

**NORTH WEST  
NOORDWES  
EXTRAORDINARY  
PROVINCIAL GAZETTE  
BUITENGEWONE  
PROVINSIALE KOERANT**

**Vol. 251**

**21 JANUARY 2008  
JANUARIE**

**No. 6455**

---

---

## CONTENTS

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>
<b>LOCAL AUTHORITY NOTICE</b>		
12 Lekwa-Teemane Local Municipality: Implementation of by-laws in its area of jurisdiction .....	3	6455

---

---

---

## **LOCAL AUTHORITY NOTICE**

---

### **LOCAL AUTHORITY NOTICE 12**

#### **LEKWA-TEEMANE LOCAL MUNICIPALITY "NW 396"**

**IT IS HEREBY NOTIFIED THAT THE LEKWA-TEEMANE LOCAL MUNICIPALITY AT THEIR ORDINARY COUNCIL MEETING HELD ON THURSDAY 22 FEBRUARY 2007 RESOLVED TO IMPLEMENT THE FOLLOWING BY-LAWS IN ITS AREA OF JURISDICTION, WHICH WILL BECOME EFFECTIVE FROM DATE OF PUBLICATION HEREOF.**

**M.A. MAKUAPANE  
MUNICIPAL MANAGER**

By-law No. 1, 2007

LAW ENFORCEMENT BY-LAW, 2007

## BY-LAW

**To provide for the prevention of crime in the Lekwa-Teemane Local Municipality; and for matters connected therewith.**

**BE IT ENACTED** by the Lekwa-Teemane Local municipality, as follows:-

### Definitions

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

“**car guard**” means a person rendering a service to another person for reward at a public place or at a place which is commonly used by the public or any section thereof by making himself or herself available for the protection of vehicles in accordance with an arrangement with such other person, and “**organisation for car guards**” shall have a corresponding meaning;

“**law enforcement officer**” means a person authorised by or under any law to police or enforce any by-law of the Municipality;

“**Municipality**” means the Lekwa-Teemane Local municipality;

“**public place**” includes any land, park or open space, road, street, sanitary passage or thoroughfare, bridge, building or structure which is commonly used by the public and is the property of the Municipality or, of which the control, to the entire exclusion of the owner, is vested in the Municipality or to which the inhabitants of the Municipality have a common right or access;

“**public property**” includes any bridge, building, structure or permanent fixture that forms part of a public place or is to be found in, on or at a public place, or is by law public property; and

“**street**” includes a sidewalk.

### Damage to public property prohibited

2. No person shall remove, damage, deface, conceal or tamper with public property.

### Surface of streets may not be defaced

3. Except in the performance of his or her official duties, no person shall mark, paint or, in any manner, deface the surface of any street or part thereof.

### Display of signs, posters and banners regulated

4. (1) No person shall display any sign, poster or banner that is indecent, offensive or lewd –
- (a) in, on or at a public place; or

- (b) in such a manner that it is readily visible from a public place.
- (2) Except with the prior written permission of the Municipality and in accordance with the conditions determined by the Municipality, no person shall -
  - (a) at a public place; or
  - (b) on private property (except private property zoned for business related or industrial related purposes by or under any law, guide plan, town planning scheme or title deed) in such a manner that it is readily visible from a public place,
  - (c) advertise by displaying any sign, poster or banner.

**Display of street numbers**

- 5. The owner or occupant of built up premises must display the street number allocated to such premises by the Municipality, at a prominent place, facing the street concerned in such a way that it is readily legible from the street.

**Damage of street names and street numbers prohibited**

- 6. No person shall damage, deface, remove or render illegible -
  - (a) a plate displaying a street name;
  - (b) a street number contemplated in section 5; or
  - (c) any sign authorised or erected by the Municipality.

**Regulation of begging in or from public places**

- 7. (1) Except with the prior written permission of the Municipality and in accordance with the conditions determined by the Municipality, no person shall -
  - (a) beg or collect alms in or from a public place;
  - (b) beg or collect alms from door to door.
- (2) Conditions contemplated in subsection (1) must include, but shall not be limited to -
  - (a) delimitation of the area in which such person may beg or collect alms;
  - (b) hours during which such person may beg or collect alms;
  - (c) places prohibited for such person to beg or collect alms; and
  - (d) the period (not exceeding one year) for which the permission is granted.
- (3) A person who begs or collects alms in accordance with a written permission contemplated in subsection (1) must be in possession of such written permission and produce it on request to -

- (a) a person approached by that person;
- (b) any person with an apparent interest in his or her conduct; or
- (c) a law enforcement officer.

**Regulation of car guards**

8. (1) No person shall act as a car guard unless that person is –
- (a) registered as a security service provider in terms of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001); and
  - (b) employed by an organisation for car guards and acts in the employ of and under the control of that organisation.
- (2) An organisation for car guards shall not render a car guard service unless that organisation –
- (a) has obtained the prior written permission of the Municipality and acts in accordance with the conditions set out in that written permission;
  - (b) is a “security business” as defined in the Private Security Industry Regulation Act, 2001, and complies with the provisions of section 20(2) of that Act;
  - (c) ensures that any of its employees rendering a car guard service –
    - (i) is at all times duly registered as a security service provider in terms of the Private Security Industry Regulation Act, 2001; and
    - (ii) complies with the provisions of the code of conduct for security service providers referred to in section 28 of the Private Security Industry Regulation Act, 2001.
- (3) Conditions contemplated in subsection (2)(a) must include, but shall not be limited to –
- (a) delimitation of the area in which such organisation for car guards may render a car guard service;
  - (b) hours during which such organisation for car guards may render a car guard service;
  - (c) places prohibited for such organisation for car guards to render a car guard service; and
  - (d) the period (not exceeding one year) for which the permission is granted.

**Unlawful acts in relation to public places**

9. (1) No person shall leave, spill, drop or place in, on or at a public place any matter or substance –

- (a) that may impede the cleanliness of such public place; or
- (b) that may cause annoyance or danger to any person, animal or vehicle using such public place.
- (2) No person shall spit, urinate or defecate in, on or at a public place.

**Inhalation, provision or disposal of certain substances prohibited**

10. (1) Subject to the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), no person shall inhale the fumes of any glue, adhesive or volatile substance that has an intoxicating or hallucinating effect.
- (2) No person shall dispose of any container of a substance referred to in subsection (1) -
- (a) through the municipal refuse system; or
  - (b) by leaving it in, on or at a public place.
- (3) Subject to the Drugs and Drug Trafficking Act, 1992, no person shall, for payment or otherwise, provide a substance referred to in subsection (1) to any person if it is reasonably evident that the substance is acquired with the purpose of contravention of that subsection.

**Dumping, leaving or accumulation of certain objects or substances in public places prohibited**

11. (1) No person shall dump, leave or accumulate any garden refuse, motor vehicle wreck or spare part, building waste, rubbish or other waste -
- (a) in, on or at a public place;
  - (b) except at a place designated by the Municipality for dumping.
- (2) Except with the prior written permission of the Municipality and in accordance with any condition as may be determined by the Municipality, no person shall place or permit any object or substance referred to in subsection (1) to be placed in, on or at a public place from premises owned or occupied by such person.

**Unlawful acts in relation to trees in public places**

12. (1) No person shall -
- (a) break or damage a tree in a public place; or
  - (b) mark or paint such tree.
- (2) Except with the prior written permission of the Municipality, no person shall -
- (a) display an advertisement on a tree in a public place;
  - (b) lop, top, trim, cut down or remove such tree.

**Gathering or obstruction of streets prohibited**

13. Subject to the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993), no person shall gather, sit, lie or walk in a street in such manner as to cause obstruction to traffic or to jostle or otherwise impede any other person using such street.

**Prohibitions in relation to places of religious worship**

14. (1) No person shall, without reasonable cause, linger in the immediate proximity of a place of religious worship immediately before, during or after assembly of the congregation.
- (2) No person shall vex, hinder or impede any member of a congregation attending religious worship or proceeding to or leaving from a place of religious worship.

**Nuisance prohibited**

15. No person shall, in, on or at a public place -
- (a) use indecent, offensive or lewd language;
  - (b) ignite or burn rubble or refuse;
  - (c) burn any matter that produces an offensive smoke;
  - (d) cause an offensive smell;
  - (e) cause a disturbance to other persons by fighting, shouting or arguing;
  - (f) cause excessive noise by –
    - (i) singing;
    - (ii) playing musical instruments;
    - (iii) the running of an engine;
    - (iv) the use of a loudspeaker, radio, television or similar device; or
    - (v) any other means.

**Disturbance of peace prohibited**

16. (1) No person shall disturb the peace in a residential area by causing excessive noise or by fighting, shouting or arguing in a boisterous way.
- (2) Except with the prior written permission of the Municipality and in accordance with any condition that may be determined by the Municipality, no person shall explode a firecracker or any other firework causing a loud noise.



### **Advertising by sound-amplifying equipment regulated**

17. Except with the prior written permission of the Municipality and in accordance with any condition that may be determined by the Municipality, no person shall, by the use of any sound-amplifying equipment on business premises -

- (a) play music; or
- (b) use a microphone or recording to invite any member of the public to enter that premises or to do business there,

in such a way that it can be heard from a public place.

### **Touting regulated**

18. Except in an area designated by the Municipality and during hours determined by the Municipality, no person shall, in or from a public place -

- (a) tout; or
- (b) in any way indicate to any member of the public his or her willingness to do for reward any work or perform any task.

### **Exhibition of obscene visual images regulated**

19. (1) Except in a separate private room to which access can only be attained through a door on which the words "Admittance only for persons of 18 years and older" have been printed boldly and which is situated inside the business premises concerned, no person conducting business in -

- (a) the selling, hiring out or screening of films; or
- (b) the selling of publications,

shall exhibit a film or publication, the container or cover, as the case may be, of which contains a drawing, picture, illustration, painting, photograph or image or combination thereof, depicting sexual conduct.

- (2) For the purposes of subsection (1) -

**"film"** means -

- (a) any sequence of visual images recorded on any substance, whether a film, magnetic tape, disc or any other material, in such manner that by using such substance such images will be capable of being seen as a moving picture;
- (b) the soundtrack associated with and any exhibited illustration relating to a film as defined in paragraph (a);
- (c) any picture intended for exhibition through the medium of any mechanical, electronic or other device;

**"publication"** means -

- (a) any newspaper, book, periodical, pamphlet, poster or other printed matter;
- (b) any writing or typescript, which has in any manner been duplicated;
- (c) any drawing, picture, illustration or painting;
- (d) any print, photograph, engraving or lithograph;
- (e) any record, magnetic tape, soundtrack, except a soundtrack associated with a film, or any other object, in or on which sound has been recorded for reproduction;
- (f) computer software, which is not a film;
- (g) the cover or packaging of a film;
- (h) any figure, carving, statue or model;
- (i) any message or communication, including a visual presentation, placed on any distributed network, including, but not confined to, the Internet; and

“**sexual conduct**” means the display of genitals, masturbation, sexual intercourse, which includes anal sexual intercourse, the fondling, or touching with any object, of genitals, the penetration of a vagina or anus with any object, oral genital contact, or oral anal contact.

- (3) The provisions of subsection (1) shall not apply to a person contemplated in section 24(1) of the Films and Publications Act, 1996 (Act No. 65 of 1996), who is the holder of a licence to conduct the business of adult premises, while such person conducts business on such premises.

#### **Parking of heavy vehicles, trailers or caravans**

20. No person shall park –

- (a) a vehicle with a gross mass exceeding 9000 kg, or a trailer with a gross mass exceeding 1000 kg, for longer than 2 hours; or
  - (b) a caravan for longer than 24 hours,
- in a street.

#### **Distribution of handbills regulated**

21. Without the prior written permission of the Municipality, no person shall –

- (a) place or cause a handbill or similar advertising item to be placed in or on any vehicle parked at a public place; or
- (b) hand out or cause a handbill or similar advertising item to be handed out to any person in or at a public place.

**Penalty clause**

22. (1) Any person who contravenes or fails to comply with any provision of this By-law or any requirement or condition thereunder, shall be guilty of an offence.
- (2) Any person convicted of an offence in terms of subsection (1) shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

**Repeal of laws and savings**

23. (1) The following laws are hereby repealed:
- ...
- ...
- (2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

**Short title**

24. This By-law shall be called the Law Enforcement By-law, 2007

By-law No. 2, 2007

CEMETRIES BY-LAW, 2007

**BY-LAW**

**To provide for the establishment and management of cemeteries in the Lekwa-Teemane Local municipality; and for matters connected therewith.**

---

**BE IT ENACTED** by the Lekwa-Teemane Local municipality, as follows:-

**TABLE OF CONTENTS****CHAPTER 1  
Interpretation**

1. Definitions

**CHAPTER 2  
Establishment and management of cemeteries**

2. Establishment of cemeteries
3. Official hours
4. Register
5. Numbering of graves
6. Reservation of graves
7. Transfer of reserved rights
8. Number of corpses in a grave

**CHAPTER 3  
Burials**

9. Application for a burial
10. Burial of a corpse
11. Burial of ashes
12. Burial of a cadaver
13. Persons dying outside the Municipality
14. Measurements of graves

**CHAPTER 4  
Cremation**

15. Cremation

**CHAPTER 5  
Exhumation**

16. Exhumation

**CHAPTER 6  
Memorial work**

17. Memorial work
18. Graves supplies with a berm

**CHAPTER 7**  
**Maintenance**

19. Maintenance of graves

**CHAPTER 8**  
**General conduct in cemeteries**

20. General conduct in cemeteries

**CHAPTER 9**  
**Miscellaneous**

21. Injuries and damages
22. Firearms and traditional weapons
23. Penalty clause and expenses
24. Repeal of laws and savings
25. Short title

**CHAPTER 1**  
**Interpretation**

**Definitions**

1. In this By-law, unless the context otherwise indicates –  
  
“**adult**” (where the word is used to describe a corpse) means a corpse buried in a coffin that will fit into a grave for adults as contemplated in section 14;  
  
“**ashes**” means the remains of a corpse after it has been cremated;  
  
“**burial**” means burial in earth or any other method of disposal of a corpse, ashes or a cadaver in the manner provided for in this By-law;  
  
“**burial order**” means an order issued in terms of the provisions of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992) authorising a burial;  
  
“**caretaker**” means the officer appointed by the Municipality to supervise and control a cemetery or cemeteries, and his or her delegates;  
  
“**cemetery**” means land or part thereof, including the buildings and works thereon, that is owned and controlled by the Municipality, duly set aside and reserved for the purpose of burials and made available for public use from time to time for burials;  
  
“**child**” (where the word is used to describe a corpse) means a corpse that is being buried in a coffin that fits into a grave for a child as contemplated in section 14;  
  
“**columbarium**” means a memorial wall or a wall of remembrance provided by the Municipality for the burial of ashes;  
  
“**corpse**” means any dead human body, including the body of a stillborn child;  
  
“**grave**” means a piece of land in a cemetery laid out, prepared and used for a burial;

“**holder**” means a person to whom a reservation certificate for a specific grave has been issued in terms of a law repealed by section 24;

“**Medical Officer of Health**” means the officer appointed by the Municipality from time to time in such position and his or her delegates;

“**memorial work**” means any headstone, monument, inscription or other similar work or portion thereof erected or intended to be erected upon a grave or a columbarium;

“**Municipality**” means the Lekwa-Teemane Local municipality;

“**niche**” means the cavity in a columbarium provided for the burial of ashes;

“**plaque**” means a tablet erected on the columbarium for identification purposes;

“**prescribed fees**” means the fees as determined from time to time by the Municipality by means of resolution;

“**resident**” means a person who at the time of his or her death, was ordinarily resident within the Municipality or under law liable for the payment of assessment rates, rent, service charges or levies to the Municipality;

“**responsible person**” means the nearest surviving relative of the deceased person or a person authorised by such relative, or if the caretaker is satisfied that such person does not exist or that the signature of such relative or authorised person cannot be obtained timeously for the purpose of completing the necessary application forms, another person who satisfies the caretaker as to his or her identity, interest in the burial, capacity to pay the prescribed fees and to comply with the applicable provisions of this By-law; and

“**stillborn**” in relation to a child, means that it had at least 26 weeks of intra-uterine existence, but showed no sign of life after complete birth.

## CHAPTER 2

### Establishment and management of cemeteries

#### Establishment of cemeteries

2. (1) The Municipality may from time to time set aside and reserve suitable municipal land within the Municipality for the establishment and management of a cemetery.
- (2) The Municipality may consider and approve an application for the establishment and maintaining of a private cemetery or a private columbarium on private land on the conditions that the Municipality may deem necessary.
- (3) A cemetery established under a law repealed by this By-law, shall be deemed to be established under this section.
- (4) The Municipality may set aside, reserve and demarcate within a cemetery, in accordance with an approved layout plan, such areas as the Municipality may deem expedient for exclusive use by the members of a particular religion or denomination, or for the burial of adults, children, members of security forces or war heroes, or for the creation and management of –

- (a) a berm section where memorial work of a restricted size may be erected only on a concrete base provided by the Municipality at the top or bottom end of a grave, while the top surface of the grave is levelled;
- (b) a monumental section where memorial work erected shall cover the entire grave area;
- (c) a semi-monumental section where memorial work, without a restriction on the size, may be erected only on a concrete base at the top end of a grave, which base will not be provided by the Municipality;
- (d) a natural-grass section where the surface of graves are levelled and identified by numbers affixed on top of the graves in such a way that a lawnmower can be used to cut the natural grass without damaging the numbers;
- (e) a traditional section where the surface of graves are levelled and memorial work does not have to cover the entire grave area, and may be erected on graves that are not supplied with a concrete base as required in the berm section;
- (f) a columbarium section where ashes may be buried in a niche in a memorial wall or wall of remembrance provided by the Municipality.

#### **Official hours**

- 3. (1) The cemetery and the office of the caretaker shall be open during the hours as determined by the Municipality and the cemetery office of the caretaker shall be open from Monday to Friday.
- (2) Burials shall take place on the days and during the hours determined by the Municipality.
- (3) The Municipality has the right to close a cemetery or any portion thereof to the public for such periods and for such reasons as the Municipality may deem fit.
- (4) No person shall be or remain in a cemetery or part thereof before or after the official hours as determined by the Municipality or during any period when it is closed for the public, without the permission of the caretaker.

#### **Register**

- 4. A register of graves and burials shall be kept by the caretaker and such register shall be completed as far as possible immediately after a burial has taken place, with reference to the prescribed particulars contained in the burial order concerned.

#### **Numbering of graves**

- 5. (1) All graves in a cemetery that are occupied or for which a burial has been authorised in terms of the provisions of section 9, shall be numbered by the Municipality.
- (2) The number shall be affixed to the grave and indicated on a plan to be kept available in the caretaker's office.

**Reservation of graves**

6. No reservation of a grave in a cemetery shall be allowed: Provided that reservation of graves made and recorded in the official records of the Municipality in terms of a law repealed by section 24, shall still be valid and the Municipality shall honour such reserved rights.

**Transfer of reserved rights**

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

**Number of corpses in a grave**

8. (1) Only one corpse may be buried in a grave with measurements as contemplated in section 14(1) or (2).
- (2) Only two corpses may be buried in a grave with measurements as set out in section 14(4): Provided that application for the burial of two corpses has been made to the caretaker in writing by submitting an application mentioned in section 9(1) before the first corpse is buried.
- (3) After the reopening of a grave for the purpose of the burial of a second corpse as mentioned in subsection (2) in that grave, a concrete layer of not less than 25 mm thick shall be cast above the coffin previously buried.
- (4) If on reopening any grave, the soil is found by the Medical Officer of Health to be offensive or dangerous to the general health of people, the situation shall be handled in consultation with the Medical Officer of Health.

**CHAPTER 3****Burials****Application for a burial**

9. (1) Application for permission for a burial in a cemetery shall be made to the caretaker on the prescribed application form and such application shall be accompanied by –
- (a) the prescribe burial order;
- (b) the prescribed fees; and
- (c) a reservation certificate, where applicable.
- (2) No person shall, without the prior written approval of the Municipality, execute, cause or allow a burial, including the burial of ashes or a cadaver, in any other



place in the Municipality than in a cemetery established and managed by the Municipality.

- (3) An application for permission for a burial must be submitted to the caretaker at least 24 working hours prior to the planned burial, failing which the caretaker may refuse the application.
- (4) No person shall execute a burial or cause or allow a burial to be executed in a cemetery, unless written approval for the burial has been obtained, a specific grave has been allocated for the purpose of the burial and a date and time for the burial has been arranged with the caretaker.
- (5) In allocating a date and time for a burial, the caretaker shall have regard to the customs of the deceased's relatives and their religion or church affiliation.
- (6) The allocation of a specific grave is the responsibility and in the sole discretion of the caretaker and a burial shall be executed only in a grave allocated by him or her: Provided that in allocating a grave the caretaker shall as far as practicable allow the responsible person access to a plan of the cemetery showing the various sections, and allow him or her to select the section of his or her choice, but not the individual grave of his or her choice.
- (7) The Municipality may allow in its discretion a burial without payment of the prescribed fees in a part of a cemetery set aside for such purposes and in such manner as it may deem fit.
- (8) Notice of cancellation or postponement of a burial must be submitted to the caretaker at least 4 working hours before the time set for the burial.
- (9) The granting of approval for a burial and the allocation of a specific grave in a cemetery, does not give the applicant, the responsible person or any other person any right in respect of such grave other than to bury a corpse in the grave.

#### **Burial of a corpse**

10. (1) All graves shall be provided by the caretaker, with the exception of brick-lined or concrete-lined graves, in which cases the brickwork or concrete work shall be carried out by the undertaker under the supervision of the caretaker and in conformity with the specifications applicable to ordinary graves.
- (2) There shall be at least 1200 mm of soil between the top of an adult coffin and the ground surface, and at least 900 mm of soil between the top of a child coffin and the ground surface.
- (3) All corpses shall be placed in a coffin for the burial thereof, except as provided for the Muslim community.
- (4) No person shall, without the prior permission of the caretaker, conduct any religious ceremony or service according to the rites of one denomination in any portion of a cemetery reserved by the Municipality in terms of the provisions of section 2(4) for the use of some other denomination.
- (5) No person shall permit any hearse in a cemetery to leave the roads provided, and every hearse shall leave the cemetery as soon as possible after the funeral for which it was engaged.

- (6) Every person taking part in any funeral procession or ceremony shall comply with the directions of the caretaker as to the route to be taken within the cemetery.
- (7) No person shall convey, or expose a corpse or any part thereof, in an unseemly manner in any street, cemetery or public space.
- (8) Every application and every document relating to a burial shall be marked with a number corresponding to the number in the register referred to in section 4 and shall be filed and preserved by the Municipality for a period of not less than ten years.

#### **Burial of ashes**

11. (1) Ashes may be buried in a coffin and only two such coffins containing ashes may be buried in an extra deep grave as contemplated in section 14(4): Provided that a coffin does not exceed the average body weight of 70 kg, and furthermore, that the grave is readjusted to the prescribed depth and measurements.
- (2) No person shall execute a burial or cause a burial of ashes to be executed in a cemetery, unless written approval for the burial has been obtained, a specific grave or niche has been allocated for the purposes of the burial and a date and time for the burial has been arranged with the caretaker.
- (3) Application for the burial of ashes for definite periods or in perpetuity, or for the provision of memorial tablets of approved material to be fixed on the building, columbarium or other facility, shall be made to the caretaker on the prescribed application form.
- (4) Niches shall be allocated by the caretaker strictly in the order in which the applications therefor are received and no reservations for future use shall be made.
- (5) An application for permission for a burial must be submitted at least 24 working hours prior to the planned burial, failing which the caretaker may refuse the application.
- (6) An urn or casket containing ashes that has been deposited in a building, columbarium or other facility shall not be removed without the caretaker's prior written consent.
- (7) Every niche containing ashes shall be sealed by a tablet approved by the Municipality and shall only be opened for the purpose of withdrawing an urn or casket contained therein for disposal elsewhere, or for the purpose of depositing an additional urn or casket therein whereafter it shall once again be sealed.
- (8) Application for the opening of a niche shall be made to the caretaker on the prescribed application form.
- (9) No person shall introduce any material into the columbarium for the purpose of constructing or erecting any memorial work therein, unless and until –
- (a) approval for the burial has been obtained in terms of the provisions of section 9;
  - (b) approval for the erection of the memorial work has been obtained in terms of the provisions of section 17(1); and

- (c) the prescribed fees have been paid.
- (10) Any person engaged upon any work on the columbarium, shall execute such work to the satisfaction of the caretaker, and such work shall be undertaken during the official hours of the caretaker as set out in section 3.
- (11) No permanent wreaths, sprays, flowers or floral tributes may be placed in or on a columbarium.
- (12) The columbarium may be visited daily during the official hours set out in section 3.
- (13) Plaques shall be made of material approved by the Municipality and shall be affixed simultaneously with the placing of the ashes and within 30 days of the obtaining of the consent.

#### **Burial of a cadaver**

- 12. The remains of a corpse used at an educational institution for the education of students, generally known as a cadaver, may be buried in one coffin and two such coffins containing cadavers may be buried in an extra deep grave as contemplated in section 14(4): Provided that a coffin does not exceed the average body weight of 70 kg, and furthermore, that the grave is readjusted to the prescribed depth and measurements.

#### **Persons dying outside the area of the Municipality**

- 13. The provisions of this By-law shall apply *mutatis mutandis* to any burial in a cemetery of a person who has died outside the Municipality.

#### **Measurements of graves**

- 14. (1) The excavation of a grave for an adult shall be at least 1820 mm deep, 2300 mm long and 760 mm wide.
- (2) The excavation of a grave for a child shall be at least 1370 mm deep, 1520 mm long and 610 mm wide.
- (3) In the event that a grave of a greater depth, length and width than those specified above is required, an application in respect thereof, together with extra prescribed fees that are due, shall be made to the caretaker, together with the application to obtain permission for a burial.
- (4) The excavation of an extra deep grave for the burial of two corpses shall be at least 2400 mm deep, 2300 mm long and 760 mm wide.
- (5) Permitted deviation from measurements of graves shall be as follows:
 

Extra wide	2300 mm long 840 mm wide
Extra long	2530 mm long 760 mm wide
Rectangular small	2300 mm long 810 mm wide

Rectangular big 2400 mm long  
900 mm wide

Brick-nogging 2600 mm long  
1050 mm wide

- (6) The area of a rectangular grave for an adult shall be 1500 mm wide and 2600 mm long.
- (7) The area of a grave for an adult shall be 1210 mm wide and 2430 mm long.
- (8) The area of a grave for a child shall be 1210 mm wide and 1520 mm long, and if a coffin is too large, an adult grave shall be used.

#### **CHAPTER 4** **Cremation**

##### **Cremation**

15. Cremation within the Municipality shall only take place in an approved crematorium established for that purpose, and in accordance with the provisions of the Cremation Ordinance, 1926 (Ordinance No. 6 of 1926).

#### **CHAPTER 5** **Exhumation**

##### **Exhumation**

16. (1) No person shall, without the written approval contemplated in section 3 of the Exhumation Ordinance, 1980 (Ordinance No. 12 of 1980), and then only after notifying the Municipality, exhume or cause or allow any corpse or the mortal remains of a corpse to be exhumed.
- (2) Any person duly authorised to exhume a corpse as set out above, shall furnish such authority to the caretaker at least 8 working hours before the time proposed for the exhumation of such corpse, and shall at the same time pay the prescribed fees.
- (3) An exhumation and removal of any corpse shall be made only in the presence of the caretaker or any authorised member of the cemetery personnel, accompanied by the funeral undertaker and in accordance with the stipulated legislation applicable to exhumations and reburials.
- (4) A grave from which any corpse is to be removed shall, if required by the caretaker, be effectively screened from public view during the exhumation.
- (5) The person who applied for the exhumation of a corpse shall provide an acceptable receptacle for the remains and shall remove the remains after the exhumation.
- (6) No person shall be permitted to reopen a grave, unless he or she has satisfied the caretaker that he or she is authorised thereto.

- (7) After the exhumation of a corpse and the removal of the remains, all rights in the grave shall revert to the Municipality, and the reuse of the grave shall be done in consultation with the Medical Officer of Health.
- (8) If at any time and for whatever reason the exhumation and transfer of a corpse to another grave shall become necessary, the Municipality may, after the relatives of the deceased person have been notified accordingly, exhume such body and transfer it to another grave.

## **CHAPTER 6**

### **Memorial work**

#### **Memorial work**

17. (1) Application for the erection of memorial works shall be made to the caretaker on the prescribed application form.
- (2) The erection of a trellis around a grave is prohibited.
- (3) No person shall bring or cause any material to be brought into any cemetery for the purpose of the erection or construction of any memorial work, unless and until –
  - (a) approval for the burial has been obtained in terms of the provisions of section 9;
  - (b) approval for the erection of the memorial work has been obtained in terms of the provisions of subsection (1); and
  - (c) the prescribed fees have been paid.
- (4) Graves of war heroes which are in the care of or maintained by the South African War Graves Board or by any other recognised body or by the government of any foreign country, shall upon application to the Municipality, be exempted from the requirement of payment of the prescribed fees.
- (5) The Municipality may refuse its consent for the erection of any proposed memorial work if the plan and specification thereof reveals that it will be of inferior quality or in any manner likely to disfigure a cemetery or which bears any inscription likely to cause offence to users of the cemetery or to visitors thereto.
- (6) No person engaged upon any memorial work in a cemetery shall at any time disturb any adjacent graves and on completion of such work he or she shall leave the grave and the cemetery in a clean and tidy condition and remove any building material or surplus ground therefrom.
- (7) A person engaged in the erection of a memorial work in a cemetery, shall –
  - (a) make arrangements beforehand with the caretaker with regard to the date and time of the intended erection;
  - (b) ensure that all separate parts of any memorial work other than masonry-construction are affixed by copper or galvanised iron dowel-pins of a

length and thickness sufficient to ensure the permanent stability of the work;

- (c) ensure that any part of such work which rests upon any stone or other foundation is fairly squared and pointed;
  - (d) ensure that the underside of every flat stone memorial and the base or landing of every headstone is set at least 50 mm below the natural level of the ground;
  - (e) ensure that all headstones are securely attached to their bases;
  - (f) ensure that flat stones consist of one solid piece in the case of all graves;
  - (g) ensure that all headstones consist of granite, marble, bronze or any other durable metal or stone approved by the Municipality;
  - (h) ensure that all curbing or memorial work on graves are erected on concrete foundations at least 1210 mm wide and 200 mm deep over the full width in the case of adults' graves and 910 mm wide and 200 mm deep in the case of children's graves;
  - (i) ensure that the sizes of monumental tombstones (all inclusive) are:
 

Single grave	2440 mm long 1070 mm wide
Child grave	1370 mm long 760 mm wide
Double grave	2440 mm long 2290 mm wide;
  - (j) ensure that all curbs on larger graves than single graves shall be fixed on substantial concrete mats at the four corners and where joints occur;
  - (k) ensure that any concrete foundation on any grave, upon instruction of the Municipality, is reinforced where it is considered necessary owing to the weight of the memorial work.
- (8) No person shall erect any memorial work within a cemetery, unless the number and section-letter of the grave upon which such work is to be erected, are engraved thereon in such a position that it will be legible at all times from a pathway, and, only with the consent of the family of the deceased, the name of the maker of such memorial work may be placed upon any footstone.
  - (9) Memorial work shall be constructed and erected in a cemetery only during the official office hours as contemplated in section 3.
  - (10) No person shall fix or place any memorial work in a cemetery during inclement weather or where the soil is in an unsuitable condition.
  - (11) Every person carrying out work within a cemetery shall under all circumstances comply with the directions of the caretaker.
  - (12) The Municipality may, after due notice, at any time change or alter the position of any memorial work in any cemetery: Provided that in any case where any

memorial work has originally been placed in a certain position with the express consent of the caretaker, any alterations of such position in terms of the provisions of this By-law, shall be executed at the expense of the Municipality.

#### **Graves supplied with a berm**

18. (1) Notwithstanding anything to the contrary contained in this By-law, a grave which is supplied with a berm shall be subject to the conditions set out in subsection (2).
- (2) (a) No kerbing shall be erected at such grave.
- (b) The berm provided by the Municipality shall be 1200 mm long, 500 mm wide and 300 mm deep.
- (c) The base of the memorial work to be erected on the berm of a single grave shall not be larger than 1000 mm long and 230 mm wide, and the memorial work, together with the base, may not be higher than 1200 mm from the ground surface.
- (d) A memorial work shall not protrude beyond the base.
- (e) No object shall be placed and kept on any grave: Provided that a memorial work or a vase for flowers or foliage placed in the orifice provided in the berm, may be placed and kept on a grave until such time as the ground surface over the grave is levelled.

### **CHAPTER 7 Maintenance**

#### **Maintenance of graves**

19. (1) (a) A memorial work erected upon a grave shall at all times be maintained in good order and condition by the responsible person.
- (b) Should any such work fall into a state of disrepair or constitute a danger or be a disfigurement of the cemetery, the Municipality may by written notice addressed to the responsible person by registered post at his or her last known postal address, require of him or her to effect such repairs as may be considered necessary.
- (c) On failure to effect the required repairs within 1 month of the date of such notice, the Municipality may have the repairs effected or may have the memorial work removed as it deem fit and may recover the costs for such repairs or removal from the responsible person.
- (2) Unless otherwise provided for in this By-law, the Municipality shall be responsible for keeping cemeteries in a neat and tidy condition.
- (3) Grass may be planted on a grave by family members of the deceased, subject to the directions of the caretaker: Provided that the Municipality shall maintain the grave, as part of the cemetery, at its own cost and in accordance with its own standards and programs.
- (4) (a) All memorial work which has been dismantled for purposes of a further burial, shall be re-erected or removed from the cemetery within 2 months of the date of such dismantling.

- (b) On failure to do so, the Municipality shall be entitled to remove any such dismantled memorial work from the cemetery without further notice, and to recover the costs of such removal from the responsible person.
- (5) No person shall plant any tree, shrub, bush or any other plant on or in the vicinity of a grave.
- (6) The Municipality shall have the right to remove, trim or prune any plants which extend beyond the limits of any grave or which are untidy.
- (7) No person shall deposit any flowers, grass, weeds or other materials removed from a grave, on any other grave, roadway or any other place in the cemetery, except in the refuse bins intended for that purpose.

## CHAPTER 8

### General conduct in cemeteries

#### General conduct in cemeteries

- 20. (1) No person under the age of 12 years shall enter a cemetery unless he or she is in the care of an adult or with the approval of the caretaker.
- (2) No person shall enter or leave any cemetery, except through the gates provided for that purpose, nor shall any person enter any office or enclosed place in any cemetery, except on business or with the consent of the caretaker.
- (3) No person shall make a false statement or provide false information in an application or other form or document to be completed and submitted in terms of this By-law.
- (4) No person shall carry on any trade or hawking activity, or solicit any business, or exhibit, distribute or leave any business card or advertisement within any cemetery or on any public place within 30 m of the boundary of any cemetery, except with the written approval of the Municipality and on such conditions as the Municipality may determine.
- (5) No person shall sit, stand or climb upon or over any tombstone, memorial work, gate, wall, fence or building in any cemetery.
- (6) No person shall hold a demonstration of any kind in any cemetery or allow or participate in such demonstration.
- (7) No person shall bring into or allow any animal to enter any cemetery, and any animal found in a cemetery may be impounded.
- (8) Directives from the caretaker to ensure the orderly procession of the ceremony concerning the placement of structures, chairs, voice amplification equipment, volume and the type of music to be played, shall be adhered to.
- (9) No person shall within any cemetery obstruct, resist or oppose the caretaker or any official of the Municipality, whilst acting in the course of his or her official duty, nor refuse to comply with any reasonable order or request of the caretaker or any official of the Municipality.
- (10) No person shall remove from the cemetery any soil, sand or other substance or thing of a similar nature without the express permission of the caretaker.



- (11) No person shall wantonly or wilfully damage or cause to be damaged, nor shall any person mark, draw or erect any advertisement, bill or placard upon or in any manner deface any grave, tombstone, monument, wall, building, fence, path or other construction within any cemetery.
- (12) No person shall bribe or try to bribe any employee in the service of the Municipality in regard to any matter in connection with a cemetery or burial, neither with money, gifts or any other benefit.
- (13) No person shall, except where expressly permitted by this By-law, or with the consent of the caretaker, disturb the soil, or plant or uproot any plant, shrub or flower, or in any way interfere with any grave or construction in any cemetery.
- (14) No person shall play any game or take part in any sport, or discharge any firearm, except as a salute at a military funeral, or discharge any airgun or catapult within any cemetery, or disturb or annoy any person present therein.
- (15) No musical instrument shall be played in a cemetery without the consent of the caretaker.

## **CHAPTER 9**

### **Miscellaneous**

#### **Injuries and damages**

- 21. A person using a cemetery shall do so on his or her own risk, and the Municipality accepts no liability whatsoever for any personal injuries sustained by such person or for any loss of or damage to such person's property relating to or resulting from the aforementioned usage of the cemetery.

#### **Firearms and traditional weapons**

- 22. No firearm or traditional weapon shall be allowed in a cemetery.

#### **Penalty clause and expenses**

- 23. (1) Any person contravening or failing to comply with any of the provisions of this By-law, shall be guilty of an offence and upon conviction by a court be liable to a fine or imprisonment for a period not exceeding 3 years or to both a fine and such imprisonment.
- (2) Any expense incurred by the Municipality as a result of a contravention of this By-law, or in the doing of anything which a person was directed to do under this By-law, and which he or she failed to do, may be recovered by the Municipality from the person who committed the contravention or who failed to do such thing.

#### **Repeal of laws and savings**

- 24. (1) The following laws are hereby repealed:  
 ...  
 ...
- (2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained,

15

granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

**Short title**

25. This By-law shall be called the Cemeteries By-law, 2007

By-law No. 3, 2007

KEEPING OF DOGS CONTROL BY-LAW, 2007

## BY-LAW

**To provide for control of the keeping of dogs in the Lekwa-Teemane Local municipality; and for matters connected therewith.**

**BE IT ENACTED** by the Lekwa-Teemane Local municipality, as follows:-

### Definitions

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

“**authorised officer**” means –

- (a) a peace officer as defined in section 1 of the Criminal Procedures Act, 1977 (Act No. 51 of 1977) in the Municipality’s service;
- (b) any other person, whether in the service of the Municipality or not, who is appointed an authorised officer of the Municipality;

“**dog**” for the purpose of section 3(1) and (2), means a dog over the age of six months;

“**keep**” in relation to a dog, includes to have such dog in possession, under control or in custody or to harbour such dog;

“**Municipality**” means the Lekwa-Teemane Local municipality;

“**owner**” in relation to a dog, means any person who keeps a dog and includes any person to whom a dog has been entrusted or who has control of a dog in respect of any site within the area of jurisdiction of the Municipality where such dog is kept or is permitted to live or remain;

“**public place**” includes any land, park or open space, road, street, sanitary passage or thoroughfare, bridge, building or structure which is commonly used by the public and is the property of the Municipality or, of which the control, to the entire exclusion of the owner, is vested in the Municipality or to which the inhabitants of the Municipality have a common right or access;

“**street**” includes a sidewalk; and

“**zoned**” means a land-use attached to premises by or under any law, the town planning scheme or a title deed.

### Application of By-law

- 2. The provisions of sections 3(1) and 5 shall not apply to premises which is zoned for agricultural purposes: Provided that a person keeping dogs on premises zoned for agricultural purposes shall not be exempted from compliance with any other provision of this By-law or any other legislation which may be applicable.

**Number of dogs**

3. (1) Subject to the provisions of subsection (2), no person shall keep more than two dogs on any erf or premises without the prior written consent of the Municipality.
- (2) A breeder of dogs who wishes to keep more than two dogs on –
- (a) premises zoned for agricultural purposes, shall be entitled to do so without any restrictions;
  - (b) premises zoned for any purpose other than agricultural purposes, must obtain the prior written consent of the Municipality.
- (3) An application for the Municipality's consent in terms of subsection (2) shall not be considered by the Municipality unless –
- (a) the Municipality is satisfied that the size of the premises on which the dogs are to be kept is not smaller than 5 000 square meter; and
  - (b) such an application is accompanied by an application for the alteration of the land-use restrictions applicable to the premises concerned, where it is necessary.
- (4) The Municipality's consent in terms of subsection (2)(b) to keep more than two dogs on a premises, shall be granted –
- (a) only in those instances where there are no objections against the proposed departure of the land-use restrictions after having advertised the proposal in terms of the relevant legislation; and
  - (b) subject to such conditions and restrictions as the Municipality may deem fit to impose.
- (5) The Municipality may, after due process, revoke a consent granted in terms of subsection (2)(b).

**Control of dogs**

4. No person shall –
- (a) permit any bitch on heat owned or kept by him or her to be in any public place;
  - (b) urge any dog to attack, worry or frighten any person or animal, except where necessary for the defence of such first-mentioned person or his or her property or of any other person;
  - (c) abandon any dog owned or kept by him or her;
  - (d) keep any dog which –
    - (i) by barking, yelping, howling or whining;
    - (ii) by having acquired the habit of charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept; or

(iii) by behaving in any other manner,

interferes materially with the ordinary comfort, convenience, peace or quiet of neighbours; or

(e) permit any dog owned or kept by such person –

(i) to be in any public place while suffering from mange or any other infectious or contagious disease;

(ii) which is ferocious, vicious or dangerous to be in any public place, unless it is muzzled and held on a leash and under control of some responsible person;

(iii) to trespass on private property;

(iv) to constitute a hazard to traffic using any road or street;

(v) to constitute or to his or her knowledge be likely to constitute a source of danger or injury to any person outside the premises on which such dog is kept; or

(vi) to be in any public place except on a leash and under control of some responsible person.

#### **Fencing of property**

5. No person shall keep a dog if the premises where such a dog is kept, is not properly and adequately fenced to keep such dog inside when it is not on a leash.

#### **Dogs shall not be a source of danger**

6. Any person who keeps a dog on any premises shall –

(a) take reasonable precaution to ensure that the dog does not constitute a source of danger to the employees of the Municipality entering upon such premises for the purpose of carrying out their duties; and

(b) display in a conspicuous place a notice to the effect that a dog is being kept on such premises.

#### **Removal of offensive matter**

7. If a dog defecates at a public place, the person in charge of the dog shall forthwith remove the excrement, place it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse.

#### **Dogs on premises where food is sold**

8. Any person being the owner or person in control of any shop or other place where food is prepared, sold or exposed for sale shall not permit any dog to be or remain in or at such shop or place.

**Seizure, impounding and destruction of dogs**

9. (1) Any dog, found at a public place suffering from mange or any other infectious or contagious disease, or which is ferocious, vicious or dangerous, or which is badly injured, may be seized and destroyed by an authorised officer of the Municipality.
- (2) An authorised officer may seize and impound at a place designated by the Municipality, any dog which is found at a public place in contravention with the provisions of this By-law.
- (3) A dog impounded in terms of subsection (2), may –
- (a) be released to the owner of such dog upon payment of a fee determined by the Municipality in addition to any costs, fines or taxes which may be outstanding in respect of such dog; or
  - (b) after the expiry of 30 days, be destroyed by the Municipality or be dealt with as the Municipality deems expedient.

**Liability**

10. Neither the Municipality nor any authorised officer or any employee of the Municipality shall be liable for or in respect of any injury suffered or disease contracted by or damage caused to any dog as a result of or during its seizure, impounding, detention or destruction in terms of this By-law.

**Penalty clause**

11. (1) Any person who contravenes or fails to comply with any provision of this By-law or any requirement or condition thereunder, shall be guilty of an offence.
- (2) Any person convicted of an offence in terms of subsection (1) shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

**Repeal of laws and savings**

12. (1) The following laws are hereby repealed:
- ...
- ...
- (2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

**Short title**

13. This By-law shall be called the Keeping of Dogs Control By-law, 2007

By-law No. 4, 2007      KEEPING OF ANIMALS, POULTRY AND BEES CONTROL  
BY-LAW, 2007

## BY-LAW

To provide for control of the keeping of animals, poultry and bees in the Lekwa-Teemane Local municipality; and for matters connected therewith.

**BE IT ENACTED** by the Lekwa-Teemane Local municipality, as follows:-

### PART 1 DEFINITIONS

#### Definitions

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

“**animals**” means any horses, mules, donkeys, cattle, pigs, sheep, goats, indigenous mammals and other wild animals;

“**Municipality**” means the Lekwa-Teemane Local municipality;

“**Municipal Manager**” means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**nuisance**” means, amongst other things, any act, omission or condition which is, in the opinion of the Municipality, detrimental to health or offensive or injurious or which materially interferes with the ordinary comfort or convenience of the public or adversely affects the safety of the public or which disturbs the quiet of the neighbourhood;

“**pets**” means any dogs, cats, guinea pigs, hamsters, rabbits, chinchillas or birds not kept for breeding or business purposes;

“**poultry**” means any fowl, goose, duck, turkey, peafowl, guinea fowl, muscovy duck, pigeon or dove, whether domesticated or wild; and

“**special resolution**” means a resolution carried by a majority of the total number of councillors of the Municipality.

### PART 2 ANIMALS

#### CHAPTER I GENERAL

##### Written permission

2. No person shall keep or permit to be kept on any premises or property any animals (excluding pets) without the written permission of the Municipality, and such permission may be withdrawn if at any time a nuisance is caused or the requirements of this By-law are not complied with.

##### Number of animals

3. For the purpose of controlling and restricting the keeping of animals within townships, the Municipality may from time to time, by special resolution, determine the number, kinds and sex of animals that may be kept per unit area and the areas within which such animals shall be prohibited.

**Plans for structures to be approved**

4. (1) An application for permission to keep animals shall be accompanied by a detailed site plan indicating all structures and fences, existing and proposed, on the premises.
- (2) Detailed plans and specifications shall be submitted to and approved by the Municipality in respect of all structures where animals are to be accommodated.
- (3) The number, kinds and sex of animals shall be indicated on the plan.
- (4) Notwithstanding anything to the contrary contained in this By-law, the Municipality may refuse to approve the application and plans if, in its opinion, the property, owing to its location, siting or geographical features, is unsuitable for the keeping of animals thereon.

**Structures shall comply with requirements**

5. (1) All structures housing animals shall be constructed in a workmanlike manner and of materials approved by the Municipality.
- (2) No structure shall be sited within a distance of 15 meter from any dwelling and staff quarters or the boundary of a residential erf and 8 meter from any road boundary.
- (3) Every part of the structure shall be properly maintained and painted as often as the Municipality may deem necessary.
- (4) No animals shall be kept in a structure or on land which is considered by the Municipality to be undesirable or objectionable by reason of its locality, construction or manner of use.

**Premises to be kept clean**

6. (1) All manure from animals shall be stored in a manner approved by the Municipality and disposed of on a regular basis so as to prevent any nuisance from being created.
- (2) All feed shall be stored in a rodent-proof place.
- (3) The premises shall be kept in such condition as not to attract or provide shelter for rodents.

**Animals kept in an unsatisfactory manner**

7. Whenever, in the opinion of the Municipality, any animals kept on any premises, whether or not such premises have been approved by the Municipality under this By-law, are a nuisance or danger to health, the Municipality may by written notice require the owner or occupier of such premises, within a period to be stated in such notice, but not less than 24 hours after the date of such notice, to remove the cause of and to abate such nuisance or danger to health and to carry out such work or do such things as the Municipality may deem necessary for the said purpose.

**CHAPTER II  
DOG KENNELS AND CATTERIES****Requirements for premises**



8. No person shall keep a kennel or cattery unless the requirements listed hereunder are complied with:
  - (a) Every dog or cat shall be kept in an enclosure complying with the following requirements:
    - (i) It shall be constructed of durable materials and the access thereto shall be adequate for cleaning purposes.
    - (ii) The floor shall be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending over the full width of the floor and situated within the enclosure, which channel shall be graded and shall drain into a gully connected to the Municipality's sewer system by means of an earthenware pipe or a pipe of any other approved material with a minimum diameter of 100 mm, or to another approved disposal system.
    - (iii) A kerb 150 mm high shall be provided along the entire length of the channel referred to in subparagraph (ii) and on the side thereof adjacent to the surrounding outside area, to prevent storm-water from such area from entering the channel.
  - (b) Every enclosure referred to in paragraph (a) shall contain a roofed shelter for the accommodation of dogs and cats which shall comply with the following requirements:
    - (i) Every wall shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface without cracks or open joints.
    - (ii) The floor shall be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints, and the surface between the floor and the walls of a permanent structure shall be coved.
    - (iii) Every shelter shall have adequate access thereto for the cleaning thereof and for determination.
  - (c) In the case of dogs, a dog kennel of moulded asbestos or other similar material, which is movable and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter contemplated in paragraph (b), and if the base of such kennel is not rendered waterproof, a sleeping board which will enable the dog to keep dry shall be provided in every such kennel.
  - (d) A concrete apron at least 1 meter wide shall be provided at the entrance of the enclosure over its full width, the apron to be graded for the drainage of water away from the enclosure.
  - (e) A supply of potable water, adequate for drinking and cleaning purposes, shall be provided in or adjacent to the enclosure.
  - (f) All food shall be stored in a rodent-proof store-room, and all loose food shall be stored in rodent-proof receptacles with close-fitting lids in such store-room.
  - (g) At least 5 meter of clear, unobstructed space shall be provided between any shelter or enclosure and the nearest point of any dwelling, other building or structure used for human habitation or any place where food is stored or prepared for human consumption.

- (h) Isolation facilities for sick dogs and cats shall be provided to the satisfaction of the Municipality.
- (i) If cages are provided for the keeping of cats, such cages shall be of durable, impervious material and constructed so as to be easily cleaned.

### CHAPTER III PET SHOPS

#### Requirements for premises

9. No person shall conduct the business of a pet shop upon any premises unless the premises are constructed and equipped in accordance with the following requirements:
- (a) Every wall, including any partition of any building, shall be constructed of brick, concrete or other durable material, shall have a smooth internal surface and shall be painted with a light-coloured washable paint or given some other approved finish.
  - (b) The floor of any building shall be constructed of concrete or other durable and impervious material brought to a smooth finish.
  - (c) The ceiling of any building shall be constructed of durable material, have a smooth finish, be dustproof and be painted with a light-coloured washable paint.
  - (d) Sanitary facilities shall be provided in terms of the National Building Regulations.
  - (e) A rodent-proof store-room shall be provided to the satisfaction of the Municipality.
  - (f) Facilities for the washing of cages, trays and other equipment shall be provided to the satisfaction of the Municipality.
  - (g) If required, change-room or locker facilities shall be provided to the satisfaction of the Municipality.
  - (h) No door, window or other opening in any wall of a building on the premises shall be within 2 meter of any other door, window or other opening to any other building in which food is prepared, stored or sold for human consumption or is consumed by humans.
  - (i) There shall be no direct access to any habitable room or any room in which clothing or food for human consumption is stored.

#### Business requirements

10. Every person who conducts the business of a pet shop shall –
- (a) provide movable cages for the separate housing of animals, poultry or birds, and the following requirements shall be complied with:
    - (i) The cages shall be constructed entirely of metal or other durable, impervious material and shall be fitted with a removable metal tray below the floor thereof to facilitate cleaning.

- (ii) Every cage shall be free from any recess or cavity not readily accessible for cleaning and every tubular or hollow fitting used in connection therewith shall have its interior cavity sealed.
- (iii) If rabbits are kept in a cage, the metal tray referred to in subparagraph (i) shall drain into a removable receptacle.
- (iv) Every cage shall be fitted with a drinking vessel kept filled with water and accessible to pets kept in the cage;
- (b) provide rodent-proof receptacles of impervious material with close-fitting lids in the store-room in which all pet food shall be stored;
- (c) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop in a clean, sanitary condition, free from vermin and in good repair;
- (d) take effective measures to prevent the harbouring or breeding of, and to destroy flies, cockroaches, rodents and other vermin, and to prevent offensive odours arising from the keeping of pets on the premises;
- (e) provide overalls or other protective clothing for use by persons employed in connection with the pet shop and ensure that such apparel is worn by every employee when on duty;
- (f) at all times keep every pet in the building on the premises unless otherwise approved by the Municipality;
- (g) provide isolation facilities in which every pet which is or appears to be sick shall be kept whilst on the premises;
- (h) ensure that there is a constant supply of potable water for drinking and cleaning purposes;
- (i) ensure that the premises are at all times so ventilated as to ensure sufficient movement of air for the comfort and survival of the pets; and
- (j) ensure that the number of pets per cage is not such that the free movement of such pets is impeded.

#### **CHAPTER IV PET SALONS**

##### **Requirements for premises**

- 11. No person shall conduct the business of a pet salon in or upon any premises unless the premises are constructed and equipped in accordance with the following requirements:
  - (a) A room shall be provided with a minimum floor area of 6,5 m<sup>2</sup> for the washing, drying and clipping of dogs or cats.
  - (b) The floor of such room shall be constructed of concrete or other durable, impervious material brought to a smooth finish and graded to a channel drained in terms of the National Building Regulations.

6

- (c) The surface between the floor and the wall of such room shall be coved and the coving shall have a minimum radius of 75 mm.
- (d) Every internal wall surface shall be smooth-plastered and be painted with a light-coloured washable paint.
- (e) The room shall be equipped with –
  - (i) a bath or similar facility with a constant supply of hot and cold water, drained in terms of the National Building Regulations;
  - (ii) an impervious-topped table; and
  - (iii) a refuse receptacle of impervious, durable material with a close-fitting lid for the storage of cut hair pending removal.
- (f) If cages are provided for the keeping of cats and kennels for the keeping of dogs, such cages and kennels shall be of durable material and constructed so as to be easily cleaned.

**Business requirements**

12. Every person who conducts the business of a pet salon shall –
- (a) ensure that every cage, including its base, is of metal construction and movable;
  - (b) ensure that all pesticidal preparations, and preparations used for the washing of dogs and cats and the cleaning of equipment and materials are stored in separate metal cupboards;
  - (c) ensure that all tables used for the drying and grooming of dogs and cats are of metal with durable and impervious tops;
  - (d) maintain the premises and every cage, tray, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet salon in a clean, sanitary condition, in good repair and free of vermin;
  - (e) at all times keep every dog or cat inside the building on the premises, unless otherwise approved by the Municipality;
  - (f) provide portable storage receptacles of impervious material with close-fitting lids for the storage of dog and cat faeces; and
  - (g) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in paragraph (f).

**PART 3  
POULTRY****Provisions of this Part to be complied with within certain period**

13. No person who at the date of the promulgation of this By-law keeps or causes or allows to be kept any poultry in any poultry-house or enclosed run may continue to keep, allow to or cause to be kept any poultry as aforesaid after a period of 12 months from the date of coming into force of this By-law, unless all the requirements of this Part have been fully complied with.

#### **Permission of Municipality to be obtained**

14. (1) No person shall keep or cause to be kept any poultry on any premises without the written permission of the Municipality.
- (2) An application for such permission shall be accompanied by a site plan indicating the situation of all structures in which the poultry are to be kept, as well as the material that will be used, and the kind and the number of poultry that will be kept.
- (3) The Municipality has the right, when granting permission for the keeping of poultry, to determine the number and kind of poultry that may be kept and no person may keep more poultry than or poultry of a different kind to that determined by the Municipality.
- (4) The Municipality shall not grant permission for the keeping of poultry if it appears from the site plan that the requirements of this Part cannot be complied with.
- (5) The Municipality may withdraw such permission if at any stage the requirements of this Part are not complied with.
- (6) The Municipality may prohibit the keeping of any kind of poultry in any area if the environment or the density of the population is such that the keeping of any poultry creates or may create a nuisance or health hazard.

#### **Poultry to be kept in authorised structures**

15. (1) No person shall keep poultry in a poultry-house, enclosed run or structure other than a poultry-house, enclosed run or structure for which the Municipality has granted permission, and no person shall change or move such poultry-house, enclosed run or structure without the written permission of the Municipality.
- (2) No person, except members of a pigeon club, shall let loose any poultry outside the poultry-house or enclosed run for which permission has been granted.

#### **Specifications for structures**

16. No person shall erect or use for the purpose of keeping poultry any poultry-house or enclosed run, any part of which is –
  - (a) within 1,5 meter of any door or window of any dwelling, domestic worker's quarters or inhabited outbuildings, or of any building where food is handled, kept or prepared, or of any street; or
  - (b) closer than 1,5 meter from any building as mentioned in paragraph (a), or any fence; or
  - (c) of a vertical height more than 2,4 meter or less than 1,2 meter at any point: Provided that where pigeons are kept the overall height shall not be more than 3,6 meter.

#### **Requirements for construction of structures**

17. No person shall erect or use for the purpose of keeping poultry any poultry-house which does not conform to the following requirements and which is not erected in workmanlike manner to the satisfaction of the Municipality:

8

- (a) The walls, floor and roof shall be free from hollow spaces, enclosed inter-spaces or holes capable of harbouring rodents, vermin or poultry parasites.
- (b) The floor shall be of brick, concrete, asphalt or other material approved by the Municipality, and the surface thereof shall be smooth and graded to permit all swill and washings to be drained off.
- (c) The walls shall be constructed of brick or concrete or other suitable material approved by the Municipality for that purpose, and shall, except in the case of a pigeon-house for the keeping of pigeons, be plastered with smoothed off cement plaster and be white-washed or painted with an oil paint inside and outside.
- (d) The roof shall be of asbestos or corrugated iron or other suitable material approved by the Municipality.

**Requirements for the keeping of poultry**

18. Every person keeping or causing to be kept poultry in any poultry-house or enclosed run shall –
- (a) maintain such poultry-house or enclosed run at all times in a thoroughly clean condition and free from rodents, vermin and parasites;
  - (b) cause all poultry manure to be properly stored in a non-corrugated metal bin with a close-fitting cover or other container as approved by the Municipality;
  - (c) feed such poultry in a proper manner so as not to cause a nuisance or to attract rodents, flies or other vermin, and any residual food or other putrescible matter shall be removed at least once every day from the poultry-house or enclosed run;
  - (d) store all poultry food in metal or other rodent-proof containers, so as to be inaccessible to rodents; and
  - (e) keep or cause to be kept no greater number of poultry in any one poultry-house or enclosed run than one bird, and in the case of pigeons two birds, per 0,36 m<sup>2</sup> of the total floor area of such poultry-house or enclosed run, and shall not keep any poultry that creates a nuisance by crowing or cackling.

**Health requirements**

19. No person shall place, throw, leave or allow to remain on any premises any poultry litter, refuse or manure in such manner or for such period as to favour the breeding of flies or attract rodents or other vermin to such premises.

**Municipality may prohibit the use of certain structures**

20. The Municipality may by notice in writing addressed to any person keeping or causing to be kept any poultry in a poultry-house or enclosed run, prohibit the use of any such poultry-house or enclosed run if, in the opinion of the Municipality, it is unfit, undesirable or objectionable by reason of its locality, construction or manner of use.

**Specifications for crates**

21. No person shall confine poultry in crates which do not conform to the following requirements:

- (a) The floor area of a crate containing turkeys or geese shall be not less than 0,09 m<sup>2</sup> per bird confined therein, and the height of such crate shall be not less than 750 mm.
- (b) The floor area of a crate containing other poultry shall be not less than 0,045 m<sup>2</sup> per bird and the height of such crate shall be not less than 500 mm.
- (c) The floors of such crates shall be constructed of solid wood or other solid material.
- (d) Each crate shall be provided with two drinking vessels fixed in opposite corners of the crate and filled with fresh water. Such vessels shall be of the unspillable type and not less than 125 mm in depth and 100 mm in diameter.
- (e) Each crate shall be provided with suitable receptacles containing food.
- (f) Different species of poultry shall not be placed in the same crate.

#### PART 4 KEEPING OF BEES

##### Application of Part

22. The provisions of this Part shall apply only within that part of the Municipality's area of jurisdiction demarcated by the Municipality by notice in the *Provincial Gazette* for the purpose of controlling the keeping of bees and shall in this Part be referred to as a "controlled area".

##### Requirements for the keeping of bees within a controlled area

23. No person shall keep bees within a controlled area –
- (a) without a permit issued in terms of section 24(2)(b);
  - (b) on premises less than 3750 square metres in extent;
  - (c) except in a bar-framed hive approved by the Municipality, situated not less than 100m from any street, dwelling, place of business or fowl-house or place where animals or birds are kept, and enclosed by means of a sound wire fence or wall of a height not less than 1,5m at a distance of not less than 5m in any direction from such hive so as to render such hive inaccessible to animals or unauthorised persons;
  - (d) on premises whereon is situated any building used for the purpose of industry, business or trade; or
  - (e) on premises being within 400 metres, measured from the nearest point of the nearest boundary of such premises, of the nearest point of the nearest boundary of any church, school, hospital or cinema or any other place of amusement, gathering or recreation.

##### Permits

24. (1) An application for a permit must be done on the form provided by the Municipality and must –

10

- (a) be directed to the Municipal Manager; and
  - (b) be accompanied by the fees determined by the Municipality.
- (2) After receipt of the application referred to in subsection (1), the Municipal Manager may –
- (a) inspect, or cause to be inspected, the premises and facilities of the applicant;
  - (b) issue the permit subject to such conditions as he or she may deem necessary for public safety; or
  - (c) in writing, refuse to issue the permit and state his or her reasons for such refusal.
- (3) A permit issued in terms of subsection (2)(b) shall be valid for a period of one year and may be renewed by the permit holder before it lapses by –
- (a) paying the fee determined by the Municipality for such renewal; and
  - (b) convincing the Municipal Manager that all permit conditions pertaining to public safety are still being adhered to.
- (4) A permit issued in terms of subsection (2)(b) may be withdrawn by the Municipality if the permit holder contravenes or does not comply with any provision of this Part or any condition subject to which the permit was issued.

## PART 5 PENALTY CLAUSE AND SHORT TITLE

### Penalty clause

25. Any person contravening any of the foregoing sections or refusing to comply with any order lawfully made there-under shall be guilty of an offence and liable upon conviction to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

### Repeal of laws and savings

26. (1) The following laws are hereby repealed:
- ...  
...
- (2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

### Short title

27. This By-law shall be called the Keeping of Animals, Poultry and Bees Control By-law, 2007



By-law No. 5, 2007 STREET TRADING CONTROL BY-LAW, 2007

## BY-LAW

To provide for the control of street trading in the Lekwa-Teemane Local municipality; and for matters connected therewith.

**BE IT ENACTED** by the Lekwa-Teemane Local municipality, as follows:-

### Definitions

1. In this By-law, unless the context otherwise indicates –
  - “**authorised officer**” means an officer in the employ of the Municipality authorised by the Municipality to enforce this By-law;
  - “**designated area**” means an area listed in the Schedule in which street trading is allowed, subject to this By-law;
  - “**do business**” means to buy, sell or barter any goods or to provide or offer to provide any service for remuneration;
  - “**Municipality**” means the Lekwa-Teemane Local municipality;
  - “**Municipal Manager**” means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
  - “**property**” means, with regard to a person doing business as a street trader, any article, receptacle, vehicle or structure used or intended to be used in connection with such business;
  - “**public place**” includes any land, park or open space, road, street, sanitary passage or thoroughfare, bridge, building or structure which is commonly used by the public and is the property of the Municipality or, of which the control, to the entire exclusion of the owner, is vested in the Municipality or to which the inhabitants of the Municipality have a common right or access;
  - “**street trader**” means a person who does business in, at or from a public place, but shall not include a person selling newspapers, and “**street trade**” or any like words shall have a corresponding meaning;
  - “**verge**” means that part of any road, street, sanitary passage or thoroughfare, including a sidewalk, that is or forms part of a public place, which is not improved, constructed or intended for the use of vehicular traffic.

### Street trading restricted

2. (1) No person shall do business as a street trader –
  - (a) except with the prior written permission of the Municipality and in accordance with the conditions set out in the permission;

- (b) unless he or she –
    - (i) is a South African citizen or has been granted the right of permanent residency or a work permit by the immigration authorities; and
    - (ii) owns fixed property in the area of jurisdiction of the Municipality or is for some other reason liable to pay rates and taxes to the Municipality;
  - (c) outside a designated area; and
  - (d) at any time other than during the hours specified in this By-law.
- (2) Any person who does business as a street trader must have the written permission referred to in subsection (1)(a) in his or her possession and produce it on request to an authorised officer.
- (3) The Municipality may, in writing, for the duration of a specific event and subject to any conditions determined by the Municipality, exempt any person, or group of persons, from compliance with any or all of the provisions of subsection (1).

#### **Application for and issue of written permissions**

3. (1) An application for permission to do business as a street trader must –
- (a) be directed to the Municipal Manager;
  - (b) be in the form determined by the Municipality; and
  - (c) be accompanied by the fees determined by the Municipality, as well as fees for services or structures provided by the Municipality at the designated area, where applicable.
- (2) The Municipal Manager must consider the application and grant or refuse the permission within 30 days after receipt of the application.
- (3) If the application is successful, the Municipal Manager must forthwith issue the written permission setting out the conditions subject to which it is issued.
- (4) If the application is unsuccessful, the Municipal Manager must forthwith notify the applicant accordingly and provide written reasons for his or her decision.
- (5) The provisions of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), shall *mutatis mutandis* apply to an appeal against a decision of the Municipal Manager contemplated in subsection (4).

#### **Duration, renewal, lapse and withdrawal of written permissions**

4. (1) A written permission to do business as a street trader shall –
- (a) be granted for a period not exceeding 12 months;
  - (b) be extended for a period of 12 months at a time if payment of the fees determined by the Municipality is made by the street trader concerned before the end of the initial period of 12 months or each further period of 12 months, as the case may be;

- (c) lapse if the fees contemplated in paragraph (b) is not paid on time.
- (2) The Municipality may withdraw its permission to a person to do business as a street trader if the street trader –
  - (a) does not comply with or acts contrary to any condition set out in the permission;
  - (b) contravenes or fails to comply with any provision of this By-law or any other law;
  - (c) fails to obey or comply with a lawful direction or request given or made by an authorised officer;
  - (d) ignores or contravenes the provisions of a sign or notice displayed by the Municipality in terms of this By-law.

#### **Designated areas and hours of trade**

- 5. (1) The areas listed in Part 1 of the Schedule shall, subject to the provisions of this By-law and any other law, be designated as areas in which a street trader may do business.
- (2) No person shall do business as a street trader except during the hours 08:00 to 18:00 on any day other than a Sunday.

#### **General conduct of street traders**

- 6. No person who does business as a street trader shall –
  - (a) place his or her property or goods in a public place that is not a designated area;
  - (b) allow his or her property or goods to cover a larger area than his or her allocated lot or stand in a designated area listed in Part 2 of the Schedule, if applicable;
  - (c) place or stack his or her property or goods in such a manner that it constitutes a danger to any person or property or is likely to injure any person or damage property;
  - (d) erect any structure for the purpose of providing shelter at the designated area without the prior written approval of the authorised officer;
  - (e) obstruct access to a fire hydrant or area demarcated solely for the use of emergency vehicles or services;
  - (f) leave his or her property or goods at the designated area before or after trading hours, except in a permanent structure provided by the Municipality for that purpose;
  - (g) when requested by an employee or agent of the Municipality or any supplier of telecommunication, electricity or other services, omit or neglect to move his or her property or goods so as to permit the carrying out of any work with regard to a public place or any such service;

- (h) attach any object or goods by any means to any building, structure, pavement, tree, parking meter, lamp post, electricity pole, telephone booth, post box, traffic sign, fence, bench or any other street furniture in, on or at a public place;
- (i) make an open fire at the designated area or in circumstances where it could harm a person or damage a building or vehicle;
- (j) do anything or keep combustibles in quantities contrary to the provisions of any law regarding the prevention or fighting of fires;
- (k) disregard a reasonable requirement put by any officer of the Municipality commissioned with the prevention or fighting of fires, regarding his or her trade;
- (l) store his or her property or goods in a manhole, stormwater drain, bus shelter, public toilet or tree;
- (m) sell his or her goods by using a megaphone, radio, loudspeaker, or by constant shouting or singing, in a manner which may constitute a nuisance or disturbance;
- (n) sell any property or goods which are dangerous or hazardous to the public health.

#### **Cleanliness**

7. (1) A person doing business as a street trader shall –
- (a) keep his or her property or goods and the designated area in a clean and sanitary condition;
  - (b) dispose of litter generated by his or her business in whatever receptacles provided therefor by the Municipality, including recycling and dumping sites, and not dispose of litter in any manhole, stormwater drain or any other place not intended for the disposal of litter;
  - (c) ensure that on completion of business for the day the designated area is free of litter;
  - (d) take such precautions as may be necessary or prescribed by the Municipality to prevent the spilling onto a public place of any fat, oil, grease or any hazardous substances which might be generated in the course of conducting his or her business and to prevent that any smoke, fume, odour or noise emanating from his or her activities become a nuisance.
- (2) The Municipality shall –
- (a) provide receptacles at designated areas in order to facilitate the disposal of litter by street traders;
  - (b) ensure that the receptacles at designated areas are emptied, cleaned and sanitised on a regular basis.

**Obstruction created by street trading prohibited**

8. (1) No person shall do business as a street trader at a place where such business –
- (a) obstructs access to or the use of a street facility such as a bus stop, shelter or queuing line, refuse disposal bin or other facility intended for public use;
  - (b) obstructs the visibility of a display window, signboard or premises;
  - (c) obstructs access to a building, automatic bank teller machine or queuing line, pedestrian crossing or vehicle;
  - (d) leaves less than 2 metre in width of a sidewalk clear for pedestrian use, or in any other manner obstructs pedestrians in their use of a sidewalk;
  - (e) obscures or impedes the view of any user of the road;
  - (f) causes an obstruction on a roadway;
  - (g) limits access to parking or loading bays or other facilities for vehicular traffic;
  - (h) obscures any road traffic sign or any marking, notice or sign displayed or made in terms of this By-law or any other law; or
  - (i) interferes in any way with any vehicle that may be parked alongside such place.

**Street trading may not compete with existing businesses**

9. No person shall do business as a street trader on a verge contiguous to that part of a building in which business is being carried on by another person, other than the business of a department store, supermarket or wholesaler, where the goods or services that the street trader sells or provides are of the same nature or similar to the goods being sold or services provided by the other person.

**Street trading restricted to allocated lots or stands in certain designated areas**

10. (1) The Municipal Manager may, when granting permission to an applicant to do business as a street trader, allocate a specific lot or stand demarcated in a designated area to the applicant, and no other person, except his or her assistant or employee, may do business on or from such lot or stand.
- (2) A street trader to whom a specific lot or stand was allocated shall –
- (a) do business only on or from such lot or stand;
  - (b) not sub-let or transfer to any other person the right to do business on or from such lot or stand;
  - (c) be in possession of proof that permission was granted to him or her to do business on or from the lot or stand concerned and, on request, produce such proof to an authorised officer.

- (3) The designated areas in which street trading may only be done from a specific demarcated lot or stand are listed in Part 2 of the Schedule.

**Street trading prohibited near places of worship, monuments and certain buildings**

11. No person shall do business as a street trader on a verge contiguous to –

- (a) a place of worship of any faith or denomination;
- (b) a historical monument;
- (c) a building used for public purposes;
- (d) a building, used exclusively for residential purposes, if –
  - (i) the owner, person in control or occupier of any part of the building facing onto such verge has objected in writing against such trading to the Municipality; and
  - (ii) the fact that such objection was made, has been made known in writing by the Municipality to the street trader concerned.

**Display of signs by the Municipality**

12. The Municipality may display any sign or notice to give effect to the provisions of this By-law.

**Street trading from mobile stands**

13. Notwithstanding the provisions of this By-law, the Municipality may allot tenders to persons to trade from mobile stands, subject to the conditions determined by the Municipality.

**Removal and impoundment**

14. (1) An authorised officer may remove and impound any article, receptacle, vehicle or structure –
- (a) which he or she reasonably suspects is being used or has been used for or in connection with street trading; and
  - (b) which he or she finds at a place where street trading is restricted or prohibited in terms of this By-law, which, in his or her opinion, constitutes an infringement of this By-law.
- (2) An authorised officer acting in terms of this By-law shall –
- (a) keep proper record of any property so removed and must inform the person apparently in control of such property (if there is such a person), of the procedure to be followed for reclaiming such property and the venue where such property will be impounded; and

- (b) forthwith deliver any such property to the pound referred to in paragraph (a).
- (3) Any property removed and impounded as contemplated in subsection (1) –
  - (a) may, in the case of perishable property, be sold or destroyed within a reasonable time after the impoundment thereof: Provided that such property shall, subject to the provisions of subsection (4), at any time prior to the disposal or selling thereof, be returned on proof of ownership and: Provided further, that such perishables are still fit for human consumption;
  - (b) shall, subject to the provisions of subsection (4), in the case of property other than perishable property, be returned on proof of ownership within a period of 1 month of the date of impoundment.
- (4) The Municipality shall be entitled to keep the property concerned until all expenses have been paid, failing which the property may be sold by public auction upon 14 day's notice: Provided that where the property attached is perishable, the authorised officer may reduce the period of 14 days to such an extent as he or she may think fit, or destroy the perishable property, whichever is the most cost-effective.
- (5) In the case of a sale of impounded property by the Municipality, the proceeds of such sale, less the reasonable expenses incurred by the Municipality in connection with the removal, impoundment or disposal of such property, shall be paid to the person who was the owner of such property when such property was impounded, but if such former owner fails to claim the said proceeds within 3 months of the date on which such property was sold, such proceeds shall be forfeited to the Municipality and shall be paid into a special fund created by the Municipality dedicated to the development of the informal sector and matters ancillary thereto.
- (6) The owner of property which has been removed, impounded, sold or disposed of as contemplated in this section, shall be liable for all expenses incurred by the Municipality in connection with such removal, impoundment, sale or disposal.

# **Offences**

## **15. Any person who –**

- (a) contravenes or fails to comply with any provision of this By-law;
- (b) ignores, disregards or disobeys any notice, sign or marking displayed or erected in terms of this By-law;
- (c) contravenes or fails to comply with any approval granted or condition imposed in terms of this By-law;
- (d) fails to comply with a lawful written instruction by the Municipality to move or remove his or her property;
- (e) deliberately furnishes false or misleading information to an officer or an employee of the Municipality; or

- (f) threatens, resists, interferes with or obstructs an officer or employee of the Municipality in the performance of his or her powers, duties or functions under this By-law,

shall be guilty of an offence.

#### **Penalty clause**

16. Any person convicted of an offence under this By-law shall be liable to a fine or imprisonment for a period not exceeding 1 year, or to both a fine and such imprisonment.

#### **Vicarious responsibility of persons doing business as street traders**

17. (1) When an employee or assistant of a person doing business as a street trader, does or omits to do any act which would be an offence in terms of this By-law, that person shall be deemed himself or herself to have done or omitted to do the act, unless he or she satisfies the court that –
- (a) he or she neither connived at nor permitted the act or omission by the employee or assistant concerned; and
- (b) he or she took all reasonable steps to prevent the act or omission.
- (2) The fact that the street trader alleges that he or she issued instructions whereby an act or omission is prohibited shall not in itself be sufficient proof that he or she took all reasonable steps to prevent the act or omission.

#### **Vicarious responsibility of employees and assistants**

18. When a person doing business as a street trader is, in terms of section 17, liable for an act or omission by an employee or assistant, that employee or assistant shall also be liable as if he or she were the person carrying on the business concerned.

#### **Repeal of laws and savings**

19. (1) The following laws are hereby repealed:
- ...
- ...
- (2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

#### **Short title**

20. This By-law shall be called the Street Trading Control By-law, 2007.



By-law No. 6, 2007

ADVERTISING SIGNS AND DISFIGUREMENT OF THE FRONTS  
OR FRONTAGES OF STREETS CONTROL BY-LAW, 2007

## BY-LAW

To provide for the control of advertising signs and the prohibition of disfigurement of the fronts or frontages of streets in the Lekwa-Teemane Local municipality, and for matters connected therewith.

**BE IT ENACTED** by the Lekwa-Teemane Local municipality, as follows:-

### Definitions

1. In this By-law, unless the context otherwise indicates –

“**aerial sign**” means any sign attached to a kite, balloon, aircraft or any other device whereby it is suspended in the air over any part of the area under the jurisdiction of the Municipality;

“**authorised employee**” means any employee authorised thereto by the Municipality;

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

“**depth**” of a sign means the vertical distance between the uppermost and lowest edges of such sign;

“**display of a sign**” includes the erection of any structure if such structure is intended solely or primarily for the support of such sign and the expression “**to display a sign**” shall have a corresponding meaning;

“**flashing sign**” means any illuminated sign, the light emitted from which does not remain constant in all respects;

“**flat sign**” means any sign which is affixed to or painted directly on a main wall and which at no point projects more than 250 mm in front of the surface of such wall, but does not include a poster: Provided, however, that a poster affixed to a main wall shall be deemed to be a flat sign if such poster is –

- (a) not less than 0,80 m<sup>2</sup> in area;
- (b) bordered by a permanent frame fixed to such main wall; and
- (c) maintained at all times in an unmutilated and clean condition;

“**main wall**” of a building means any external wall of such building, but shall not include a parapet wall, balustrade or railing of a verandah or a balcony;

“**Municipality**” means the Lekwa-Teemane Local municipality;

“**new sign**” means any sign first displayed after the promulgation of this By-law;

“**overall height**” of a sign means the vertical distance between the uppermost edge of such sign and the level of the ground, footway or roadway immediately below such sign;

“**person**” in relation to the display or alteration of or the addition to a sign, or in relation to the intended or attempted display or alteration of, or addition to a sign, includes the person at whose instance such sign is displayed, altered or added to, or at whose instance such sign is intended or attempted to be displayed, altered or added to, as the case may be and the person who or whose goods, products, services, activities, property or premises, is or are referred to in such sign shall be deemed to be such person, unless he or she proves the contrary;

“**poster**” means any placard or similar device attached to some fixed object whereby any advertisement or notice is publicly displayed;

“**projecting sign**” means any sign which is affixed to a main wall and which at some point projects more than 250 mm in front of the surface of such wall;

“**public road**” means any road, street or thoroughfare or any other place which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes –

- (a) the verge of any such road, street or thoroughfare;
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other work or object belonging to such road, street or thoroughfare, footpath or sidewalk; and
- (e) any premises with or without structures thereon, used or set aside as a public parking area or public parking place for the parking of motor vehicles whether or not access to such a parking area or place is free of charge;

“**running light**” means a portion of a sign in the form of an illuminated strip, the illumination of which varies periodically in such a way as to convey the impression of a pattern of lights moving steadily along such strip;

“**sign**” means any sign, signboard, screen, private lamp, blind or other device by means whereof any advertisement or notice is publicly displayed;

“**sky sign**” means any sign that is fixed above the roof of a building other than a roof of a verandah or a balcony and shall include any such sign consisting of a single line of free standing, individual, cut-out, silhouette letters, symbols or emblems; and

“**thickness**” of a projecting sign means the horizontal dimension of such sign measured parallel to the plane of the main wall to which such sign is affixed.

#### **Affixing of posters and signs prohibited**

2. Subject to the provisions of this By-law, no person shall affix a poster or any other sign on the front or frontage of any public road, wall, fence, land, rock, tree or other natural feature, or to the front, frontage or roof of any building.

#### **Submission and approval of application to display sign**

3. (1) Save as in section 22(2) is provided, every person intending to display a new sign or to alter or to add to an existing sign (hereinafter referred to as the “applicant”) shall make written application to the Municipality in the form

prescribed in the Schedule to this By-law, submitting therewith plans drawn in accordance with the following requirements:

- (i) (aa) The plans shall be drawn in black ink on tracing linen or stout durable drawing paper or shall be linen prints with black lines on a white background.
    - (bb) Such form and plans shall be in duplicate (one set of which shall become the property of the Municipality) and shall be dated and signed in ink by the applicant or by a person authorised by such a person in writing to sign on his or her behalf, and all alterations and corrections to such form and plans shall be similarly dated and signed.
  - (ii) (aa) Where the sign is to be affixed to a building, the plans shall include an elevation and a section of the façade and, where necessary, of the roof of the building, drawn to a scale of 1:100 upon which shall be depicted the sign, any other signs affixed to such façade or roof and enough of the main architectural features of such façade or roof to show the position of the sign in relation to such other signs and features.
  - (bb) The location of the sign relative to the ground level and, where necessary, the kerb line shall also be shown on such elevation and section.
  - (iii) Where the sign is not to be affixed to a building, the location of the sign relative to the ground level and, where necessary, the kerb line shall be shown on an elevation, plan and section drawn to a scale of 1:100.
  - (iv) Elevations, including full particulars of the subject matter as defined in section 6, plans and sections of the sign itself as may be necessary to show whether it complies with this By-law, accurately drawn to a large enough scale (but in no event less than 1:50) shall also be included.
  - (v) The plans shall depict full details of the structural supports of the sign, drawn to a scale of 1:20.
  - (vi) The plans shall also include a site plan, drawn to a scale of 1:200, showing clearly and accurately the position of the sign and the building, if any, to which it is to be attached, in relation to such of the boundaries of the erf as may be affected by such position, and giving the name of the abutting street and the distance to and the name of the nearest named cross-street, and showing the direction of true north.
  - (vii) The plans shall indicate the materials of which the sign is to be constructed, the manner in which the lettering thereon is to be executed, the colours to be used, and whether or not the sign is to be illuminated, and in the latter event the plans shall indicate whether or not the sign is a flashing sign, and if the sign is a flashing sign, full details of its periodicity and variations or changes in appearance shall be furnished.
- (2) (a) Notwithstanding the provisions of subsection (1), it shall be lawful, subject to the provisions of section 6(1), to display any poster and to replace any poster by another poster of the same size without the

consent of the Municipality, if any such poster as aforesaid is displayed at a cinema or theatre, or other place of public amusement, or on a hoarding, the erection and use of which for this purpose have been authorised by the Municipality, or is a poster which in terms of section 1 is deemed to be a flat sign.

- (b) The Municipality may, subject to such conditions as it may deem fit, grant permission for the display of posters on special occasions such as elections, festivities, university rag processions, etc.
- (3) The Municipality shall, within 21 days after receiving the form and plans referred to in subsection (1), specify to the applicant the provisions, if any, of this By-law, or of any other law that the Municipality is required or empowered to administer, with which such form or plans do not comply and the Municipality may, if it deems it necessary, return the form and plans to the applicant.
- (4) Where the form and plans comply with this By-law and any other law as aforesaid, the Municipality shall approve them and shall forward one set thereof to the applicant.
- (5) Approval granted in terms of subsection (4) shall become null and void if the sign has not been completed in accordance with the approved form and plans within 12 months of the date of such approval.

#### **Existing signs to comply with By-law**

- 4. (1) (a) Every sign existing at the date of the promulgation of this By-law shall be made to comply therewith in all respects within a period of 1 year from the date of such promulgation.
  - (b) Where any sign does not so comply after the said period of 1 year, it shall forthwith be removed.
- (2) Where any sign not complying with the provisions of this By-law has not been made to comply therewith within the aforementioned period of 1 year, or where any sign has been erected which is not in conformity therewith, the Municipality may order the owner thereof to remove such sign.
- (3) Whenever, through change of ownership or occupancy or change in the nature of the business, industry, trade or profession conducted on any premises or through the erection of new traffic signal lights or through an alteration in the level or position of any street, footway or kerb, or through any other cause whatsoever, a new sign ceases to comply with this By-law, such sign shall be forthwith removed, obliterated or altered by the person displaying such sign so as to comply with this By-law.

#### **Enforcement**

- 5. (1) Any person who displays or attempts to display a new sign or who alters or adds to, or attempts to alter or add to, an existing sign without the prior approval of the Municipality given in terms of section 3, where such approval is required by the said section 3, shall be guilty of an offence.
- (2) Any such person shall forthwith, after service on him or her of an order in writing to that effect under the hand of the authorised employee of the

Municipality, cease or cause to cease all work on the display of such new sign, or shall cease or cause to cease any alteration or addition to such existing sign, as the case may be, and any such person who fails to comply with such order shall be guilty of an offence.

- (3) Any person who, having obtained such approval, does anything in relation to any sign which is a departure from any form or plan approved by the Municipality shall be guilty of an offence.
- (4) Any such person shall forthwith, after the service upon such a person, of an order in writing to that effect under the hand of the authorised employee of the Municipality, discontinue or cause to be discontinued such departure, and any person who fails to comply with such order shall be guilty of an offence.
- (5) Whether or not any such order as is referred to in subsections (2) and (4) has been served on any such person, the Municipality may serve upon such person an order in writing requiring such person forthwith to begin to remove or obliterate such sign or anything referred to in subsection (3) and to complete such removal or obliteration by a date to be specified in such order, which date may be extended by the Municipality as it may deem fit.
- (6) If before the date for completion of the removal or obliteration required by such order such person satisfies the Municipality that such a person has complied with this By-law, the Municipality may withdraw such order.
- (7) Where any person displaying a sign contravenes any of the provisions of this By-law other than those relating to the matters referred to in subsections (1) and (3), the authorised employee of the Municipality may serve a notice in writing under his or her hand upon such person, and in such notice shall cite the provisions contravened and shall specify the things to be done in order that such provisions may be complied with.
- (8) Any person who fails to comply with any order referred to in subsection (5) or with the terms of any notice referred to in subsection (7) shall be guilty of an offence, and in addition the Municipality itself may give effect to such order or notice at the expense of such person.

#### **Subject matter of signs**

6. (1) No sign on any premises shall contain any words, letters, figures, symbols, pictures or devices (hereinafter called "subject matters") unless every part of such subject matter falls into one or more of the following categories:
  - (a) The name, address and telephone number of such premises or part thereof.
  - (b) The name of the occupier of such premises or part thereof.
  - (c) A general description of the type of trade, industry, business or profession lawfully conducted on such premises or part thereof by the occupier thereof.
  - (d) Any information, recommendation or exhortation concerning, or any name, description, particulars or other indication of –

- (i) any goods, not being samples, regularly and lawfully manufactured, kept and sold or kept and offered for sale on such premises; or
- (ii) any services regularly and lawfully rendered or offered on such premises; or
- (iii) any catering or any entertainment or amusement or any cultural, educational, recreational, social or similar facilities lawfully provided or made available on such premises, or any meeting, gathering or function lawfully held on such premises:

Provided that this paragraph shall not be construed as permitting any subject matter, which, in the opinion of the Municipality, is an evasion of or not in accordance with the intent of this paragraph.

- (2) Notwithstanding the provisions of subsection (1), in the case of any premises partly or wholly used for residential purposes, no sign other than the name of such premises shall be displayed on the part of such premises used for residential purposes.
- (3) The provisions of this section shall not apply to any sign referred to in paragraphs (i), (ii), (iv), (vi), (vii), (viii), (ix), (x), (xi), (xv) or (xvi) of section 22(2).
- (4) Where a sign is displayed by means of a device whereby a series of consecutive signs is displayed at one place, the provisions of subsection (1) shall, subject to the following conditions, not apply to any such sign so displayed:
  - (a) No sign in such series, other than a sign permitted in terms of subsection (1), shall be displayed on any one occasion for a longer period than 20 seconds.
  - (b) The individual signs consecutively displayed within any particular 10-minute period shall all be completely different from one another in so far as their subject matter is concerned: Provided that this paragraph shall not apply to any sign permitted in terms of subsection (1).
  - (c) Where such device is capable of displaying news or of providing entertainment, it shall not be operated in any position or place where in the opinion of the Municipality such operation may bring about or aggravate congestion of vehicular or pedestrian traffic.
  - (d) No such device whether or not it is capable of displaying news or of providing entertainment shall be operated in any position or place where in the opinion of the Municipality such operation or any gathering of persons brought about thereby may detract from the amenities of the neighbourhood or to depreciate property or to cause a public nuisance.
  - (e) No such sign shall have a clear height of less than 9 m.
  - (f) Notwithstanding the granting of approval by the Municipality for the display of signs referred to in this subsection, the Municipality shall be entitled at any time thereafter to revoke such approval if it is satisfied that the display of such signs is in contravention of paragraph (a), (b) or

(e) or is bringing or has brought into existence the conditions referred to in paragraph (c) or (d).

- (5) (a) Where the Municipality, by notice in writing informs any person displaying signs referred to in subsection (4) of the revocation of its approval for such display, such person shall forthwith cease to display such signs and shall remove the device by means whereof such signs are displayed by a date to be specified in such notice, which date may be extended by the Municipality as it may deem fit.
- (b) Any person who fails to comply with any notice referred to in paragraph (a) shall be guilty of an offence, and in addition the Municipality itself may give effect to such notice at the expense of such person.

### **Signs allowed on buildings**

7. The following signs and no others may be affixed to or painted on buildings: Provided that the Municipality may prohibit the erection of certain or all of the undermentioned signs or the use of certain colours therein:

- (a) Flat signs.
- (b) Projecting signs.
- (c) Sky signs.
- (d) Signs affixed to or painted on verandahs or balconies.
- (e) Signs painted on sunblinds affixed to buildings.
- (f) Any sign referred to in paragraphs (i), (ii), (iv), (vi), (vii), (viii), (ix), (x), (xi), (xii), (xiii), (xiv), (xv) and (xvi) of section 22(2), if all the conditions applicable to such sign are complied with.

### **Flat signs**

8. (1) Flat signs shall not exceed, in aggregate area, 40 m<sup>2</sup> or one-quarter of the overall area of the main wall to which they are affixed or on which they are painted, whichever of these figures is the lesser: Provided that the Municipality may fix a lesser aggregate area for any flat sign.
- (2) No flat sign shall extend above the top of such main wall or beyond either end of such main wall.
- (3) (a) Where a building which is adjacent to another building, and which extends over the boundary line of the prospective width of a proclaimed road or public street, is demolished either wholly or partially and is reconstructed in such a manner that it no longer extends over the aforementioned boundary line, no flat sign shall be permitted on the sidewall of such other building facing the building so reconstructed, in so far as the said sidewall extends over the aforementioned boundary line.
- (b) For the purpose of this section –
  - (i) “prospective width” in relation to a proclaimed road shall mean the statutory width as contemplated by any enactment promulgated by any legislative body which has legal competency to pass legislation on such a matter and in relation to a public road shall mean the width whereto it is to be

widened in accordance with a town planning scheme whether in the course of preparation, awaiting approval or in operation;

- (ii) "adjacent" shall mean a distance of 6 m or less.

#### **Projecting signs**

9. (1) No part of any projecting sign shall project in front of the main wall to which such sign is affixed to a greater extent than –
- (i) 1,5 m in the case of a sign which has a clear height of not less than 7,5 m; or
- (ii) 1 m in the case of any other sign:
- Provided, however, that where such a sign has a clear height of less than 7,5 m –
- (a) any portion of such sign which is not more than 600 mm in depth may project as aforesaid to an extent of more than 1 m, but not more than 1,5 m: Provided further that there shall be a clear vertical distance of not less than 3,6 m between any two successive portions, if any, so projecting; and
- (b) any such sign which is not more than 600 mm in depth may project as aforesaid to an extent of more than 1 m, but not more than 1,5 m: Provided further that there shall be a clear vertical distance of not less than 3,6 m between any two such signs, if any, which are in the same vertical plane.
- (2) No projecting sign shall extend above the top of the main wall to which it is affixed.
- (3) The depth of a projecting sign shall not exceed one-and-a-quarter times the clear height of such sign.
- (4) A projecting sign shall not exceed 600 mm in thickness.

#### **Sky-signs**

10. (1) The depth of a sky-sign shall not exceed one-sixth of the clear height of such sky-sign.
- (2) No sky-sign shall project in front of a main wall of a building so as to extend, in plan, beyond the roof of such building in any direction.
- (3) The length of a sky-sign shall not exceed –
- (i) 14 m, if the depth of such sky-sign does not exceed 4,5 m; or
- (ii) 18 m, if the depth of such sky-sign exceeds 4,5 m.
- (4) Subject to the preceding provisions of this section the Municipality may allow a sky-sign in excess of 18 m in length whenever the street frontage of a site exceeds 55 m: Provided that –



- (i) such sky-sign shall consist of a single line of free standing, individual, cut-out, silhouette letters, symbols or emblems; and
- (ii) the length of such sky-sign shall not exceed one-third of the length of the road frontage of such site; and
- (iii) such sky-sign shall be erected parallel to the road frontage of such site; and
- (iv) if as a result of the road frontage of such site being reduced such sky-sign ceases to comply with the preceding provisions of this section, the owner of such site shall forthwith remove such sky-sign or alter it so as to comply with such provisions.

#### **Signs on verandahs and balconies**

11. (1) The following signs and no others may be affixed to or painted on verandahs and balconies:
  - (i) Signs affixed flat on to or painted on a parapet wall, balustrade or railing of a verandah or a balcony.
  - (ii) Signs affixed flat on to or painted on a beam or fascia of a verandah or a balcony.
  - (iii) Signs suspended below the roof of a verandah or the floor of a balcony.
- (2) No sign affixed to a parapet wall, balustrade or railing of a verandah or a balcony shall exceed 1 m in depth, or project above or below or beyond either end of such parapet wall, balustrade or railing, or project more than 250 mm in front of such parapet wall, balustrade or railing.
- (3) (a) No sign affixed to a beam or fascia of a verandah or balcony shall exceed 600 mm in depth, or project above or below or beyond either end of such beam or fascia, or project more than 250 mm in front of such beam or fascia.
- (b) Where any such sign is affixed to a beam which is at right angles to the building line and which is below the roof of a verandah or the floor of a balcony, such sign shall not exceed 1,8 m in length.
- (4) No sign suspended below the roof of a verandah or the floor of a balcony shall exceed 1,8 m in length or 600 mm in depth and every such sign shall be at right angles to the building line.
- (5) Notwithstanding the foregoing, it shall be permissible to erect a sign on the roof of a verandah or balcony: Provided that –
  - (i) such sign shall be composed of a single line of free-standing, individual, cut-out silhouette letters;
  - (ii) such sign shall lie in the vertical plane passing through the foremost edge of such roof, being an edge parallel to the kerb line;

- (iii) the subject matter of such sign shall be limited to that referred to in paragraphs (a), (b) and (c) of section 6(1); and
  - (iv) the depth of such sign shall not exceed 600 mm.
- (6) Notwithstanding the provisions of section 17(1), it shall be permissible for a sign suspended below the roof of a verandah or the floor of a balcony to be bordered by a running light: Provided that such running light border shall be not more than 75 mm in width.

#### **Signs over footways forming part of public roads and public roads**

12. (1) Any sign projecting over a footway forming part of a public road shall be not less than 2,4 m in clear height: Provided that a flat sign in the form of a showcase for the display of goods may project not more than 50 mm over such footway if such footway is not less than 1,5 m wide, irrespective of the clear height of such showcase.
- (2) Any sign projecting more than 150 mm over any place where persons may walk, if such place is not a footway forming part of a public road, shall be not less than 2,1 m in clear height.
- (3) No part of a sign projecting over a footway forming part of a public road shall be nearer than 300 mm to a vertical plane through the kerb line of such footway.
- (4) Where a public road has no footway, signs may project over the carriageway of such public road if such signs are not less than 6 m in clear height.

#### **Prohibited signs**

13. (1) Notwithstanding anything in this By-law contained, the following types of signs are prohibited:
- (a) Swinging signs, loose portable signs (other than signs designed for the purpose of being carried through the streets and signs on portable racks or other articles for containing and displaying goods), aerial signs and other signs not rigidly fixed.
  - (b) Posters, except –
    - (i) any poster referred to in section 3(2) of this By-law;
    - (ii) any poster comprising any such sign as is referred to in paragraph (i), (ii), (iii), (iv), (v), (vi), (vii), (x), (xv) or (xvi) of section 22(2) of this By-law.
  - (c) Any sign which is so placed as to obstruct, obscure, interfere with, or otherwise be likely to introduce confusion into the effective working of any traffic sign.
- (2) No person shall exhibit in any place to which the public has access or shall expose to public view, any advertisement, placard, poster, engraving, picture, drawing, print or photograph of an indecent, obscene, repulsive, revolting or

objectionable character, or of a nature calculated to produce a pernicious or injurious effect on the public or any particular class of persons.

- (3) Any person contravening the provisions of subsection (2) shall be guilty of an offence.

**Signs on walls, fences and hoardings**

- 14. (1) Except as in section 22 provided, no sign shall be affixed to or painted on a wall (other than a wall of a building), a fence or a hoarding, unless in the opinion of the Municipality such wall, fence or hoarding serves primarily either to conceal a condition or attribute of the property on which such wall, fence or hoarding is erected, which condition or attribute is unsightly by reason of the use to which such property is lawfully being put, or unless such wall, fence or hoarding is a temporary measure to protect the public in the neighbourhood of building, demolition or similar operations.
- (2) In granting its approval in terms of section 3 for the affixing or painting of any such sign, the Municipality may grant such approval for a limited period only, and the provisions of section 6 shall not apply to such sign.
- (3) Every such sign affixed or painted in terms of this section shall comply with the following requirements:
  - (i) No such sign shall exceed 3 m in depth or 4,2 m in overall height.
  - (ii) Poster signs shall be enclosed with definite panels, which shall be uniform in size and level.

**Signs on poles and other structures**

- 15. (1) Except as in section 22 provided, no sign shall be affixed to or painted on a pole or any other structure which is not a building, wall, fence or hoarding unless –
  - (i) such sign is indispensable for the effectual conduct of the activity in connection with which it is displayed; and
  - (ii) either –
    - (aa) it is impracticable to display a sign effectually at the premises concerned except by affixing a sign to or painting a sign on a pole or other structure as aforesaid; or
    - (bb) in die opinion of the Municipality a particular sign intended to be affixed to or painted on a pole or other structure as aforesaid would not detract from the amenities of the neighbourhood or depreciate neighbouring property to a greater extent than a sign capable of being displayed at the premises in conformity with any other section of this By-law would do.
- (2) Where in the opinion of the Municipality serious difficulty is experienced by the public in finding the way to a factory in an industrial zone the Municipality may permit the erection of a signboard on a pole on a vacant erf in such zone for purposes of indicating the direction to such factory, subject to the following conditions:

- (i) Not more than one such signboard shall be erected on any one erf, but it shall be permissible to indicate the direction to more than one factory on any such signboard.
  - (ii) The subject matter of the signs on such signboard shall be limited to the names of the factories concerned, the names of their occupiers, and essential directional information and the lettering employed shall not exceed 100 mm in height.
- (3) Where in its opinion this is reasonably required, the Municipality may permit the erection of a signboard on a pole on a vacant erf in a township for the purposes of displaying thereon a map showing the street names and erf numbers of such township, together with the name and address of the owner of or agent for such township and the name of the township and such signboard shall not exceed 3,6 m<sup>2</sup> in area, and the lettering employed thereon shall not exceed 100 mm in height.
- (4) In granting its approval in terms of section 3 for the display of any sign referred to in subsection (1), (2) or (3) of this section the Municipality may grant such approval for a limited period only and on the expiry of such period the person displaying such sign shall forthwith remove it.

#### **Signs on vehicles and signs carried through the street**

16. (1) No person shall carry or cause to be carried in any public road any sandwich board, lantern, flag, banner, screen or other movable advertising device if such board, lantern, flag, banner, screen or other device hinders or obstructs traffic in such road, or is likely to do so.
- (2) No person shall drive or propel or cause to be driven or propelled in any public road any advertising van or other movable advertising device if such van or device hinders or obstructs traffic in such road, or is likely to do so.
- (3) Any person who contravenes the provisions of subsections (1) or (2) shall be guilty of an offence.

#### **Illuminated signs**

17. (1) No flashing sign shall be less than 9 m in clear height, and no illuminated sign shall be displayed in such a position that it is or is likely to be a danger to traffic or to cause confusion with traffic signals.
- (2) No sign that is so intensely illuminated as to create a nuisance shall be displayed.

#### **Structural requirements**

18. (1) (a) Every sign affixed to a building or structure shall be rigidly attached thereto.
- (b) Every sign which is affixed to the ground and every structure supporting a sign, which structure is affixed to the ground, shall be rigidly anchored to the ground.
- (c) Every sign and its supports and anchorages, and the building or structure, if any, to which it is affixed, shall be of adequate strength to

resist, with a safety factor of 4, the dead load of the sign and a superimposed horizontal wind pressure of 1,5 kPa.

- (2) All signs and supports thereof which are attached to brickwork or masonry shall be attached thereto by means of expansion bolts or by means of bolts passing through such brickwork or masonry and secured on the opposite side thereof and such bolts shall be not less than 12 mm in diameter.
- (3) Every sign affixed to a building or a wall shall be supported by at least 4 independent supports so designed and disposed that any 2 of such supports will safely support the sign with a safety factor of 2.
- (4) All exposed metalwork in a sign or its supports shall be painted or otherwise treated to prevent corrosion and all timber in a sign or its supports shall be treated with creosote or other preservative to prevent decay.
- (5) Every person displaying a sign shall cause such sign and its supports to be maintained in a safe condition at all times and any person who contravenes the provisions of this subsection shall be guilty of an offence.

#### **Use of glass**

19. All glass used in signs (other than glass tubing used in neon and similar signs) shall be plate glass at least 5 mm thick.

#### **Fire precautions**

20. (1) Except as in section 22 provided, all illuminated signs and supports thereof shall be of incombustible material: Provided that the Municipality may allow any sign approved in terms of sections 14 and 15 and any support for any such sign to be of combustible material.
- (2) No person shall display a sign in such a way or in such a position that it may, partly or completely, obscure a sign displayed by the Municipality to indicate the location of emergency equipment or a fire hydrant terminal.

#### **Electrical requirements**

21. (1) No sign shall be illuminated except by electricity from the Municipality's mains where such supply is available.
- (2) Every sign in connection with which electric current is used shall be provided with an external switch in a position to be determined by the Municipality whereby the electricity supply to such sign may be switched off.

#### **Exemptions**

22. (1) The provisions of this By-law shall not apply to any sign inside a building, except illuminated signs in shop windows.
- (2) There shall be exempted from the provisions of sections 3, 14, 15 and 20 any sign that falls into one or other of the following categories:

- (i) Any sign displayed by the Municipality or by any omnibus or tramway company lawfully authorised to conduct a system of transport for use by the public, and any sign affixed to a street pole with the written permission of the Municipality.
- (ii) Any sign inside a shop window.
- (iii) Any advertisement appearing in a newspaper or periodical sold on the streets, and any poster in connection therewith.
- (iv) Any sign temporarily displayed on the occasion of –
  - (aa) any public thanksgiving, rejoicing or mourning; or
  - (bb) any other public function or occasion to which the Municipality may apply the provisions of this paragraph.
- (v) Any sign displayed on any vehicle ordinarily in motion upon public roads, and any sign carried by such vehicle.
- (vi) Any unilluminated sign not projecting over a public road and not exceeding 0,60 m<sup>2</sup> in area, notifying only that the premises to which it is attached are to be sold on a date specified in such sign, or that a sale of furniture or household goods is to take place therein on a date specified in such sign (neither of which dates shall be more than 1 month after the date when the sign is first displayed): Provided that only 1 such sign is displayed on any public road frontage of such premises and that it is removed within 7 days after the said specified date.
- (vii) Any unilluminated sign not projecting over a public road and not exceeding 0,20 m<sup>2</sup> in area, notifying only that the premises to which it is attached are for sale or to let or that lodgers and boarders may be received therein: Provided that only 1 such sign is displayed on any public road frontage of such premises.
- (viii) Any unilluminated sign not projecting over a public road and not exceeding 1,2 m<sup>2</sup> in area, comprising only the name, address and telephone number of any building or premises not used for purposes of industry or trade, and attached to such premises: Provided that only 1 such sign is displayed on any public road frontage of such premises.
- (ix) Any unilluminated sign not projecting over a public road and not exceeding 0,20 m<sup>2</sup> in area, notifying only the types of trade, business, industry or profession lawfully conducted by any occupant of the premises to which it is attached, the name of such occupant, the address and telephone number of such premises and the hours of attendance (if any): Provided that only 1 such sign is displayed by any occupant on any public road frontage of such premises.
- (x) Any unilluminated sign not projecting over a public road and not exceeding 0,60 m<sup>2</sup> in area, advertising a function to be conducted on a date specified in such sign on the premises to which it is attached: Provided that such function is not conducted for the private gain of any individual: Provided further that such date is not more than 1 month after the date when such sign is first displayed and: Provided lastly that

only 1 such sign is displayed on any public road frontage of such premises and that it is removed within 7 days after the said specified date.

- (xi) Any unilluminated sign not projecting over a public road, which serves only for purposes of warning or indication of direction in relation to the premises to which such sign is attached, and which is no bigger or higher than is reasonably necessary for the effectual performance of its functions.
- (xii) Any sign painted directly on, or forming part of the permanent fabric of, a wall of a building.
- (xiii) Any sign painted or otherwise executed on the glass of any window.
- (xiv) Any sign painted directly on a verandah or balcony if it complies with section 11.
- (xv) Any sign required to be displayed by law.
- (xvi) Any sign displayed at premises upon which building operations are taking place relating to any services being provided, or any work being done, or any goods being supplied in connection with such operations: Provided that any such sign shall be forthwith removed when the provision of such services or the doing of such work or the supply of such goods, as the case may be, has ceased.

#### **Savings**

- 23. Nothing in this By-law contained shall be construed as affecting in any way rights belonging to, or duties imposed upon, the Municipality as the body in whom is lawfully vested the ownership of, or the control over, any public road or other place or thing whatsoever within its area of jurisdiction.

#### **Waiver of provisions**

- 24. (1) The Municipality may, if it deems it desirable to do so in the public interest, waive compliance with or relax the provisions of this By-law: Provided that any person whose rights are adversely affected by such waiver or relaxation shall not be bound thereby.
- (2) In each case in which such waiver or relaxation has been granted to any person, the Municipality shall serve a written notice upon such person citing the relevant provision waived or relaxed and the extent to which such provision has been waived and in addition, the Municipality shall keep a record containing an identical copy of each such notice, which record shall be available for inspection by members of the public at the offices of the Municipality.

#### **Penalty clause**

- 25. In addition to any offence created by a specific provision of this By-law, any person who contravenes or fails to comply with any provision of this By-law shall be guilty of an offence and liable upon conviction to a penalty not exceeding –
  - (i) a fine or imprisonment for a period of 1 year or either such fine or such imprisonment or both such fine and such imprisonment;

- (ii) in the case of a continuing offence, an additional fine of R50.00 or an additional period of imprisonment of 10 days or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued; and
- (iii) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as a result of such contravention or failure.

**Repeal of laws and savings**

26. (1) The following laws are hereby repealed:

...  
...

- (2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

**Short title**

27. This By-law shall be called the Advertising Signs and Disfigurement of the Fronts or Frontages of Streets By-law, 2007



By-law No. 7, 2007

BUILDING CONTROL BY-LAW, 2007

## BY-LAW

To provide for the control of buildings erected on land in the Lekwa-Teemane Local municipality; and for matters connected therewith.

**BE IT ENACTED** by the Lekwa-Teemane Local municipality, as follows:-

### Definitions

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

“**Act**” means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and shall include any regulation made in terms of section 17 of the Act;

“**building**” includes –

- (a) any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with -
  - (i) the accommodation or convenience of human beings or animals;
  - (ii) the manufacture, processing, storage, display or sale of any goods;
  - (iii) the rendering of any service;
  - (iv) the destruction or treatment of refuse or other waste materials;
  - (v) the cultivation or growing of any plant or crop;
- (b) any wall, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith;
- (c) any fuel pump or any tank used in connection therewith;
- (d) any part of a building, including a building as defined in paragraph (a), (b) or (c);
- (e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building;

“**building control officer**” means any person appointed or deemed to be appointed as building control officer by the Municipality in terms of section 5 of the Act;

“**Municipality**” means the Lekwa-Teemane Local municipality; and

“**Municipal Manager**” means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

**Buildings on land to be reflected on plans**

2. (1) Subject to the provisions of this By-law, the Municipality shall not issue a certificate referred to in section 118(1) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), regarding land, unless the Municipality is satisfied that –
- (a) any building erected on the land, in respect of which plans and specifications are to be drawn and submitted to the Municipality for approval in terms of the Act, is properly erected and maintained in accordance with such plans and specifications; and
  - (b) no building contemplated in paragraph (a), in respect of which plans and specifications have not been approved by the Municipality, is erected on the land; and
  - (c) any building erected on the land complies with all the requirements of the Act; or
  - (d) there is no building on the land,
- and in writing, makes a statement to that effect.
- (2) An application to the Municipality for the issue of a certificate referred to in section 118(1) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), shall, subject to section 4, be accompanied by the statement referred to in subsection (1).

**Application for and issue of statement**

3. (1) Any application for the issue of a statement referred to in section 2(1) shall –
- (a) be directed to the Municipal Manager;
  - (b) be in writing on the form made available by the Municipality for that purpose; and
  - (c) be accompanied by the prescribed fees.
- (2) The Municipal Manager shall refer the application to the building control officer, who shall do, or cause to be done, an inspection of the land concerned and make a recommendation regarding the application to the Municipality.
- (3) After the Municipality has considered the recommendations of the building control officer, it shall –
- (a) make the statement referred to in section 2(1); or
  - (b) refuse to make such statement,
- and forthwith, in writing, notify the applicant accordingly.

- (4) If the Municipality refuses to make the statement, it must provide written reasons for its decision when notifying the applicant of the decision and indicate what steps must be taken before a new application in terms of subsection (1) could again be submitted.

**Failure by the Municipality to act within a certain period**

4. Should the Municipality fail to act in accordance with section 3(3) within a period of 30 days after the application was made in terms of section 3(1), it shall be deemed that the Municipality has made the statement referred to in section 2(1).

**Delegation of powers**

5. The Municipality may, subject to such conditions as it may determine, delegate any of its powers under this By-law to the Municipal Manager.

**Short title**

6. This By-law shall be called the Building Control By-law, 2007

By-law No. 8, 2007 MUNICIPAL TAXI RANKS BY-LAW, 2007

## BY-LAW

To provide for the establishment, maintenance and management of municipal taxi ranks in the Lekwa-Teemane Local municipality; and for matters connected therewith.

**BE IT ENACTED** by the Lekwa-Teemane Local municipality, as follows:-

### Definitions

1. In this By-law, unless the context otherwise indicates –

“**bus**” means a bus as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

“**financial year**” means a year starting on the first day of July of any year and ending on the last day of June of the next year;

“**Manager: Traffic Services**” means the municipal traffic officer appointed by the Municipality as head of the component of the Municipality responsible for the administration of road traffic matters;

“**motor vehicle**” means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

“**Municipality**” means the Lekwa-Teemane Local municipality;

“**Municipal Manager**” means the person appointed by the Municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**municipal taxi rank**” means an area demarcated in terms of section 2(2) to be used by taxis displaying valid parking permit discs to park and load and off-load passengers and shall include the waiting area of such taxi rank;

“**municipal traffic officer**” means a traffic officer appointed by the Municipality in terms of the provisions of the National Road Traffic Act, 1996 (Act No. 93 of 1996), or an Act repealed by that Act, as the case may be;

“**parking permit disc**” means a disc issued in terms of section 4 to be displayed by a taxi making use of a municipal taxi rank;

“**taxi**” means any motor vehicle, except a bus, used for the conveyance of passengers and luggage, for hire or reward; and

“**this By-law**” shall include the rules to be observed at municipal taxi ranks as contemplated in section 2.

**Municipality may establish, maintain and manage municipal taxi ranks**

2. (1) The Municipality may, within its area of jurisdiction, establish, maintain and manage municipal taxi ranks.
- (2) A municipal taxi rank must be demarcated by notice in the *Provincial Gazette*.
- (3) At the entrance of each municipal taxi rank, as well as at the entrance of its waiting area, a signboard must be displayed setting out the rules to be observed at that rank or area, respectively, by –
  - (a) taxi drivers;
  - (b) taxi owners; or
  - (c) members of the public,who enters into, parks at or makes use of taxi services at that rank or area.
- (4) Rules contemplated in subsection (3) must be adopted by the Municipality and promulgated in the *Provincial Gazette*.

**Taxis to display parking permit discs when being driven into or parked at municipal taxi ranks**

3. (1) No taxi shall be driven into or parked at a municipal taxi rank without displaying a valid parking permit disc attached in the manner set out in subsection (2).
- (2) The parking permit disc referred to in subsection (1), shall be displayed on the left side of the front windscreen of the taxi, in such a manner that the face thereof may be clearly visible to, and the inscriptions thereon easily legible by a person standing in front of or to the left front of the taxi.
- (3) A parking permit disc shall –
  - (a) be of the design and contain the particulars set out in the Schedule; and
  - (b) be of a colour or made up of a combination of colours determined by the Municipality for the financial year concerned.

**Application for, issue and duration of a parking permit disc**

4. (1) The owner of a taxi, desirous to make use of the municipal taxi ranks, must apply to the Municipality in writing for the issue of a parking permit disc for each taxi to make use of any such rank.
- (2) An application for the issue of a parking permit disc must –
  - (a) be in the form determined by the Municipality;
  - (b) be directed to the Municipal Manager;
  - (c) be accompanied by the fees determined by the Municipality;

- (d) in respect of the next ensuing financial year, be made no later than the last day of April of each year.
- (3) On receipt of the application, the Municipal Manager must consider the application and, no later than the last day of May of the year concerned –
  - (a) issue the parking permit disc to the applicant; or
  - (b) in writing, notify the applicant that the application was not successful, stating the reasons for his or her decision.
- (4) If an application was turned down by the Municipal Manager –
  - (a) because of a shortcoming in the application that can be rectified by the applicant, the applicant may rectify the shortcoming and, without the payment of any further fee, submit the application again;
  - (b) for any other reason, a new application for the same period may not be brought for the same taxi, but the applicant may appeal against the decision of the Municipal Manager, in which case the provisions of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), shall *mutatis mutandis* apply.
- (5) In the case where application for the issue of a parking permit disc is made during a financial year for the remainder of that financial year, the Municipal Manager shall process and finalise the application within a reasonable time.
- (6) The owner of a taxi, making use of a municipal taxi rank, must –
  - (a) at all times keep written record of the identity of the driver of such taxi at any specific time, if he or she is not the driver of the taxi concerned;
  - (b) keep such records for at least one year after the end of the financial year in which it was made; and
  - (c) on request by a municipal traffic officer, make the records available for inspection by the Municipality.
- (7) A parking permit disc shall lapse at the end of each financial year.

#### **Presumption that owner drove or parked taxi**

5. Notwithstanding the provisions of section 4(6), the provisions of section 73 of the National Road Traffic Act, 1996 (Act No. 93 of 1996), shall, *mutatis mutandis* apply to a taxi making use of a municipal taxi rank.

#### **Seizure and impoundment of taxis at municipal taxi ranks**

6. (1) Over and above any prosecution in terms of this By-law, a municipal traffic officer may seize and impound a taxi at a municipal taxi rank for a period of 7 days –
- (a) if the taxi is driven into or parked at that taxi rank without displaying a valid parking permit disc in the manner set out in section 3(2);

- (b) if the taxi is parked and left unattended in contravention of any rule to be observed at that taxi rank by the owner or driver of a taxi making use of the taxi rank; or
  - (c) if an owner or driver of a taxi contravenes any rule to be observed at that taxi rank and after a direction by a municipal traffic officer to terminate such contravention, persists in his or her actions.
- (2) A taxi impounded by the Municipality in terms of subsection (1), must be returned to its owner on payment of the impoundment fees determined by the Municipality in respect of municipal taxi ranks, if the taxi is to be released before the 7-day period has expired.
- (3) No person may hinder, impede or obstruct a municipal traffic officer in the execution of his or her duties in accordance with subsection (1).

#### **Delegation**

7. The Municipal Manager may, in writing, delegate the powers and functions vested in him or her by section 4, to the Manager: Traffic Services.

#### **Penalty clause**

8. (1) Any person who contravenes or fails to comply with –
- (a) a legitimate direction given by a municipal traffic officer at a municipal taxi rank; or
  - (b) a provision of this By-law,
- shall be guilty of an offence.
- (2) Any person convicted of an offence in terms of subsection (1), shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

#### **Repeal of laws and savings**

9. (1) The following laws are hereby repealed:
- ...
- ...
- (2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

#### **Short title**

10. This By-law shall be called the Municipal Taxi Ranks By-law, 2007

**SCHEDULE**

(Section 3(3)(a))

1. A parking permit disc shall be circular in form, with a diameter of 75 millimeter.
2. The words "PARKING PERMIT • LEKWA-TEEMANE LOCAL MUNICIPALITY/PARKEERPERMIT • LEKWA-TEEMANE PLAASLIKE MUNISIPALITEIT" shall be printed on the disc and provision shall be made on the disc for inscriptions indicating –
  - (a) the name of the owner of the taxi;
  - (b) the registration number of the taxi;
  - (c) the financial year in respect whereof the permit was issued; and
  - (d) the number of the permit.



By-law No. 9, 2007

REFUSE REMOVAL BY-LAW, 2007

## **BY-LAW**

**To provide for a refuse removal service in the Lekwa-Teemane Local Municipality; and for matters connected therewith.**

**BE IT ENACTED** by the Lekwa-Teemane Local Municipality, as follows:-

### **ARRANGEMENT OF SECTIONS**

#### **CHAPTER 1 SERVICE FOR THE REMOVAL OF REFUSE**

1. Definitions
2. Removal of refuse
3. Notice to the Municipality
4. Provision of refuse bins or container units
5. Positioning of refuse bins, container units, etc.
6. Use and care of containers and bin liners

#### **CHAPTER 2 COMPACTION OF REFUSE**

7. Compaction of refuse

#### **CHAPTER 3 GARDEN REFUSE, BULKY GARDEN REFUSE AND OTHER BULKY REFUSE**

8. Removal and disposal of garden refuse, bulky garden refuse and other bulky refuse
9. The Municipality's special service
10. Responsibility for builders refuse
11. Containers
12. Disposal of builders refuse

#### **CHAPTER 4 SPECIAL INDUSTRIAL REFUSE**

13. Notification of generation of special industrial refuse
14. Storing of special industrial refuse
15. Removal of special industrial refuse

#### **CHAPTER 5 DISPOSAL SITES**

16. Conduct at disposal sites
17. Ownership of refuse

#### **CHAPTER 6 LITTERING, DUMPING AND ANCILLARY MATTERS**

18. Littering and dumping
19. Abandoned things

## CHAPTER 7 GENERAL PROVISIONS

- 20. Access to premises
- 21. Accumulation of refuse

## CHAPTER 8 TARIFF CHARGES, PENALTIES AND REPEAL OF LAWS

- 22. Charges
- 23. Penalty clause
- 24. Repeal of laws and savings
- 25. Short title

## CHAPTER 1 SERVICE FOR THE REMOVAL OF REFUSE

### Definitions

- 1. In this By-law, unless the context otherwise indicates –

“**bin**” means a standard type of refuse bin with a capacity of 0,1 cubic meters or 85 litres as approved by the Municipality and which can be supplied by the Municipality. The bin may be constructed of galvanised iron, rubber or polythene;

“**bin liner**” means a plastic bag approved by the Municipality which is placed inside a bin with a maximum capacity of 0,1 cubic meters. These bags must be of a dark colour, 950 mm x 750 mm in size, of low density minimum 40 micrometer diameter or 20 micrometer diameter high density;

“**builders refuse**” means refuse generated by demolition, excavation or building activities on premises;

“**bulky garden refuse**” means refuse such as tree stumps, branches of trees, hedge stumps and branches of hedges and any other grade refuse of quantities more than 2 cubic meters;

“**bulky refuse**” means refuse which emanates from any premises, excluding industrial refuse, and which cannot by virtue of its mass, shape, size or quantity be conveniently accumulated or removed in a refuse bin with a bin liner;

“**business refuse**” means refuse generated by the use of premises other than a private dwelling-house used solely as a residence, but shall not include builders refuse, bulky refuse, domestic refuse or industrial refuse;

“**domestic refuse**” means refuse normally originating from a building used for dwelling purposes, including flats, hospitals, schools, hostels, compounds, benevolent societies, churches and halls situated on private property and which can be easily removed without damaging the bin liner;

“**garden refuse**” means refuse which is generated as a result of normal gardening activities such as grass cuttings, leaves, plants and flowers;

“**Municipality**” means the Lekwa-Teemane Local municipality;

“**occupier**” means any person who occupies any premises or part thereof, without regard to the title under which he or she occupies;

“**owner**” means –

- (a) the person in whom from time to time is vested the legal title to the premises;
- (b) in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, manager, liquidator or other legal representative;
- (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 such premises or a building thereon;
- (d) in the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof;
- (e) in relation to –
  - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), and without restricting the above, the developer or the body corporate in respect of the common property; or
  - (ii) a section as defined in that Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;
- (f) any legal person including, but not limited to –
  - (i) a company registered in terms of the Companies Act, 1973 (Act No. 61 of 1973), a trust *inter vivos*, a trust *mortis causa*, a close corporation registered in terms of the Close Corporations Act, 1984 (Act No. 69 of 1984), a voluntary association;
  - (ii) any Department of State;
  - (iii) any municipality or board established in terms of any legislation applicable in the Republic of South Africa;
  - (iv) any embassy or other foreign entity;

“**public place**” means any road, street, square, park, recreation ground, sport ground, sanitary lane or open space which has –

- (a) in connection with any subdivision or layout of land into erven, lots of plots, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, lots of plots, whether or not it is shown on a general plan, plan of subdivision or diagram;
- (b) at any time been dedicated to the public;
- (c) been used without interruption by the public for a period of at least 30 years expiring after 31 December 1959; or

- (d) at any time been declared or rendered as such by the Municipality or other competent authority;

“**special industrial refuse**” means refuse, consisting of a liquid or sludge, resulting from a process or the pre-treatment for disposal purposes of any industrial liquid waste, which in terms of the Municipality’s By-laws may not be discharged into a drain or sewer; and

“**tariff**” means the tariff of charges as determined from time to time by the Municipality.

#### **Removal of refuse**

2. (1) The Municipality shall provide a service for the collection and removal of business and domestic refuse from premises at the tariff determined by the Municipality.
- (2) The occupier of the premises on which business or domestic refuse is generated, shall avail himself or herself of the Municipality’s service for the collection and removal of such refuse, except where special exemption is granted by the Municipality.
- (3) The owner of the premises on which business or domestic refuse is generated, shall be liable to the Municipality for all charges in respect of the collection and removal of refuse from such premises.

#### **Notice to the Municipality**

3. The occupier of the premises, or in the case of premises being occupied by more than one person, the owner of such premises on which business refuse or domestic refuse is generated, shall within seven days after the commencement of the generation of such refuse notify the Municipality –
- (a) that the premises is being occupied;
- (b) whether business refuse or domestic refuse is being generated on the premises.

#### **Provision of refuse bins or container units**

4. (1) The Municipality shall determine the type and number of containers required on a premises.
- (2) If a container is supplied by the Municipality, such container shall be supplied free of charge, or at the ruling prices, or at a hiring tariff, as the Municipality may determine;
- (3) If required by the Municipality, the owner of a premises shall be responsible for the supply of a pre-determined number and type of containers.
- (4) The Municipality may supply container units to a premises if, having regard to the quantity of business refuse generated on the premises concerned, the suitability of such refuse for storage in refuse bins, and the accessibility of the space provided by the owner of the premises in terms of section 5 to the Municipality’s refuse collection vehicles, if it considers container units more appropriate for the storage of the refuse than refuse bins: Provided that container units shall not be supplied to the premises unless the space provided by the owner of the premises in terms of section 5 is accessible to the Municipality’s refuse collection vehicles for container units.

**Positioning of refuse bins, container units, etc.**

5. (1) The owner of the premises shall provide adequate space on the premises for the storage of the refuse bins supplied by the Municipality in terms of section 4 or for the equipment and containers mentioned in section 7(1).
- (2) The space provided in terms of subsection (1) shall –
- (a) be in such a position on the premises as will allow the storage of refuse bins without the bins being visible from a street or other public place;
  - (b) where domestic refuse is generated on the premises –
    - (i) be in such a position as will allow the collection and removal of refuse by the Municipality's employees without hindrance;
    - (ii) be not more than 20 m from the entrance to the premises, used by the Municipality's employees;
  - (c) if required by the Municipality, be so located as to permit convenient access to and egress from such space for the Municipality's refuse collection vehicles;
  - (d) be sufficient to house any receptacle used in the sorting and storage of the refuse contemplated in subsections 6(1)(a)(i) and 7(9), as well as any such refuse not being stored in a receptacle: Provided that this requirement shall not apply in the case of buildings erected, or the building plans whereof have been approved, prior to the coming into operation of this By-law.
- (3) The occupier of the premises, or in the case of premises being occupied by more than one person, the owner of such premises shall place the refuse bins supplied in terms of section 4, in the space provided in terms of subsection (1) and shall at all times keep them there.
- (4) Notwithstanding anything to the contrary in subsection (3) contained –
- (a) in the case of buildings erected, or of which the building plans have been approved prior to the coming into operation of this By-law; and
  - (b) in the event of the Municipality, in its opinion being unable to collect and remove business refuse from the space provided in terms of subsection (1),

the Municipality may, having regard to the avoidance of nuisance and the convenience of collection of refuse, indicate a position within or outside the premises where the refuse bins shall be placed for the collection and removal of such refuse and such refuse bins shall then be placed in such position at such times and for such periods as the Municipality may determine.

**Use and care of containers and bin liners**

6. (1) Every occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises shall ensure that –

- (a) all the domestic or business refuse generated on the premises is placed and kept in bin liners for removal by the Municipality: Provided that the provisions of this subsection shall not prevent any occupier or owner, as the case may be –
    - (i) who has obtained the Municipality's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption;
    - (ii) from utilising such domestic refuse as may be suitable for making compost;
  - (b) no hot ash, unwrapped glass or other business or domestic refuse which may cause damage to bin liners or which may cause injury to the Municipality's employees while carrying out their duties in terms of this By-law, is placed in bin liners before he or she has taken such steps as may be necessary to avoid such damage or injury;
  - (c) no material, including any liquid which, by reason of its mass or other characteristics, is likely to render such bin liners unreasonably difficult for the Municipality's employees to handle or carry, is placed in such bin liners;
  - (d) every container on the premises is covered, save when refuse is being deposited therein or discharged therefrom, and that every container is kept in a clean and hygienic condition;
  - (e) no person deposits refuse in any other place than in the containers provided for that purpose.
- (2) No container may be used for any purpose other than the storage of business, domestic or garden refuse and no fire shall be lit in such container.
  - (3) In the event of a container having been delivered to premises in terms of subsection 4(4), the occupier of such premises shall, 24 hours before the container is likely to be filled to capacity, inform the Municipality thereof.
  - (4) The owner of premises to which bins or container units have been supplied in terms of section 4 or 11, shall be liable to the Municipality for the loss thereof and for any damage caused thereto, except for such loss or damage as may be caused by the employees of the Municipality.
  - (5) Plastic bin liners with domestic or garden refuse, or both, shall be properly closed and be placed outside the property next to the fence and near the entrance or access road before 07:00 on the day determined by the Municipality for removal of refuse.

## CHAPTER 2

### COMPACTION OF REFUSE

#### Compaction of refuse

7. (1) Should the quantity of domestic or business refuse generated on premises be such that, in the opinion of the Municipality, the major portion of such refuse is compactable, or should the owner or occupier of premises wish to compact such refuse, such owner or occupier, as the case may be, shall increase the density of that portion of such refuse as is compactable by means of approved equipment designed to shred or compact refuse and shall put the refuse so treated into an approved plastic, paper or other disposable container or into a compaction unit container, and the provisions of section 4 shall not apply to such compactable refuse.
- (2) The capacity of the plastic, paper or other disposable container referred to in subsection (1) shall not exceed 0,1 cubic meters.
- (3) After the refuse, treated as contemplated in subsection (1), has been put into a plastic, paper or other disposable container, such container shall be placed in a container or container unit.
- (4) Insofar as the provisions of subsection (1) make the compaction of domestic or business refuse compulsory, such provisions shall not apply until a period of 6 months has elapsed from the date of the serving of a notice to this effect by the Municipality.
- (5) "Approved" for the purpose of subsection (1), shall mean approved by the Municipality, regard being had to the suitability of the equipment or container for the purpose for which it is to be used, as well as the reasonable requirements of the particular case from a public health, storage and refuse collection and removal point of view.
- (6) The containers mentioned in subsection (1) shall be supplied by the owner or the occupier, as the case may be.
- (7) If the container referred to in subsection (1) is made of steel, such container shall, after the collection thereof and after it has been emptied by the Municipality, be returned to the premises.
- (8) The Municipality shall remove and empty the containers referred to in subsection (1) at such intervals as the Municipality may deem necessary in the circumstances.
- (9) The provisions of this section shall not prevent any owner or occupier of premises, as the case may be, after having obtained the Municipality's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption.

### CHAPTER 3

#### GARDEN REFUSE, BULKY GARDEN REFUSE AND OTHER BULKY REFUSE

##### Removal and disposal of garden refuse, bulky garden refuse and other bulky refuse

8. (1) The occupier, or in the case of premises occupied by more than one person, the owner of premises on which garden refuse, bulky garden refuse or other bulky refuse is generated, shall ensure that such refuse be disposed of in terms of this Chapter within a reasonable time after the generation thereof.
- (2) Any person may remove and dispose of garden refuse, bulky garden refuse or other bulky refuse.
- (3) Garden refuse, bulky garden refuse or other bulky refuse removed from the premises on which it was generated, shall be disposed of on a site designated by the Municipality as a disposal site for such refuse.

##### The Municipality's special service

9. At the request of the owner or any occupier of any premises, the Municipality shall remove bulky garden refuse and other refuse from premises, if the Municipality is able to do so with its refuse removal equipment. All such refuse shall be placed within 3 m of the boundary loading point, but not on the sidewalk.

##### Responsibility for builders refuse

10. (1) The owner of premises on which builders refuse is generated and the person engaged in the activity, which causes such refuse to be generated, shall ensure that –
- (a) such refuse be disposed of on the terms of section 12 within a reasonable time after the generation thereof;
- (b) until such time as builders refuse is disposed of, such refuse, together with the containers used for the storing or removal thereof, be kept on the premises on which it was generated.
- (2) Any person may operate a builders refuse removal service. Should the Municipality provide such a service, it shall be done at the prescribed tariff.

##### Containers

11. (1) If containers or other receptacles used for the removal of builders refuse, bulky refuse or other waste material from premises can, in the opinion of the Municipality, not be kept on the premises, such containers or other receptacles may, with the written consent of the Municipality, be placed in the roadway for the period of such consent.
- (2) Any consent given in terms of subsection (1), shall be subject to such conditions as the Municipality may deem necessary: Provided that in giving or refusing its consent or in laying down conditions, the Municipality shall have regard to the convenience and safety of the public.
- (3) Every container or other receptacle used for the removal of builders refuse shall –



- (a) have clearly marked on it the name and address or telephone number of the person in control of such container or other receptacle;
- (b) be fitted with reflecting chevrons or reflectors, which shall completely outline the front and the back thereof; and
- (c) be covered at all times, other than when actually receiving or being emptied of such refuse, so that no displacement of its contents or dust nuisance may occur.

#### **Disposal of builders refuse**

12. (1) Subject to the provisions of subsection (2), all builders refuse shall be deposited at the Municipality's refuse disposal sites, after the person depositing the refuse has paid the tariff charge therefor.
- (2) For the purpose of reclamation of land, builders refuse may, with the written consent of the Municipality, be deposited at a place other than the Municipality's refuse disposal sites.
- (3) Any consent given in terms of subsection (2), shall be subject to such conditions as the Municipality may deem necessary: Provided that in giving or refusing its consent or in laying down conditions, the Municipality shall have regard to –
- (a) the safety of the public;
  - (b) the environment of the proposed disposal site;
  - (c) the suitability of the area, including the drainage thereof;
  - (d) the expected manner and times of depositing of refuse at the site;
  - (e) the levelling of the site;
  - (f) the control of dust; and
  - (g) any other relevant factors.

### **CHAPTER 4**

#### **SPECIAL INDUSTRIAL REFUSE**

##### **Notification of generation of special industrial refuse**

13. (1) The person engaged in the activity, which causes special industrial refuse to be generated, shall inform the Municipality of the composition thereof, the quantity generated, how it is stored and how and when it will be removed.
- (2) If so required by the Municipality, the notification referred to in subsection (1), shall be substantiated by an analysis certified by a qualified industrial chemist.
- (3) Subject to the provisions of this By-law, any person duly authorised by the Municipality, may enter premises at any reasonable time to ascertain whether special industrial refuse is generated on such premises and may take samples and test any refuse found on the premises to ascertain its composition.

- (4) The person mentioned in subsection (1), shall notify the Municipality of any changes in the composition and quantity of the special industrial refuse that may occur from time to time.

#### **Storing of special industrial refuse**

14. (1) The person referred to in section 13(1), shall ensure that the special industrial refuse generated on the premises is kept and stored thereon in terms of subsection (2), until it is removed from the premises in terms of section 15.
- (2) Special industrial refuse stored on premises, shall be stored in such a manner that it does not become a nuisance or pollute the environment.
- (3) If special industrial refuse is not stored in terms of subsection (2) on the premises on which it is generated, the Municipality may order the owner of the premises and the person referred to in subsection 13(1), to remove such refuse within a reasonable time and, if thereafter such refuse is not removed within such time, the Municipality may remove it at the owner's expense.

#### **Removal of special industrial refuse**

15. (1) No person shall remove special industrial refuse from the premises on which it was generated without or otherwise than in terms of the written consent of the Municipality.
- (2) The Municipality may give its consent in terms of subsection (1), subject to such conditions as it may deem fit. In laying down conditions, the Municipality shall have regard to –
- (a) the composition of the special industrial refuse;
  - (b) the suitability of the vehicle and container to be used;
  - (c) the place where the refuse shall be dumped; and
  - (d) proof to the Municipality of such dumping.
- (3) The Municipality shall not give its consent in terms of subsection (1), unless it is satisfied that the person applying for such consent is competent and has the equipment to remove the special industrial refuse and complies with the conditions laid down by the Municipality.
- (4) The person referred to in subsection 13(1), shall inform the Municipality, at such intervals as the Municipality may stipulate, having regard to the information to be given to the Municipality in terms of subsection 13(1), of the removal of special industrial refuse, the identity of the remover, the date of such removal, the quantity and the composition of the special industrial refuse removed.
- (5) Should any person be caught in the act of contravening the provisions of this section, such person shall dispose of the refuse removed by him or her as directed by the Municipality.

## CHAPTER 5

### DISPOSAL SITES

#### Conduct at disposal sites

16. (1) Any person who, for the purpose of disposing of refuse, enters a refuse disposal site controlled by the Municipality shall –
  - (a) enter the disposal site only at an authorised access point;
  - (b) give the Municipality all the particulars required in regard to the composition of the refuse; and
  - (c) follow all instructions given to him or her in regard to access to the actual disposal point, the place where and the manner in which the refuse should be deposited.
- (2) No person shall bring intoxicating liquor onto a disposal site controlled by the Municipality.
- (3) No person shall enter a disposal site controlled by the Municipality for any purpose other than the disposal of refuse in terms of this By-law and then only at such times as the Municipality may from time to time determine.

#### Ownership of refuse

17. (1) All refuse removed by the Municipality and all refuse at disposal sites controlled by the Municipality shall be the property of the Municipality and no person who is not authorised by the Municipality to do so, may remove or interfere therewith.
- (2) Only refuse which is generated on premises within the Municipality's area of jurisdiction may be disposed of on the Municipality's refuse disposal sites.

## CHAPTER 6

### LITTERING, DUMPING AND ANCILLARY MATTERS

#### Littering and dumping

18. No person shall –
  - (a) throw, discard, deposit or spill any refuse of any nature into or onto any public place, vacant stand, vacant erf, stream or watercourse;
  - (b) sweep any refuse into a gutter on a public place; or
  - (c) allow any persons under his or her control to do any of the acts referred to in paragraphs (a) and (b).

#### Abandoned things

19. (1) Anything, other than a vehicle, left in a public place, and which may, having regard to –
  - (a) the place where it was left;

(b) the period that it was left; and

(c) its nature and condition,

be regarded as abandoned, may be removed and disposed of by the Municipality.

(2) If the identity of the owner of the abandoned thing is known to the Municipality, the Municipality may recover the costs concerning the removal and disposal of such thing, if any, from the owner.

(3) For the purpose of subsection (1), a shop trolley shall be deemed not to be a vehicle.

## CHAPTER 7

### GENERAL PROVISIONS

#### Access to premises

20. (1) Where the Municipality provides a refuse collection service, the occupier of premises shall grant the Municipality access to the premises for the purpose of collecting and removing refuse and shall ensure that nothing obstructs, frustrates or hinders the Municipality in the carrying out of its service.

(2) Where, in the opinion of the Municipality, the collection or removal of refuse from any premises is likely to result in damage to the premises or the Municipality's property, or injury to the refuse collectors or any other person, it may, as a condition for the provision of a refuse collection service to the premises, require the owner or occupier to indemnify it, in writing, in respect of any such damage or injury or any claims arising out of either.

#### Accumulation of refuse

21. If any category of refuse defined in Chapter 1 of this By-law accumulates on premises so as to constitute or so as to render it likely that a nuisance will be created thereby, the Municipality may make a special removal of such refuse and the owner shall be liable in respect of such special removal to pay the tariff charge therefor.

## CHAPTER 8

### TARIFF CHARGES, PENALTIES AND REPEAL OF LAWS

#### Charges

22. (1) Save where otherwise provided in this By-law, the person to whom any service mentioned in this By-law has been rendered by the Municipality, shall be liable to the Municipality for the tariff charge in respect thereof.

(2) Services rendered by the Municipality in respect of which a monthly tariff charge is prescribed, shall only be discontinued by the Municipality after receipt of a written notification from the owner or occupier of the premises to which the services are rendered, that the generation of domestic or business refuse on the premises has ceased, or when it has become obvious to the Municipality that the generation of such refuse on the premises has ceased.

- (3) Monthly tariff charges shall be payable until receipt by the Municipality of the notice mentioned in subsection (2), or when it has become obvious to the Municipality that the generation of such refuse on the premises has ceased.

**Penalty clause**

23. Any person who contravenes or fails to comply with any provision of this By-law shall be guilty of an offence and liable on conviction to a fine or, in default of payment, to imprisonment not exceeding 6 months, or to both a fine and such imprisonment.

**Repeal of laws and savings**

24. (1) The following laws are hereby repealed:

...  
...

- (2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

**Short title**

25. This By-law shall be called the Refuse Removal By-law, 2007

By-law No. 10, 2007

FIREWORKS BY-LAW, 2007

## BY-LAW

To provide for the regulation of the discharge of fireworks within the area of jurisdiction of the Lekwa-Teemane Local municipality; and for matters connected therewith.

**BE IT ENACTED** by the Lekwa-Teemane Local municipality, as follows:-

### Definitions

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

“**developed area**” means that portion of the area of jurisdiction of the Municipality which –

- (a) has by actual survey been subdivided into erven;
- (b) is surrounded by surveyed erven; or
- (c) is an informal settlement;

“**firework**” means a firework composition or a manufactured firework referred to in Division 1 or 2 of regulation 1.10 of the regulations issued in terms of the Explosives Act, 1956 (Act No. 26 of 1956), and published by Government Notice No. R1604 of 8 September 1972, as amended;

“**fireworks display**” means the discharge of a number of fireworks for religious, public or private purposes;

“**Municipality**” means the Lekwa-Teemane Local municipality; and

“**Municipal Manager**” means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

### Discharge of fireworks inside or near developed areas regulated

2. Except as part of a fireworks display and subject to this By-law, no person may, inside a developed area or within 500 metres of such area, discharge a firework.

### Permission to hold fireworks display

3. (1) No person may, without the prior written permission of the Municipality, hold a fireworks display.
- (2) Any person or group of persons who wants to hold a fireworks display, must apply for permission in writing, on the form provided by the Municipality, at least 30 days before such display is to be held.
- (3) An application referred to in subsection (2) must –
- (a) be directed to the Municipal Manager; and

- (b) be accompanied by the fees determined by the Municipality.
- (4) After receipt of the application, the Municipal Manager may –
  - (a) inspect, or cause to be inspected –
    - (i) the premises on which the fireworks display is to be held; and
    - (ii) the facilities and equipment to be used during the fireworks display; and
  - (b) grant the permission in writing, subject to such conditions as he or she may deem necessary in the interest of the safety and well-being of the community; or
  - (c) in writing, refuse to grant permission and state his or her reasons for such refusal.
- (5) The Municipal Manager must –
  - (a) when considering the application, amongst other matters, take into account what negative effects the proposed fireworks display might have on –
    - (i) the safety of the inhabitants of the neighbourhood and their property;
    - (ii) animals in the vicinity;
    - (iii) the serenity of the neighbourhood; and
  - (b) if the permission is granted, lay down conditions to prevent or remedy such possible negative effects.

#### **Penalty clause**

- 4. (1) Any person who contravenes or fails to comply with any provision of this By-law or any requirement or condition thereunder, shall be guilty of an offence.
- (2) Any person convicted of an offence in terms of subsection (1), shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

#### **Repeal of laws and savings**

- 5. (1) The following laws are hereby repealed:
  - ...
  - ...
- (2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

#### **Short title**

- 6. This By-law shall be called the Fireworks By-law, 2007

By-law No. 11, 2007

STANDING ORDERS, 2007

## BY-LAW

To provide for standing orders for the dispatch of business by the Council of the Lekwa-Teemane Local municipality; and for matters connected therewith.

**BE IT ENACTED** by the Lekwa-Teemane Local municipality, as follows:-

### Definitions

1. In this By-law, unless the context otherwise indicates –
  - “**Act**” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
  - “**budget**” means the estimate of the revenue and expenditure of the Council drawn up and presented by the Executive Committee in terms of national legislation;
  - “**chairperson of the Executive Committee**” means the Mayor;
  - “**Council**” means the Lekwa-Teemane Local Municipal Council;
  - “**Executive Committee**” means the committee as contemplated in section 42 of the Act;
  - “**Mayor**” means the person presiding at Executive Committee meetings as contemplated in section 49 of the Act;
  - “**meeting**” means a meeting of the Council or the Executive Committee, as the case may be;
  - “**member**” means a member of the Council or the Executive Committee, as the case may be;
  - “**motion**” means a motion introduced in writing in terms of section 21 or 50;
  - “**Municipality**” means the Lekwa-Teemane Local municipality;
  - “**Municipal Manager**” means a person appointed in terms of section 82 of the Act;
  - “**proposal**” means any proposal with the exception of a motion, moved and seconded during a meeting of the Council or a committee thereof; and
  - “**Speaker**” means the Speaker of the Council as contemplated in sections 36 and 37 of the Act; and
  - “**Systems Act**” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).



### **Removal of persons from Council chamber**

2. The Speaker may, subject to section 160(7) of the Constitution, at any time during a meeting, if for the maintenance of order he or she deems it necessary, direct the removal of any person other than a member from the Council chamber.

### **Signing of attendance register and wearing of robe during meetings**

3. Every member attending a meeting shall –
  - (a) sign his or her name in the attendance registers; and
  - (b) wear a robe, if the Council so resolves, which robe is provided for that purpose.

### **Adjournment in event of no quorum**

4. If at the expiration of fifteen minutes after the hour at which a meeting is appointed to be held a quorum has not assembled, no meeting shall take place unless the members present agree to allow further time not exceeding an additional ten minutes in order to enable a quorum to assemble. The members present may at any time after the expiry of the ten minutes aforesaid, by a majority of votes, request the Municipal Manager to convene a meeting at a convenient date and time, notice of which shall be given as provided for in section 115 of the Systems Act, and the provisions of section 7 shall apply *mutatis mutandis* to such meeting.

### **Count out of members**

5. If during any meeting, the attention of the Speaker is directed to the number of members present, such members shall be counted and, if it is found that there is no quorum, the Speaker shall cause this fact to be recorded in the minutes and the call bell to be rung for at least one minute and, if after an interval of five minutes a quorum has not yet assembled, the members present may by a majority of votes resolve to adjourn the meeting. If no such resolution be taken and after an interval of ten minutes there is no quorum, the meeting shall be considered adjourned until a time to be determined by the Municipal Manager.

### **Notice of adjourned meeting**

6. When a meeting is adjourned, notice of the adjourned meeting shall be served as provided for in section 115 of the Systems Act unless a proposal fixing the date and hour of such an adjourned meeting is adopted by at least three quarters of the members present (fractions to be reduced to the nearest number).

### **Adjourned meeting**

7. Subject to the provisions of section 8, no business shall be transacted at an adjourned meeting, except such as specified in the notice of the meeting which is adjourned.

### **Business limited by notice**

8. Subject to the provisions of section 50(1), no matter not specified in the notice of a meeting shall be transacted at that meeting, save an urgent report of the Executive Committee.

**Order of business of meeting**

9. (1) The order of business of an ordinary meeting shall be as follows:
- (a) Opening;
  - (b) Acceptance of notice of the meeting as read;
  - (c) Applications for leave of absence;
  - (d) Official notices –
    - (i) by the Speaker;
    - (ii) by members;
    - (iii) by the Municipal Manager;
  - (e) Speaker's unopposed proposals;
  - (f) Confirmation of minutes of previous meeting;
  - (g) Questions of which notice has been given;
  - (h) Motions or proposals referred from previous meetings;
  - (i) Report of the Executive Committee;
  - (j) New motions;
  - (k) Petitions;
  - (l) Closure.
- (2) After the matters referred to in paragraphs (a) to (f) of subsection (1) have been considered, the Council may at its discretion change the order of the other business appearing on the agenda.

**Minutes of meeting**

10. (1) Unless the minutes of a meeting are confirmed at the same meeting, the minutes shall be taken as read with a view to confirmation: Provided a copy thereof has been served on each member in the manner as provided for in section 115 of the Systems Act.
- (2) No motion, proposal or discussion shall be allowed on the minutes, except as to their accuracy.

**Questions by members**

11. (1) A member may put a question at a meeting –
- (a) on a matter arising out of or connected with any item of a report of the Executive Committee when such item has been called or during discussion thereon;

- (b) concerning the general work of the Council not arising out of or connected with any item of a report of the Executive Committee: Provided that such question may only be asked if at least seven day's prior notice in writing has been lodged with the Municipal Manager, who shall forthwith furnish a copy thereof to the Speaker and the chairperson of the Executive Committee.
- (2) A question on a matter which, in the opinion of the Speaker, is of urgent public importance, shall only be asked at a meeting after notice in writing thereon in duplicate has been lodged with the Municipal Manager at least ten minutes before the commencement of the meeting, and the Municipal Manager shall immediately furnish a copy thereof to the Speaker and the chairperson of the Executive Committee.
- (3) Any question put in terms of this section shall be replied to by or on behalf of the chairperson of the Executive Committee.
- (4) After a member's question has been replied to, he or she may ask for elucidation thereof and the question whether it has been decisively or fully replied to shall not be debated, except with the consent of the Speaker.
- (5) The Speaker may disallow a question if he or she is of the opinion that it is out of order or not put clearly.

#### **Reporting to the Executive Committee**

- 12. (1) A report of a head of department shall be directed to the Municipal Manager who must submit it to the Executive Committee.
- (2) The Municipal Manager may refer a report back to a head of department for factual amendment or amplification and he or she may, if he or she deems it necessary, comment on and make a recommendation in respect of any report contemplated in subsection (1).

#### **Composition of a report of the Executive Committee**

- 13. (1) A report submitted by the Executive Committee in terms of the Act, read with section 160(6)(a) to (c) of the Constitution, shall first contain the matters in respect of which recommendations are made (hereinafter referred to as the "first part") and thereafter those matters which have been delegated to –
  - (a) the Executive Committee; and
  - (b) committees contemplated in section 79 of the Act.
- (2) Unless any item is submitted to the Council for information only, every item of the first part shall contain a recommendation which may be adopted by the Council.

#### **Report shall be delivered**

- 14. A report of the Executive Committee, with the exception of a report accepted by the Speaker as a matter of urgency, shall be delivered in the manner provided for in the Act.

**Submission on report**

15. (1) The chairperson of the Executive Committee or member called upon by him or her to do so, shall submit a report of the Executive Committee, and in doing so, shall move:

**“that the report be considered”.**

- (2) A proposal referred to in subsection (1) shall not be discussed, and if the Council accepts such proposal, the Speaker shall put the recommendations contained in the first part of the report seriatim, unless for a good cause he or she sees fit to vary the order.
- (3) When a recommendation referred to in subsection (2) is accepted, it shall become a resolution of the Council.
- (4) At the conclusion of the first part of the report referred to in subsection (2), the Speaker shall permit discussion of the ensuing parts of the report: Provided that –
- (a) such discussion shall be limited to –
- (i) one hour in respect of the matters contemplated in section 13(1)(a); and
- (ii) 30 minutes per part in respect of the matters contemplated in section 13(1)(b);
- (b) a member, excluding the chairperson of the Executive Committee, shall not, unless permitted by the Council, speak for more than ten minutes, and when a member is permitted to speak for more than ten minutes, the Council shall decide on the period of time;
- (c) during such discussion, no other proposal shall be submitted, except a proposal that the Executive Committee or a committee contemplated in subsection 13(1)(b), as the case may be, be requested to reconsider its decision;
- (d) a member may during such discussion request that his or her opposition to any resolution in such ensuing part, and the reason therefor, be recorded, whereupon the Municipal Manager shall record or have such opposition recorded.

**Recommendations of Executive Committee shall be regarded as proposals**

16. It shall be deemed that the member who has made a proposal in terms of section 15, moves each recommendation contained in the report and that such proposal has been seconded.

**Withdrawal or amendment of recommendation**

17. The member who has made a proposal in terms of section 15, may withdraw or amend any recommendation contained in a report with the consent of the Council.

### **Reply to debate**

18. (1) The chairperson of the Executive Committee or the member who has made a proposal in terms of section 15, shall reply to and close the debate on any item in a report of the Executive Committee, without introducing new matters.
- (2) Notwithstanding the provisions of subsection (1), the Speaker or the member therein mentioned may make an explanatory statement or an announcement prior to the consideration of any particular item contained in the report of the Executive Committee or during the discussion of such a report.

### **Deputation**

19. (1) (a) A deputation desiring an interview with the Council shall submit a memorandum setting out the representations it wishes to make.
- (b) The Municipal Manager shall place the memorandum before the Executive Committee which may receive the deputation and deal with the matter raised in the memorandum in terms of the power delegated to it: Provided that the Executive Committee may dispense with the necessity of submitting a memorandum.
- (c) If the Executive Committee is of the opinion that the matter is one which should be placed before the Council, it shall so report to the Council and, if the Council so orders, an interview shall be granted to the deputation.
- (2) A deputation shall not exceed three in number and only one member thereof shall be at liberty to speak, except in reply to a question of a member. The matter shall not be further considered until the deputation has withdrawn.

### **Petition**

20. A petition may be presented by a member, but when presenting it, he or she shall not deliver a speech or comment thereon to the Council. Such a petition shall be referred to the Executive Committee who shall report to Council thereon.

### **Form of giving notice of motion**

21. (1) Every notice of motion shall be in writing and such motion shall be signed by the member submitting it.
- (2) A motion shall be given to the Municipal Manager, who shall enter it in a book to be kept for this purpose, which book shall be open to the inspection of members. The Municipal Manager shall without delay furnish each member with a copy of the motion.
- (3) At the request of the member who gave notice of the motion, the Municipal Manager shall acknowledge receipt thereof in writing.
- (4) Unless a notice of motion is received at least ten days before a meeting, it shall not be specified in the notice of such meeting.
- (5) Every motion shall be relevant to some question relating to the administration or conditions in the Municipality.

- (6) The member who introduces a motion may reply: Provided that when a proposal in terms of section 43(1)(b), (c), (d), (e), (f) or (g) is carried in respect of such motion, such member may reply for not more than ten minutes.

#### **Order of motions**

22. Every motion shall on receipt be dated and numbered and shall be entered by the Municipal Manager to the agenda in the order in which it is received, except in the case of notice of an amendment, which shall be entered immediately after such notice of motion, irrespective of the time upon which notice of motion to amend is received.

#### **Limitation of notices**

23. No member shall have more than one motion other than a deferred motion on the agenda paper and no member shall move more than six motions, which includes a motion contemplated in section 50(1), in any year.

#### **Motion to rescind any resolution passed within the preceding three months**

24. (1) When a member proposes a motion in terms of the provisions of section 21 which –
- (a) is aimed at the revocation or amendment of a resolution of the Council taken within the preceding three months; or
  - (b) has the same purport as a motion which has been negatived within the preceding three months,
- such motion shall be placed on the agenda only if the notice of such a motion is signed by three members in addition to the member who proposes such motion.
- (2) A motion similar to the one which was disposed of in terms of subsection (1), shall not again be proposed by a member before the expiry of six months after such disposal.
- (3) Notwithstanding the provisions of subsections (1) and (2), the Council may at any time rescind or amend a resolution in pursuance of a recommendation of the Executive Committee contained in a report in accordance with section 15.

#### **Procedure in respect of putting of motions**

25. (1) When motions come up for discussion, the Speaker shall read out the number of each motion and the name of the mover and shall ascertain which motions are unopposed.
- (2) An unopposed motion shall be carried immediately and without discussion.
- (3) If there is an opposed motion, the Speaker shall call for a seconder and he or she shall thereafter in turn put each such seconded motion.
- (4) A member who seconded a motion may subsequently speak upon such motion unless a proposal in terms of subsection 43(1)(b), (c), (d), (e), (f) or (g) in respect of such motion has been made and carried before the seconder has spoken.
- (5) A motion which is not put by the proposer thereof, or which is not seconded, shall lapse.

**Irregular motions or proposals**

26. The Speaker shall disallow a motion or proposal –
- (a) which in his or her opinion –
    - (i) might lead to the discussion of a matter already contained in the agenda or which is not relevant to some question relating to the administration or conditions in the Municipality; or
    - (ii) advances argument, expresses an opinion or contains unnecessary factual, incriminating, derogatory or improper allegations;
  - (b) in respect of which –
    - (i) the Council has no jurisdiction; or
    - (ii) a decision by a judicial or *quasi*-judicial body is pending; or
  - (c) which, if carried, will be in conflict with the provisions contained in these Standing Orders or of any other law, or will be unenforceable.

**Matter serves before Council by way of proposal**

27. (1) Subject to the provisions of sections 15(2) and 16, a matter shall not be deemed to be put to the Council for a decision, unless a proposal on such matter has been made and duly seconded.
- (2) The provisions of section 25(4) shall apply *mutatis mutandis* to a member seconding a proposal.

**Provisions relating to the consideration of the budget**

28. Notwithstanding anything to the contrary contained herein, the following provisions shall apply when the Council considers the budget:
- (a) A proposal, which will have the effect that estimated revenue or expenditure of the Council is increased or decreased, shall not be put before the debate on the budget has been closed.
  - (b) After the debate on the budget has been closed the Speaker shall put every proposal contemplated in paragraph (a) *seriatim*.
  - (c) If any such proposal is accepted, the budget shall not be deemed to be amended in accordance with that resolution and the meeting shall be postponed to a date and time determined by the Speaker, unless the chairperson of the Executive Committee or a member of that committee designated by him or her, decides that such postponement is not necessary.
  - (d) If, in terms of paragraph (c), it is decided that a postponement of the meeting is not necessary, the budget shall be deemed to have been amended in accordance with a resolution contemplated in that paragraph.

- (e) After a postponement contemplated in paragraph (c), the Executive Committee shall investigate the implication of every such resolution and shall report to the Council thereon at the resumption of the meeting.
- (f) After the Executive Committee has reported in terms of paragraph (e), the Speaker shall –
  - (i) allow a debate thereon;
  - (ii) thereafter again put every proposal contemplated in paragraph (c) and if any such proposal is accepted, the budget shall be amended in accordance with that resolution.

#### **Referral to Executive Committee of proposal affecting budget**

29. A motion or proposal, other than a proposal contemplated in section 16, which will have the effect that the approved budget is increased or decreased, shall not be accepted before the Executive Committee has reported thereon.

#### **Referral to the Executive Committee of motion or proposal affecting any matter contemplated in section 30(5) of the Act**

30. A motion or proposal, other than a recommendation of the Executive Committee, affecting a matter contemplated in section 30(5) of the Act shall, before the Council adopts a resolution thereon, be submitted to the Executive Committee to report and make a recommendation thereon.

#### **Withdrawal or amendment of motion or proposal**

31. (1) A mover may, with the Council's permission, withdraw or amend a motion or proposal, and only the mover shall be allowed to explain his or her request for such permission.
- (2) After permission has been requested in this way, no further discussion shall be held on the respective motion or proposal and the permission requested shall be granted or refused without further discussion.

#### **Addressing the meeting**

32. A member may sit when speaking and shall address the Speaker.

#### **Precedence of Speaker**

33. Whenever the Speaker speaks, any member then speaking or offering to speak shall sit down, if standing, and the members are to be silent so that the Speaker may be heard without interruption.

#### **Length of speeches**

34. (1) Subject to the provisions of sections 15 and 43, a member may not speak for longer than ten minutes: Provided that –
- (a) a member who submits a motion may speak for a period not exceeding fifteen minutes when elucidating his or her motion; and



- (b) the Council may permit a speech to be continued for a further period or periods of 5 minutes.
- (2) The Council may waive the provisions of subsection (1) in regard to a statement made with the consent of the Council by the chairperson or any other member of the Executive Committee in relation to any matter arising from a report.
- (3) A member participating in any debate may, during the course of his or her speech, refer to notes, but he or she shall not be permitted to read his or her speech. The Speaker may require a member reading his or her speech to discontinue his or her speech.
- (4) The provisions of this section shall not apply to –
  - (a) the chairperson of the Executive Committee, when he or she presents the budget and opens the debate thereon;
  - (b) the chairperson of the Executive Committee, when he or she or a member of that committee designated by him or her, delivers the budget speech, or replies to the debate in connection with the consideration of the budget;
  - (c) the chairperson of the Executive Committee, when he or she closes the debate in connection with the consideration of the budget; and
  - (d) the person, who in terms of section 18(1), replies to and closes the debate contemplated in that section.

#### **Relevance**

- 35. (1) A member who speaks, shall direct his or her speech strictly to the matter under discussion or to an explanation or to a point of order.
- (2) The Speaker shall not allow a discussion –
  - (a) which will anticipate any matter on the agenda; or
  - (b) on any matter in respect of which a decision by a judicial or *quasi-judicial* body is pending.

#### **Irrelevance, repetition and breach of order**

- 36. (1) If, in the opinion of the Speaker, a member –
  - (a) does not abide by the provisions of section 35(1) or is guilty of irrelevance or tedious repetition while he or she addresses the Council, the Speaker may direct him or her to abide by the said provisions or to discontinue such irrelevancies or tedious repetition;
  - (b) endeavours a discussion in breach of section 35(2), the Speaker shall direct him or her to cease that discussion;
  - (c) while he or she is in the Council chamber and irrespective of whether he or she addresses the Council –
    - (i) uses offensive or unbecoming language;

- (ii) makes an incriminating, libelous or derogatory remark, allegation or insinuation in respect of another member or person;
- (iii) breaches the order or disregards the authority of the Speaker; or
- (iv) is improperly dressed,

the Speaker shall direct such member to cease or remedy such conduct immediately.

- (2) If a member fails to comply with a direction contemplated in subsection (1), the Speaker may –
  - (a) in a case contemplated in subsection (1)(a) or (b), direct the member concerned to discontinue his or her speech; or
  - (b) in a case contemplated in subsection (1)(c), direct the member concerned to withdraw from the meeting for the further duration thereof.

#### **Chairperson may have member removed**

- 37. (1) Should any member fail to comply with a direction given in terms of section 36(2)(a) or (b), the Speaker may call upon an officer to remove the member and to take steps to ensure that the member does not return to the meeting.
- (2) Section 36(1)(c), 36(2) and subsection (1) shall *mutatis mutandis* be applicable to a member of the public.

#### **Exclusion of members**

- 38. (1) The Council may exclude from meetings of the Council, for such period as it may fix, but not exceeding forty-five days, a member who wilfully disregards the authority of the Speaker or who wilfully obstructs the business at any meeting: Provided that the member concerned may, within 7 days from the Council meeting at which the exclusion decision was taken, direct an appeal in writing to the Mayor, who must convene a special Council meeting to consider the appeal within 7 days from date of receiving such appeal.
- (2) The Council at the said special meeting may confirm, reject or amend the original Council resolution.
- (3) In the considering of the appeal, the Council must comply with the rules of natural justice.
- (4) A proposal to exclude a member may be moved at any stage of the meeting.

#### **Member to speak only once**

- 39. (1) Subject to any provisions to the contrary, or the prior approval of the Speaker, no member shall speak more than once on any motion or proposal and the Speaker's decision whether or not to allow the member to speak again, is final and shall not be open for discussion.

- (2) The provisions of subsection (1) shall not apply to a member of the Executive Committee when the Council considers the budget.

**A point of order and personal explanation**

40. (1) Any member may rise to a point of order or explanation, but such explanation shall be confined to the material content of his or her former speech.
- (2) Such a member shall be called upon to speak forthwith.

**Speaker's ruling on a question of order**

41. The ruling of the Speaker on a point of order or on the admissibility of an explanation shall be final and shall not be open for discussion.

**Mode of voting**

42. (1) Every opposed motion or proposal shall be submitted to the Council by the Speaker who shall call upon the members to indicate by a show of hands, unless the Council decides otherwise, whether they are for or against it or abstained from it, and he or she shall thereupon declare the result of the voting.
- (2) After the Speaker has declared the result of the voting in accordance with subsection (1), a member may demand –
  - (a) that his or her vote be recorded against a decision; or
  - (b) a division by rising and putting such demand to the Speaker.
- (3) When a division has been duly demanded in accordance with subsection (2)(b), the Speaker shall accede thereto; the division bell shall be rung for at least one minute, whereupon every entrance to the Council chamber shall be closed, and no member shall leave or enter the Council chamber until the result of the division has been declared.
- (4) After the expiry of the period of time referred to in subsection (3), the Speaker shall again put the motion or proposal to the vote as provided in subsection (5) and thereafter declare the result of the division.
- (5) A division shall take place as follows: The Municipal Manager shall read out the name of each member alphabetically. Each member shall indicate by means of a clearly audible "for" or "against" or "abstained", whether he or she votes in favour of or against or abstained on the motion or proposal and the Municipal Manager shall record each such vote, as well as the name of each absent member.
- (6) When a division takes place in accordance with the preceding provisions, every member present, including the Speaker, shall be obliged to record his or her vote for or against the motion or proposal or abstained.
- (7) A member demanding a division shall not leave the Council chamber before such division has been taken.

- (8) Should there be an equality of votes in respect of a motion or proposal on which voting takes place in accordance with subsection (1) or (4), the Speaker shall record his or her casting vote as contemplated in section 30(4) of the Act.

**Proposals which may be made**

43. (1) When a motion or proposal is under debate at a meeting, no further proposal shall be received, except a proposal –

- (a) that the motion or proposal be amended;
- (b) that consideration of the question be postponed;
- (c) that the meeting be adjourned;
- (d) that the debate be adjourned;
- (e) that the question be put;
- (f) that the Council proceeds to the next matter;
- (g) that the question be referred back for further consideration;
- (h) that, for the purpose of dealing with the matter, the Council resolves itself in committee in terms of section 54; or
- (i) that the consideration of the matter be held over until the Council has dispatched all the other matters on the agenda:

Provided that the proposals referred to in paragraphs (b) to (g), may not be made to the Council until the mover of the motion or proposal under debate has spoken thereon: Provided further that a second proposal in terms of paragraphs (b) to (f) shall not be made within half-an-hour of a similar proposal under the same item, unless, in the opinion of the Speaker, the circumstances are materially altered.

- (2) A member who has not participated in the debate or proposal may, during that debate at the conclusion of any speech, move –
- (a) that consideration of the question be postponed to any stated date; or
  - (b) that the meeting be now adjourned: Provided that the meeting shall not be adjourned until the debate on a motion or proposal has first been adjourned; or
  - (c) that the debate be adjourned.
- (3) A member who has made a proposal mentioned in subsection (2) may speak thereon for not more than five minutes, but the seconder shall not be allowed to speak thereon.
- (4) Upon a proposal mentioned in subsection (2) being made, the mover of the question under debate may speak on such proposal for not more than 5 minutes and subsequently the proposal shall be put without further debate.

**Consideration of a matter to be held over**

44. A member who makes a proposal in terms of section 43(1)(i), may speak thereon for not more than 3 minutes, but the seconder shall not be allowed to speak thereon, and thereafter the proposal shall be put to the vote without further debate.

**Amendment of a motion or proposal**

45. (1) An amendment which is moved shall be relevant to the motion or proposal on which it is moved.
- (2) Such amendment shall be reduced to writing, signed by the mover and handed to the Speaker.
- (3) An amendment shall be clearly stated to the meeting by the Speaker before it is put.
- (4) (a) Whenever an amendment upon a motion or proposal has been moved and seconded, no further amendment shall be moved until a resolution has been adopted upon which a further amendment may be moved.
- (b) If the amendment is carried, the amended motion or proposal shall take the place of the original motion or proposal and shall become the substantive motion or proposal upon which an amendment may be moved.
- (5) A member shall not move more than one amendment of a proposal or motion.
- (6) The mover of an amendment of a proposal or motion shall have no right to reply.

**Postponement of consideration of question**

46. If a motion is carried that the consideration of the question be postponed to a stated date, the motion or proposal shall be placed first among the motions or proposals to be contained in the report of that committee to the Council on the day in question.

**Adjournment of meeting**

47. No member shall at any meeting move or second more than one proposal for the adjournment of the meeting.

**Adjournment of the debate**

48. (1) If the proposal that the debate be adjourned is carried, the Council shall deal with the next question appearing on the agenda and the question in respect of which the debate has been adjourned, shall be placed first on the list of motions or proposals of the next meeting and the discussion thereof shall be resumed at that meeting.
- (2) On resuming an adjourned debate, the member who moved its adjournment shall be entitled to speak first.
- (3) No member shall move or second more than one proposal for the adjournment of the same debate.

**Putting of the question**

49. (1) Subject to the provisions of subsection 43(1), a member who has not participated in the debate on a motion or proposal may, at the conclusion of a speech, move that the question be now put.
- (2) Subject to the provisions of subsection (3), a proposal made in terms of subsection (1) shall not be open to discussion.
- (3) The mover of a question under debate may, when a proposal has been made in terms of subsection (1), speak on such a proposal for not more than five minutes and subsequently the proposal shall be put without further discussion.

**The Council shall proceed to next business**

50. (1) Subject to the provisions of subsection 43(1), a member who has not participated in the debate on a motion or proposal may, at the conclusion of a speech, move that the Council do now proceed to the next matter.
- (2) Subject to the provisions of subsection (3), a proposal made in terms of subsection (1) shall not be open to discussion.
- (3) The mover of a question under discussion may, when a proposal has been made in terms of subsection (1), speak on such proposal for not more than 5 minutes, and subsequently the proposal shall be put without any further debate.
- (4) If a proposal made in terms of subsection (1) is carried, the question under discussion shall be dropped.

**Question to be referred back for further consideration**

51. (1) When a recommendation of the Executive Committee is before the Council, a member may move that the question be referred back to the Executive Committee for further consideration.
- (2) The mover of such a proposal shall have no right of reply.
- (3) Such a proposal shall not be put until the provisions of section 18 have been complied with.
- (4) If such a proposal is carried, the debate on the recommendation shall end and the Council shall proceed to the next matter.

**Suspension of section 8**

52. (1) Notwithstanding anything to the contrary contained in these Standing Orders, but subject to the provisions for this section, a member may move at an ordinary meeting or an adjournment thereof, that the provisions of section 8 be suspended to enable him or her to propose a motion whereof notice could not be given in terms of section 21 owing to the urgency thereof.
- (2) The proposal and motion referred to in subsection (1) shall be reduced to writing, shall be signed by the proposer and at least one seconder and shall be handed to the Speaker at least 10 minutes before the commencement of the meeting whereat it is proposed to move the proposal and motion, unless the Speaker allows a shorter period of time.

- (3) The Speaker shall disallow both if he or she could have disallowed such motion in terms of section 26.
- (4) Immediately before the report of the Executive Committee is submitted in terms of section 15, the Speaker shall make known that a proposal and motion in terms of subsection (1), if any, have been handed to him or her and whether he or she is disallowing or allowing them, and in the event of them being allowed, whether they shall be proposed before or after the dispatch of the report of the Executive Committee.
- (5) If the Speaker allows the proposal and motion in terms of subsection (4), the member concerned shall, when called upon to do so by the Speaker, read out the motion and after he or she has spoken on only the reason for the urgency of the consideration of that motion for not more than 5 minutes, which includes the reading of the motion, he or she shall propose that the provisions of section 8 be suspended.
- (6) The seconder of the proposal and motion contemplated in subsection (1) shall not speak on them, except to formally second them.
- (7) The proposal to suspend shall be deemed to be carried if the members voting in favour thereof constitute a majority of all the members of the Council.
- (8) If the proposal to suspend is carried, the motion shall be deemed to be duly put and thereafter the debate thereon shall proceed in accordance with the provisions of these Standing Orders.

#### **Interpretation of Standing Orders**

53. (1) (a) Any member may request the ruling of the Speaker as to the interpretation of the Standing Orders to be embodied in the minutes, and a register of such rulings shall be kept by the Municipal Manager.  
(b) The Speaker shall sign the entry of each ruling given by him or her.
- (2) A member who has made a request in terms of subsection (1) may, during that meeting orally or within 5 days thereof, in writing require the Municipal Manager to submit the matter to the Executive Committee and in such event the Executive Committee shall consider the ruling and report thereon to the Council.

#### **Discussion of matter in committee**

54. (1) When a member moves that the Council resolve itself in committee to consider a matter on the agenda, including a proposal in terms of subsection 52(1), he or she may speak on such proposal for not more than 3 minutes, but the seconder shall not speak thereon.
- (2) After a proposal contemplated in subsection (1) has been carried, the Speaker shall, after consideration if it is reasonable and necessary to protect the rights of the person or subject under discussion, order the press, the public and every other person whose presence will in his or her opinion not be required during the discussion, to leave the Council chamber, and upon satisfying himself or herself that his or her order has been complied with, he or she shall put the matter concerned again.

- (3) A discussion of a matter in committee shall not suspend any other provisions of these Standing Orders.
- (4) If, after the Council has dispatched the matters dealt with in committee, there still remain other matters on the agenda, the Speaker shall allow the press, the public and others to re-enter the Council chamber.
- (5) Any decision by the Council to resolve itself in committee must be taken with due consideration of section 160(7) of the Constitution.

**Quorum of the Council or the Council as committee**

55. The quorum of the Council or the Council as committee shall be a majority of all the members of the Council.

**Resignation of seat on committee**

56. Any member of a committee who wishes to resign his or her seat on the committee, shall submit his or her resignation to the Municipal Manager in writing and thereafter such resignation may not be withdrawn.

**Filling of a vacancy on a committee**

57. Every vacancy on a committee, other than the Executive Committee, shall be notified by the Executive Committee to the Council not later than the second meeting after the meeting of the committee at which such vacancy is notified and the Council may fill the vacancy.

**Filling of a vacancy on a committee during absence of a member**

58. When any member who is not a member of the Executive Committee is granted leave of absence from a meeting of a committee, the Council may appoint another member to act during his or her absence on any committee on which the absent member serves.

**Dates and times of Executive Committee meetings**

59. (1) The Chairperson of the Executive Committee shall fix the dates, times and venues of meetings.
- (2) No meeting of the Executive Committee shall be held during a meeting of the Council without the Council's consent.

**Notice of Executive Committee meetings**

60. (1) The Municipal Manager shall issue a notice calling a meeting of the Executive Committee and specify the business to be entertained by that committee.
- (2) The notice shall be delivered to each member of that committee or left at his or her business or residential address at least 24 hours before the commencement of any ordinary meeting and should the notice accidentally not be so delivered or left, the validity of the meeting shall not be affected thereby.
- (3) Notice of any special meeting of the Executive Committee convened by the Speaker in terms of the Act, shall be given in writing under the hand of the Municipal Manager.



- (4) When the Executive Committee has failed to meet twice in any month in which an ordinary meeting of the Council is held, the Municipal Manager shall report the circumstances to the Council at its next meeting.

#### **Attendance register for Executive Committee meetings**

61. (1) The Municipal Manager shall keep an attendance register in which every member of the Executive Committee attending a meeting of that committee shall sign his or her name.  
(2) Any member who is not an Executive Committee member shall whenever he or she attend a meeting of that committee, enter his or her name in the attendance register and shall write after his or her name the words "not a member".

#### **Participation in discussions at Executive Committee meeting**

62. Any person requested or allowed by the Executive Committee to attend a meeting of such committee may, with the permission of the chairperson of the Executive Committee, speak thereat.

#### **No quorum at Executive Committee meeting**

63. If, after expiration of ten minutes after the time at which a meeting of the Executive Committee is due to commence there is no quorum, the meeting shall be held on a day and at an hour determined by the Municipal Manager.

#### **Manner of voting at meetings of Executive Committee**

64. The chairperson of the Executive Committee shall allow the members of the Executive Committee to vote by show of hands and any member of that committee then present and voting may call for a division in which event the provision of section 42(5), (6) and (7) shall apply *mutatis mutandis*. Provided that no provision hereof shall affect the right of any member to have his or her vote recorded against the resolution.

#### **Approval of minutes of Executive Committee meeting**

65. (1) At any ordinary meeting of the Executive Committee, after considering applications for leave of absence, the minutes of any previous meeting of the committee not yet confirmed shall be read, approved with or without amendments and signed by the chairperson of the Executive Committee.  
(2) The minutes mentioned in subsection (1) may be taken as read if they have been open to inspection of the members of the committee not less than an hour prior to the commencement of the meeting: Provided that the minutes shall be read if a member so required, unless the committee decides to defer consideration thereof until its next meeting: Provided further that if the minutes have been circulated in a manner as provided for in section 115 of the Systems Act, it shall not be competent for any member to require them to be read, unless a majority of the members present so resolves.

#### **Minutes may be held over owing to pressure of work**

66. The minutes of a meeting of the Executive Committee may owing to pressure of work or any other appropriate reason be held over for confirmation at any subsequent meeting.

**Discussion of minutes of Executive Committee meeting**

67. No proposal or discussion shall be allowed upon the minutes, except as to their accuracy.

**Reports may be supplied to press**

68. The Municipal Manager may, on application being made to him or her by any registered newspaper, supply the agenda of the Council to a representative of such newspaper at the commencement of a meeting: Provided that the Executive Committee or the Mayor may instruct him or her not to supply any particular agenda or item in an agenda or to withhold it until the conclusion of the relevant meeting.

**Exclusion of members disclosing documents**

69. (1) A member who publishes or discloses or causes to be published or disclosed any document or record of the Council or of the proceedings of any committee of the Council or of the Council in committee, relating to a matter referred to in section 10 of the Code of Conduct for Councillors as annexed as Schedule 1 to the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), shall be guilty of a contravention of this subsection.
- (2) The Council may exclude for such period, but not exceeding 45 days, as it may determine, any member who in its opinion is guilty of a contravention of subsection (1): Provided that the appeal procedures contemplated in section 38 shall *mutatis mutandis* apply to the provisions of this section.
- (3) If a member attends any meeting despite a decision in terms of subsection (2) to exclude such member, the Speaker may call upon an officer to remove such member and to take steps to ensure that such member does not return to the meeting.

**Return of attendance of meetings**

70. (1) The Municipal Manager shall prepare annually a return on the number of Council meetings attended by each member and of the number of meetings of the Executive Committee, attended by each member of such committee.
- (2) The Municipal Manager shall include the return in the agenda of the ordinary meeting to be held in January of each year.

**Secretariate**

71. (1) The Municipal Manager shall be responsible for the effective functioning of the activities of the Council and its committees.
- (2) The Municipal Manager may designate a number of officers in the fulltime employ of the Municipality to serve as a secretariate for the Council.
- (3) The Municipal Manager may assign a function such as the taking of minutes or the distribution of documents to any member of the secretariat, but shall remain responsible to the Council for the effective execution of any function entrusted to him or her by or under these Standing Orders.

**Repeal of laws and savings**

72. (1) The following laws are hereby repealed:

...

...

(2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, shall be deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

**Short title**

73. This By-law shall be called the Standing Orders, 2007.