 4.1.3 The annual review of the credit control and debt collection policy.

### **4.1 CREDIT CONTROL AND DEBT COLLECTION PROCEDURES FOR ASSESSMENT RATES, REFUSE AND SUNDRY DEBTORS**

- Where debtors fail to pay their rates and refuse removal account on / or before the due date as indicated on the statement.
- A reminder notice, then a final demand may be delivered or posted after the due date. The final notice will contain a notice that the client may arrange to pay the outstanding balance off in the terms of the credit control policy.
- An acknowledgement of debt agreement (UMLM) must be completed with the Credit control section with valid arrangements for paying off the amount in arrears.
- If no response has been received in response to the final demand those accounts still outstanding will be handed over for collection and/or legal action to the attorneys and may be listed at a credit bureau.
- Only account holders with positive proof of identity or an authorised agent with a power of Attorney will be allowed to complete an Acknowledgement of debt.
- Debit orders/stop orders and cheques shall be completed for the monthly repayment of the agreed amount. If the arrangement is dishonoured, the full balance will immediately become payable
- No person will be allowed to enter into a second agreement if the first agreement was dishonoured, except in merit cases.

- Merit cases, where special circumstances prevail, must be treated individually and could amongst others include the following categories;
- Deceased estates
- Liquidated companies
- Private persons under administration
- Pensioners
- Any other case not mentioned which can be regarded as merit cases due to the circumstances approved by the CFO.
- Payment of arrears in respect of merit cases shall not exceed 24 months.

#### **4.2 CREDIT CONTROL POLICY TO BE APPLIED FOR INDIGENT HOUSEHOLD**

The Indigent (Special Cases) Policy adopted by the UMzimkhulu Municipality Local Municipality shall apply to such special cases.

#### **4.3 TENDERS FOR BUSINESS & BUILDING PLANS**

- ☐ No tender will be allocated to a person/contractor until a suitable arrangement for the repayment of arrears, has been made. No further debt may accrue during contract period.
- ☐ A condition allowing the municipality to deduct any moneys owing to the municipality from contract payments
- ☐ No building plans will be approved to consumer debtors that have arrears in his/her municipal account

### **5 SHORT TITLE AND COMMENCEMENT**

This By –Law is called the uMzimkhulu Municipality: Credit Control and Debt Collection By –Law, and takes effect on the date of the publication thereof in the Provincial Gazette or as otherwise indicated in the notice thereto.

# UMASIPALA WASEMZIMKHULU



## IMITHETHO KAMASIPALA YOKULAWULWA KANYE NOKUQOQWA KWEZIKWELETU

OKUNGEYOKUGCINA YONYAKA WEZI-2020- 2021

IQALA UKUSEBENZA MHLA LULU-01 KUNTULIKAZI WEZI- 2020



**IMITHETHO KAMASIPALA YOKULAWULWA KANYE NOKUQOQWA  
KWEZIKWELETU****ISENDLALELO**

**Njengalokhu** iSigaba 96(a) soMthetho Wezinhlalo Zikamasipala, uHulumeni Wasekhaya: uMthetho, we-2000 (uMthetho uNo.32 wezi-2000), uphoqeela uMasipala waseMzimkhulu ukuba uqoqe yonke imali okungeyawo futhi okufanele ukhokhelwe yona, ngokwezihlinzeko zalo Mthetho kanye nayo yonke eminye imithetho esebenzayo;

**Nanjengalokhu** iSigaba 96(b) soMthetho Wezinhlalo uyalela uMasipala wendawo yaseMzimkhulu (UMLM) ukuba wamukele, ugcine futhi uqalise ukusebenza inqubomgomo yokulawulwa kanye nokuqoqwa kwezikweletu ehambisana nezinqubomgomo zawo eziqondene nentela kanye nezinkokhelo ezimisiwe futhi ehambisana nezihlinzeko zoMthetho;

**Nanjengalokhu** iSigaba 97(1) soMthetho Wezinhlalo silayezela ukuthi yini inqubomgomo yokulawulwa kanye nokuqoqwa kwezikweletu okumele ikuhlinzekele;

**Manje yingakho-ke** lokhu okulandelayo kwamukelwa ngokuthi yiNqubomgomo Yokulawulwa kanye Nokuqoqwa Kwezikweletu kaMasipala wendawo yaseMzimkhulu (UMLM) njengalokhu kuchaziwe lapha ngezansi.

**5. IZINCAZELO ZAMAGAMA**

Kulo mthetho kamasipala, nanoma yiliphi igama kumbe inkulumo enikezwe incazelo eMthethweni Wezinhlalo zikaMasipala, we-2000 (uMthetho uNo.32 wezi-2000), uMthetho Wokulawulwa Kwezimali Zikamasipala, wezi- 2003 (uMthetho uNo. 56 wezi-2003) kanye noMthetho Wentela Yezakhiwo Zikamasipala, wezi- 2004 (uMthetho uNo. 6 wezi- 2004), iyoba naleyo ncazelo, ngaphandle uma ingqikithi ikhomba okunye.

**‘uMasipala’** kusho uMasipala waseMzimkhulu;

uMthetho Wezinhlalo zikaMasipala, kusho uMthetho Wezinhlalo Zikamasipala, uHulumeni Wasekhaya: uMthetho, we-2000 (uMthetho uNo.32 wezi-2000);

‘iNqubomgomo Yokulawulwa kanye Nokuqoqwa Kwezikweletu’ kusho ukuthi le Nqubomgomo izosebenza kuphela ngokumaqondana nemali ekweletwa nokufanele ikhokhelwe uMasipala waseMzimkhulu; intela, imali ekhokhwayo, inhlawulo eyengeziwe, inhlawulo, inkokhelo emisiwe maqondana nokuhlinzekwa kokuthuthwa kwemfucuza. Inzalo etholakala noma ezotholakala maqondana nanoma yiyiphi imali ekweletwa futhi okufanele ikhokhelwe yona uMasipala wendawo yaseMzimkhulu ngokumayelana nentela noma izinsiza ngokunjalo nenhlawulo yokuqoqa.

## **6. INHLOSONGQANGI**

Inhlosongqangi yalo mthetho kamasipala ukunikeza umhlahlandlela wokuqalisa ukusebenza kweNqubomgomo Yokulawulwa kanye Nokuqoqwa Kwezikweletu njengalokhu kuningwe eMthethweni Wezinhlelo Zikamasipala Kuhulumeni Wasekhaya.

## **7. UKUSETSHENZISWA KWALO MTHETHO KAMASIPALA**

Le nqubomgomo isebenza kuyona yonke indawo kaMasipala.

Umkhandlu unelungelo lokwahlukanisa phakathi kwemikhakha yamakhasimende, abakweletayo, izinsiza noma amaqophelo ezinsiza uma esebenzisa inqubomgomo.

Umkhandlu uma usebenzisa inqubomgomo yokulawulwa kanye nokuqoqwa kwezikweletu uzogwema ukubandlulula njengalokhu kungavunyelwe nguMthethosisekelo ngaphandle uma kubonakala ukuthi ukubandlulula akuchemile njengoba kuvunyelwe nguMthethosisekelo.

## **8. OKUQUKETHWE YINQUBOMGOMO YOKULAWULWA KANYE NOKUQOQWA KWEZIKWELETU**

### **8.1 IHAMBELANA NOKUDINGEKAYO**

4.1.1 Ekwamukelweni kanye nakulokho okuqukethwe yinqubomgomo yokulawulwa kanye nokuqoqwa kwezikweletu;

4.1.2 ohlelweni lokubamba iqhaza komphakathi okubalulwe esigabeni 4 soMthetho Wezinhlelo Zikamasipala; kanye

4.1.3. nasekubuyekezweni konyaka kwenqubomgomo yokulawulwa kanye nokuqoqwa kwezikweletu.

## **8.2 INQUBO YOKULAWULWA KANYE NOKUQOQWA KWEZIKWELETU MAQONDANA NABAKWELETA INTELA YOKUHLOLA, YOKUTHUTHWA KWEMFUCUZA KANYE NABAKWELETA IZINDLEKWANA EZINCANE EZEHLUKAHLUKENE,**

- Lapho abakweletayo behluleka ukukhokha izikweletu zabo zentela kanye nezokuthuthwa kwemfucuzwa ngosuku noma ngaphambi kwalo njengalokhu kukhonjiswe esitatimendeni.
- Isaziso sokukhunjuzwa, bese kuba ngesokubelesela okungesokugcina singathunyelwa noma siposwe emva kosuku olumiselwe ukuba kukhokhwe ngalo. Isaziso okungesokugcina sizobandakanya isaziso sokuthi ikhasimende lingahlela ukuba likhokhe imali esilele ukukhokhwa ngokwenqubomgomo yokulawulwa kwezikweletu.
- Isivumelwano sokuvuma ukukhokha isikweletu ku-UMLM kumele siphothulwe nabophiko lokulawulwa kwezikweletu sihambisane nezinhlelo ezizwakalayo zokukhokhwa kwemali esilele ukukhokhwa.
- Uma kungekho mpendulo etholakalayo emva kokuthunyelwa kwencwadi ebeleselayo yokugcina, lezo zikweletu ezisasilele ukukhokhwa ziyodluliselwa kubameli ukuba ziqoqwe kanye/ noma ukuze kuthathwe izinyathelo zomthetho futhi zingafakwa ohlwini lwabantu abasezikweletini (credit bureau).
- Abantu abanama-akhawunti kumasipala kuphela abanobufakazi obubambekayo bobubona noma umphatheli onelungelo lokusayina eligunyazwe nangummeli oyovunyelwa ukugcwalisa ifomu lesivumelwano sokuvuma ukukhokha isikweletu.
- Ama- debit/ Stop orders (izimali ezidonswa ebhange) okukhokhela isikweletu kanye namasheke kuyogcwaliswa ukukhokhela isamba okuvunyelwene ngaso nyanga zonke. Uma isivumelwano singagcinwanga, kuyobe sekufanele ngokushesha kukhokhwe yonke imali esele ngokugcwele
- Akekho umuntu oyovunyelwa ukwenza isivumelwano sesibili uma esokuqala singagcinwanga, ngaphandle uma kunezimo ezithile zokufaneleka.
- Izimo zokufaneleka, lapho izimo eziyisipesheli ziphoqa, kumele zibhekelelwe ngokomuntu ngamunye, kanti phakathi kokunye, zingabandakanya le mikhakha elandelayo;
- Impahla yalowo oshonile
- Izinkampani ezihlakaziwe ngenxa yokuhluleka ukukhokha izikweletu
- Abantu nje asebethathelwe izinyathelo zenkantolo maqondana nezikweletu zabo
- Abahola impesheni
- Nanoma yisiphi esinye isimo esingabaliwe esingathathwa ngokuthi isimo sokufaneleka ngenxa yezimo ezigunyazwe yiSikhulu Esiphezulu Sezezimali (CFO).
- Ukukhokhwa kwesikweletu esilele ukukhokhwa ngokumaqondana nezimo zokufaneleka akumele kweqe ezinyangeni ezingama-24.

### **8.3 INQUBOMGOMO YOKULAWULWA KWESIKWELETU KUMELE ISETSHENZISWE EMINDENINI YABAPHLWEMPU**

INqubomgomo ebhekele abaphlwephu (izimo eziyisipesheli) eyamukelwe nguMasipala wendawo yaseMzimkhulu izosebenza kulezo zimo eziyisipesheli.

### **4.4 AMATHENDA AMAPULANI AMABHIZINSI KANYE NAWEZAKHIWO**

- ☐ Ayikho ithenda eyonikezwa umuntu kumbe usonkontileka kuze kube wenza isivumelwano esifanelekile sokukhokha imali esilele. Angeke sakhula isikweletu ngesikhathi sokuqhubeka kwesivumelwano.
- ☐ Umbandela ovumela umasipala ukuba ubambe yinoma yiyiphi imali ekweletwa umasipala ngokwenkontilaki yokukhokha
- ☐ Awekho amapulani ezakhiwo azogunyazwa amakhasimende akweletayo ngokusilela emuva ukukhokha isikweletu sawo sikamasipala

## **9. ISIHLOKO ESIFISHANE KANYE NOKUQALISA UKUSEBENZA KWALE MITHETHO KAMASIPALA**

Lo Mthetho kamasipala ubizwa ngokuthi uMthetho kaMasipala waseMzimkhulu Wokulawulwa kanye Nokuqoqwa Kwezikweletu, futhi uyoqala ukusebenza ngosuku oyoshicilelwa ngalo kuGazethi kaHulumeni noma njengalokhu kukhonjiswe ngenye indlela kulesi saziso.

## MUNICIPAL NOTICE 38 OF 2020



# UMDONI MUNICIPALITY

THE J.E.W.E.L OF THE SOUTH COAST

## MUNICIPAL NOTICE NO: MN 57/2020

## 2020/2021 FINAL IDP, BUDGET, ASSESSMENT RATES AND TARIFF OF CHARGES

Notice is hereby given in terms of section 21(1)(a) of the Municipal Systems Act No. 32 of 2000, Section 24(1) and Section 22(a)(i) of the Municipal Finance Management Act, No.56 of 2003 and section 14(1) of the Local Government; Municipal Property Rates Act No.6 of 2004 as amended. The Council of Umdoni Local Municipality, at the Council meeting held on the 27<sup>th</sup> of May 2020, has approved the Final IDP, Approved Budget, together with Rates Randages and Tariff of Charges, for the 2020/2021 financial year which will be effective from 1 July 2020:

**A. OPERATING ESTIMATES OF INCOME AND EXPENDITURE FOR THE 2020/2021 FINANCIAL YEAR AS FOLLOWS:**

Total Income	Estimate	R344 072 311
Total Operating Expenditure	Estimate	R306 103 954

**B. CAPITAL ESTIMATES FOR THE 2020/2021 FINANCIAL YEAR AS FOLLOWS:**

Total Capital Estimates	R33 015 957
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**C. ASSESSED RATES RANDAGES FOR THE 2020/2021 FINANCIAL YEAR AS FOLLOWS:**

Category	Randage
Residential	R 0.01091
Commercial / Business	R 0.01460
Industrial / Mining & Quarries	R 0.01460
Farms and Smallholdings (Agricultural)	R 0.00273
State Owned Property	To be rated on usage
Public Service Infrastructure	R 0.00273
Vacant Other	R 0.02720

**D. DETERMINED THAT THE FOLLOWING REBATES WILL APPLY FOR THE 2020/2021 FINANCIAL YEAR AS FOLLOWS:**

1. All Developed Residential Properties - The first R15,000 legislated and R60,000 as per council agreement on the market value of all developed residential properties will not be rated;
2. Vacant Property - The first R15,000 on the market value of all vacant properties not utilized for industrial or commercial purposes, will not be rated;

3. On application all Disabled Persons, Pensioners and new Indigent applicants who have been declared as such in terms of the Municipality's Property Rates and Indigent Policies – The first R 75,000 in terms of point 1 above and a further R 295 000 on the market value of the property will not be rated, closing **dates for applications is 30 June 2020**;
4. Medium to high density level developments will be granted a 4 % rebate on rates due for the financial year;
5. Fixed and final date for the annual payment of the Assessment Rates for the 2020/2021 financial year is Wednesday, **30<sup>th</sup> September 2020**, after which penalties, which shall be calculated at the lending rate as at 01 July of each year, will be levied. Should you wish to pay rates on an annual basis you will need to make application by **no later than 30<sup>th</sup> June 2020**. All ratepayers that have paid their 2020/2021 rates in full by **30<sup>th</sup> September 2020** and have no arrears will be granted a discount of 2.5% on rates due for the financial year.

**E. DETERMINED THAT THE FOLLOWING ANNUAL REFUSE TARIFFS WILL APPLY FOR THE 2020/2021 FINANCIAL YEAR AS FOLLOWS:**

1. **Domestic:** (per single family dwelling, including farms, flats, sectional titles, and residential complexes):

	Amount (excl. VAT)	VAT	Total (Incl. VAT)
(i) Over R75,000	R 777.93	R 116.68	R 894.61
(ii) Under R75,000	R 250.57	R 37.58	R 288.15

2. **Bed and Breakfasts:**

	Amount (excl. VAT)	VAT	Total (Incl. VAT)
(i) Basic room	R 777.93	R 116.68	R 894.61
(ii) Per room	R 237.85	R 35.67	R 273.52

3. **Caravan Parks** - To be incorporated into business entity and designated accordingly
4. **Hotels** - To be incorporated into business entity and designated accordingly
5. **Business Industries:** (Includes boarding and old age establishments with central facilities)

	Amount (excl. VAT)	VAT	Total (Incl. VAT)
(i) Micro (0 - 4 bags per week)	R 1 550.63	R 232.59	R 1 783.22
(ii) Small (5 – 12 bags per week)	R 4 617.40	R 692.61	R 5 310.01
(iii) Medium (13 – 25 bags per week)	R 9 231.59	R 1 384.73	R 10 616.32
(iv) Large (26 - 45 bags per week)	R 13 369.39	R 2 005.40	R 15 374.79
(v) Macro 1 (46 – 85 bags per week)	R 23 573.05	R 3 535.95	R 27 109.00
(vi) Macro 2 (86 - 140 bags per week)	R 38 480.34	R 5 772.05	R 44 252.39
(vii) Macro 3 (141 - 200 bags per week)	R 56 204.33	R 8 430.64	R 64 634.97
(viii) Macro 4 (201 - 300 bags per week)	R 82 939.54	R 12 440.93	R 95 380.47
(ix) Macro 5 (301 - 400 bags per week)	R 108 940.12	R 16 341.02	R 125 281.14



(x) Macro 6 (401 – 500 bags per week)	R 134 052.85	R 20 107.92	R 154 160.77
(xi) Macro 7 (501 – 600 bags per week)	R 158 280.90	R 23 742.13	R 182 023.03
(xii) Macro 8 (601 – 700 bags per week)	R 181 622.62	R 27 243.39	R 208 866.01
(xiii) Macro 9 (701 – 800 bags per week)	R 204 079.42	R 30 611.91	R 234 691.33
(xiv) Macro 10 (800+ bags per week)	R 225 648.85	R 33 847.33	R 259 496.18

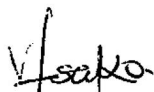
6. **Sports and recreation clubs, schools, welfare organizations:**

	Amount (excl.VAT)	VAT	Total (Incl.VAT)
(i) Organizations	R 1 287.06	R 193.05	R 1 480.11

7. **Vacant Sites Including farms:** (Irrespective of zoning or size in terms of the valuation roll)

Amount (excl.VAT)	VAT	Total (Incl.VAT)
R 270.52	R 40.57	R 311.09

The detailed final IDP, capital and operating budgets and the tariff of charges to be imposed for the 2020/2021 financial year as well as all budget-related policies and by-laws are made available on the Municipal Website at [www.umduni.gov.za](http://www.umduni.gov.za).

  
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**Dr. VP Tsako**  
**MUNICIPAL MANAGER**







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