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NOORDWES**

**EXTRAORDINARY  
PROVINCIAL GAZETTE**

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## LOCAL AUTHORITY NOTICES

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### LOCAL AUTHORITY NOTICE 63

### RAMOTSHERE MOILOA LOCAL MUNICIPALITY



### WATER AND SANITATION BY-LAW, 2010 (No 2 of 2010)

**To regulate the provision of water and sanitation services in the area of jurisdiction of the municipality and to provide for matters connected therewith.**

Be it enacted by the Municipal Council in terms of section 11 (3) (m) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as follows:-

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**CHAPTER 1  
GENERAL PROVISIONS**

**Definitions**

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

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

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

**"applicable charge"** means the rate, charge, tariff, flat rate, subsidy or any other cost prescribed by the municipality from time to time

**"Authorisation Committee"** means the body authorised to compile the schedule of approved pipes and fittings;

**"authorised official"** means a person in the employ of the Municipality, authorised by the Municipality for the purposes of this By-law, or if the Municipality has appointed a service provider, an employee of such service provider, authorised by it as an authorised official in terms of this By-law and acting within the scope of the powers, functions and duties assigned to that service provider by the Municipality.

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

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

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

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

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

**"borehole"** means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water, and includes a spring;

**"building regulations"** means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1977);

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

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

**"combined installation"** means a water installation used for fire-fighting and domestic, commercial or industrial purposes;

**"communal sewer"** means a sewer main and connecting sewers and in respect of which a group of consumers and/or owners has constituted itself as a person willing to assume responsibility for, and has signed an agreement accepting responsibility, for the maintenance and repair of the communal sewer;

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

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

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

**"connection"** means the point at which a consumer legally connects to;

**"consumer"** means-

(a) any person who occupies premises to whom, and in respect of which premises, the Municipality-

(i) has agreed to provide water supply and/or sanitation services;

(ii) is actually providing water supply and/or sanitation services;

(iii) has entered into an agreement with the Municipality for the provision of water and/or sanitation services to or on any premises;

(b) the owner of any premises to which the Municipality is providing water supply and/or sanitation services;

(c) where water supply and/or sanitation services are provided through a single connection to a number of accommodation units or consumers or occupiers, means the person to whom the Municipality agreed to provide such water services; and

(d) any end-user who receives water supply and /or sanitation services from the Municipality or other water supply and/or sanitation services institution.

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

**"drain"** means that portion of the drainage installation that conveys sewage within any premises;

**"drainage installation"** means a system situated on any premises and vested in the owner thereof that is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage or other form of waste water on those premises to the connecting point, and includes a drain, a fitting, an appliance, a septic tank, a conservancy tank, a pit latrine and a private pumping installation, forming part of or being ancillary to such system;

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

**"duly qualified sampler"** means a person who takes samples for analysis from the sewage disposal and storm water disposal systems and from public waters and who has been certified to do so by an authorised official.

**"dwelling unit"** means an interconnected suite of rooms designed for residential purposes and occupation by a single household, regardless of how many persons comprise the household;



"**ECA**" means the Environment Conservation Act, 1989 (Act No. 73 of 1989) and any regulations made in terms thereof, or any superseding legislation;

"**effluent**" means any liquid, whether or not containing matter in solution or suspension, which is discharged from any premises directly or indirectly into a drainage work;

"**EIA**" means an environmental impact assessment as contemplated in NEMA, and/or the ECA and the EIA Regulations as published in Government Notice R 1183 on 5 September 1997, as amended from time to time.

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

"**enforcement notice**" means any notice issued by an authorised official under this By-law, which instructs the person to whom it is issued to comply with the terms of the notice, and includes a compliance notice contemplated in section 114;

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

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

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

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

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

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

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

"**installation work**" means work in respect of the construction of, or carried out on, a water installation;

"**main**" means a pipe, other than a connection pipe, vesting in the Municipality and used by it for the purpose of conveying water to any number of consumers;

"**manhole**" means a chamber of a depth greater than 750mm and of such dimension that allows an entry of a person into such a chamber for the purposes of providing access to a drain;

"**measuring device**" means any method, procedure, process, device, apparatus, or installation that enables the quantity and/or quality of water services provided to be quantified or evaluated;

"**meter**" means a water meter as defined by Regulation 81(a) Government Notice R 2362 dated 18 November 1977, published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973) or any superseding legislation or, in the case of a water meter of a size greater than 100 mm, a device which measures the quantity of water passing through it, or a measuring device;

"**Municipality**" means -

(a) the Ramotshere Moiloa Local Municipality established in terms of sections 12 and 14 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998) or its successors in title, and includes a structure or person exercising a delegated power or carrying out an instruction in terms of this By-law and legislation applicable to Local Government; or

(b) a service provider fulfilling a responsibility under this by-law, assigned to it in terms of section 81(2) and 82(c) of the Local Government: Municipal Systems Act 2000, or any other law, as the case may be

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

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

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

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

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

**"owner"** includes -

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

**"owner's water installation"** means all the pipe work and water fittings installed by the consumer for connecting into the water installation of the Municipality;

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

**"pollution"** means the introduction of any substance into the water supply system, a water installation or a water resource, that may make the water harmful to health or the environment, or impair its quality for the use for which it is intended;

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

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

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

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

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

**"prescribed tariff"** means a schedule of prescribed fees

**"public notice"** means at least two notices, each notice being in one of the official languages in general use in the area, but in a different official language to the other notice and published in at least one newspaper in general use within the area in question, preferably a newspaper published predominantly in the same language as the notice;

**"public water"** means any river, watercourse, bay, estuary, the sea and any other water which the public has a right to use or to which the public has the right of access;

**"residential unit"** in relation to any premises, means a building or section of a building occupied or used or intended for residential occupation or use by any person and includes a dwelling unit;

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

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

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

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

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

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

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

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

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

**"standard domestic effluent"** means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the Municipality, and does not include industrial effluent;

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

**"water connection pipe"** means a pipe, the ownership of which is vested in the Municipality and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SABS Code 0252 Part I;

**"water services"** means water supply services and sanitation services;

**"water supply system"** means a structure, aqueduct, pipe, valve, pump, meter or other apparatus relating thereto which is vested in the Municipality, and is used or intended to be used in connection with the supply of water;

**"working day"** means a day other than a Saturday, Sunday and public holiday;

**"working month"** means a calendar month excluding any Saturday, Sunday and public holiday;

**Meaning of certain words the same as in Acts**

2. Any word or expression used in this By-law to which a meaning has been assigned in-

(a) the Act will bear that meaning; and

(b) the National Building Regulations and Building Standards Act 1977 (Act No.103 of 1977), and Chapter III of the Building Regulations thereunder, will bear that meaning, unless the context indicates otherwise.

**Levels of Service**

3. (1) The Municipality may provide the various levels of service set out in sub-section (2) to consumers at fees set out in the schedule of fees, determined by the Municipality.

(2) the levels of service shall comprise-

(a) Service Level I,

(b) which must satisfy the minimum standard for basic water services as required in terms of the Act and its applicable regulations, and must consist of-

- (i) a water supply from communal water points; and
- (ii) a ventilated improved pit latrine located on each site; and
- (c) Service Level (2),
- (d) which must consist of-
  - (i) an unmetered water connection to each stand with an individual yard standpipe;
  - (ii) a water borne connection connected to either a municipal sewer or a shallow communal sewer system; and
  - (iii) a pour flush toilet which must not be directly connected to the water installation; which service must be provided to consumers at the fees set out in the schedule of fees determined by the Municipality, provided that-
    - (aa) the average water consumption per stand through the unmetered water connection for the zone or group of consumers in the zone does not exceed 6kl over any 30 day period;
    - (bb) the water standpipe is not connected to any other terminal water fittings on the premises;
    - (cc) in the case of a communal sewer having been installed, a collective agreement has been signed by the group of consumers accepting responsibility for the maintenance and repair of the communal sewer; and
    - (dd) the Municipality may adopt any measures considered necessary to restrict the water flow to Service Level 2 consumers to 6kl per month.
- (e) Service Level 3
- (f) Which must consist of-
  - (i) a metered full pressure water connection to each stand; and
  - (ii) a conventional water borne drainage installation connected to the Municipality's sewer.
- (3) If a consumer receiving Service Level 2 contravenes subparagraph (aa) or (bb) to subsection (2)(b)-
  - (g) the Municipality may install a pre-payment meter in the service pipe on the premises; and
  - (h) the fees for water services must be applied

## CHAPTER 2

### WATER SUPPLY SERVICES

#### Part 1

#### Application for Services

##### Application for supply of water

4. (1) No person, other than a consumer on Service Level 1, may consume, abstract or be supplied with water, unless he or she has applied to the Municipality on the prescribed form for such service, and such application has been agreed to.
- (2) An application for the use of water services approved by the Municipality constitutes an agreement between the Municipality and the applicant, and takes effect on the date referred to in the application.
- (3) The person referred to in subsection (2) will be liable for all the prescribed fees in respect of water services rendered to him or her until the agreement has been terminated in accordance with this By-law
- (4) The Municipality may, if it deems necessary, require a third party to be bound jointly and severally as

surety and co-principal debtor with the consumer, for the payment of any prescribed fee or tariff

- (5) The application form must at least contain the following information -
- (a) acceptance by the consumer of the provisions of this By-law and acceptance of liability for the cost of all water consumed until the agreement is terminated;
  - (b) name of consumer, and his or her identity or registration number, where applicable
  - (c) address or stand number of premises at which water is to be supplied, or on which a communal water connection operates;
  - (d) address to which accounts must be sent;
  - (e) the purpose for which water is to be used;
  - (f) the agreed date on which the water service shall be provided.
- (6) The applicant must be informed if the Municipality refuses an application for the provision of water services, or is unable to render such water services on the date requested for provision of services to commence, or is unable to render the water services, and the Municipality must furnish the applicant with the reasons therefore and, if applicable, the date when the Municipality will be able to provide such water services.

#### **Special agreements for supply of water**

5. (1) Municipality may enter into a special agreement for the supply of water to an applicant -
- (a) inside its area of jurisdiction, if the supply necessitates the imposition of conditions not contained in the prescribed application form; and
  - (b) outside its area of jurisdiction, if such application has been approved by the municipality in which the applicant resides.
- (2) If Municipality provides a supply of water to an applicant outside its area of jurisdiction in terms of a special agreement, it may permit him or her to sell such water to other persons outside its area of jurisdiction, only if provision has been made therefore in the special agreement, or the written permission of the Municipality to do so has been obtained.

#### **Purpose of supply**

6. Where the purpose for which water is used changes, the consumer shall enter into a new agreement as prescribed in Sections 17 and 18.

#### **General conditions of water supply**

7. (1) Subject to the provisions of the Act, the supply of water by Municipality shall not constitute an undertaking by it to maintain at any time or at any point in its water supply system -
- (a) an uninterrupted supply;
  - (b) a specific pressure or rate of flow in such supply; or
  - (c) a specific standard of quality of the water
- provided that, if the water supply is interrupted for more than 24 hours, then the Municipality undertakes to provide an alternative supply of water to meet basic needs.
- (2) Municipality may, subject to the provisions of subsection (1) (b), specify the maximum height in a building, or the maximum height above ground level or mean sea level, to which water will be supplied from the water supply system.
- (3) If an owner requires that any of the standards referred to in subsection (1) be maintained on his or her premises, he or she shall make provision in the water installation for such maintenance.
- (4) Municipality may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (5) If in the opinion of Municipality the consumption of water by a consumer adversely affect the supply of water to another consumer or consumers, it may apply such restrictions as it may deem fit to the supply of water to the first-mentioned consumer in order to ensure a reasonable supply of water to the other consumer or

consumers

(6) The Municipality will not be liable for any damage to property caused by water flowing from fittings left open when the water supply is re-instated, following an interruption in supply for any reason.

(7) Every steam boiler and any premises which require for the purposes of the work undertaken on the premises, a continuous supply of water, must have a cistern fitted and must be in working order and holding a water supply deemed adequate by the occupier of the premises.

(8) No consumer may resell water supplied to him by the Municipality, except with the written permission of the Municipality, which may stipulate the maximum price at which the water may be resold, and may impose such other conditions as the Municipality may deem necessary.

## Part 2

### Connection of water supply

#### Provision of connection pipe

8. (1) If an agreement for the supply of water in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the prescribed charge for the installation of such a pipe.

(2) If an application is made for a supply of water to premises which are so situated that it is necessary to extend the water supply system in order to supply water to the premises, the Municipality may agree to the extension subject to such conditions as it may impose.

#### Location of connection pipes

9. (1) A connection pipe provided and installed by Municipality must -  
 (a) be located in a position and be of a suitable size determined by the Municipality; and  
 (b) terminate at the boundary of the land owned by or vested in Municipality, or over which it has a servitude or other right, or at the outlet of the water meter if the meter is located on the property being supplied.

(2) In reaching agreement with an owner concerning the location of a connection pipe, the Municipality shall ensure that the owner is aware of -

- (a) practical restrictions which may exist regarding the location of a connection pipe;
- (b) the cost implications of the various possible locations of the connection pipe;
- (c) whether or not the Municipality requires the owner to fix the location of the connection pipe by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the Municipality to connect to such installation.

#### Interconnection between premises

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

#### Provision of single water connection for supply to several consumers on same premises

11. (1) Only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.

(2) Where the owner, or the person having the charge or management of any premises on which several accommodation units, business units, or consumers are situated, requires the supply of water to such premises for the purpose of separate supply to the different units or consumers, the Municipality may, in its discretion, provide and install either -

- (a) a single measuring device in respect of the premises as a whole or a number of such units or

- consumers; or
- (b) a separate measuring device for each such unit or consumer or any number thereof.

(3) Where the Municipality has installed a single measuring device as contemplated in subsection 2(a), the owner or the person having the charge or management of the premises, as the case may be -

- (a) must, if the Municipality so requires, install and maintain on each branch pipe extending from the connection pipe to the different units or consumers -
  - (i) a separate measuring device; and
  - (ii) an isolating valve; and
- (c) is liable to the Municipality for the prescribed fees for all water supplied to the premises through such single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.

(4) Notwithstanding the provisions of subsection (1), the Municipality may permit more than one connection pipe to be provided on the water supply system for the supply of water to any premises comprising sectional title units or if, in the opinion of the Municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.

(5) Where the provision of more than one connection pipe is authorised by the Municipality in terms of subsection (4), the prescribed fees for the provision of a connection pipe are payable in respect of each connection so provided.

(6) Where the premises are supplied with water by a number of connection pipes, the Municipality may require the owner to reduce the number of connection points and alter his or her water installation accordingly at the owner's expense.

**Restriction or cutting-off of supply**

12. (1) Without prejudice to any other right it may have, the Municipality may, if a consumer has -
- (a) failed to pay a sum due to it in terms of this By-law; or
  - (b) committed a breach of this By-law and has failed to rectify such breach within the period specified in a written notice served on him or her requiring him or her to do so;
  - (d) act against such a person in terms of this By-law, Municipality's Credit Control Policy/Credit Management Bylaws, or other applicable legislation.
- (2) If, in the opinion of Municipality, action is necessary as a matter of urgency to prevent waste of water, damage to property, danger to life or pollution of water, it may -
- (a) without prior notice, cut off the supply of water to any premises; and
  - (b) enter upon such premises and do such emergency work, at the owner's expense, as it may deem necessary, and in addition by written notice require the owner to do such further work as it may deem necessary within a specified period.
- (3) Tampering
- (a) Where a water supply has been tampered with or the meter bypassed, the Municipality may disconnect the relevant supply immediately and without any notice whatsoever, and in such a way that no further water supply at those premises is possible. The consumer will be charged the applicable tampering fee.
  - (b) Transgressors will be dealt with in the following manner:
    - (i) First Tampering Offence:
      - i. Supply will be isolated at point of supply.
      - ii. Written notification will be given to the consumer informing him or her of isolation, as well as the fees due in respect of the tampering fee for a first offence, and the calculated amounts.
      - iii. Municipality will only re-instate services after the required amounts mentioned in the notification have been paid.
    - (ii) Second Tampering Offence:

- I. In instances of a second tampering offence, the Municipality may immediately disconnect the service supply and remove the cable or pipes and the meter.
- II. A written notification will be sent to the consumer informing him or her of the removal of the services and of any outstanding fees, including tampering fees and calculated amounts due. If the money due has not been paid by a specific date and time to be mentioned in the notice, the matter will be referred to debt collection specialists.
- III. A written notification will also be sent to the owner of the property to the effect that the service supply has been removed and that a new supply will only be installed after the following conditions have been met :
  - (aa). A written application for reconnection of the supply, including a motivation, has been received and approved by Municipality.
  - (bb). The fee for a new connection, including the cable or pipe cost, as well as all calculated amounts and all other outstanding required amounts, including property tax, have been paid.

#### **Interruption of supply at consumer's request**

13. (1) Municipality may, at the written request of a consumer -
- (a) cut off the supply of water to his or her premises; and
  - (b) restore the supply; on the dates requested by him or her.
- (2) The consumer shall, prior to the restoration of his or her water supply in terms of this section, pay the actual cost plus 10% for the cutting-off of his or her supply of water, and for its restoration.

#### **Disconnection of water supply**

14. The Municipality may disconnect a water installation from the connection pipe and remove the connection pipe if -
- (a) the agreement for supply has been terminated in terms of section 15 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
  - (b) the building on the premises concerned has been demolished.

#### **Water supplied from a hydrant**

15. (1) The Municipality may permit a temporary supply of water to be taken from one or more fire hydrants specified by it.
- (2) A person who desires a temporary supply of water referred to in subsection (1) shall make application in the manner prescribed in section 18(1) and subject to such conditions as may be prescribed by the Municipality on the prescribed form.
- (3) The Municipality may, for purposes of supplying water from a hydrant, provide a portable water meter to be returned to the Municipality on termination of the temporary supply, which portable meter and all other apparatus and fittings used for the connection of a portable water meter to a hydrant remains the property of the Municipality and will be provided subject to any conditions imposed by the Municipality.

#### **Quantity, quality and pressure**

16. Water supply services provided by the Municipality must comply with the minimum standards set for the provision of water supply services in terms of section 9 of the Act.

### **Part 3 Measuring Water Supplied**

#### **Measuring the quantity of water supplied**

17. (1) All water supplied to a consumer by the Municipality shall pass through a meter or other measuring device for the purpose of measuring the quantity of water consumed.
- (2) A meter referred to in subsection (1) and its associated apparatus shall be provided and installed by the



- Municipality, shall remain its property, and may be changed by the Municipality whenever it deems necessary.
- (3) (a) The Municipality may install the meter, and its associated apparatus, serving a water installation at any point in the installation;  
 (b) If the Municipality installs a meter in a water installation in terms of subsection (a), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water installation.
- (4) If the Municipality installs a meter together with its associated apparatus in a water installation in terms of subsection (3), the owner shall -  
 (a) provide a place satisfactory to the Municipality in which to install it;  
 (b) ensure that unrestricted access is available to it at all times;  
 (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;  
 (d) ensure that no connection is made to the pipe in which the meter is installed, between the meter and the connection pipe serving the installation; and  
 (e) make provision for the drainage of water which may be discharged, from the pipe in which the meter is installed, in the course of work done by the Municipality on the meter.
- (5) No person other than an official shall -  
 (a) disconnect a meter and its associated apparatus from the pipe in which they are installed;  
 (b) break a seal which the Municipality has placed on a meter; or  
 (c) in any other way interfere with a meter and its associated apparatus.
- (6) If the Municipality considers that the size of a meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed charge for the installation of the meter.
- (7) The Municipality shall require the installation, at the owner's expense, of a meter to each dwelling unit, in separate occupancy, on any premises, for use in determining quantity of water supplied to each such unit: provided that where fixed quantity water delivery systems are used a single meter may be used to supply more than one unit.
- (8) All water meters shall comply with the Trade Metrology Act, (Act No 77 of 1973), as amended from time to time.

**Quantity of water supplied to consumer**

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

estimated consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises are situated, during a specific period.

(6) Where in the opinion of the Municipality it is not reasonably possible or cost effective to measure water supplied to each consumer within a particular zone, the Municipality may determine the fees to be paid by each consumer within that zone irrespective of actual consumption.

(7) Fees determined in terms of subsection (6) will be based on the estimated average consumption of water supplied to that zone.

(8) Where water supply services are provided through a communal water services work, the amount due and payable by consumers gaining access to water supply services through the communal water services work, will be based on the estimated average consumption of water supplied to that water services work, and the decision of the Municipality in arriving at that amount is final and binding on each consumer affected thereby, unless legally set aside.

(9) For purposes of subsections (5) and (6), a zone is that local area of land, of which the premises occupied by the consumer is a part, which is zoned in terms of a town planning scheme or an integrated development plan for homogeneous usage.

#### **Defective meters**

19. (1) If a consumer has reason to believe that a meter, used for measuring water, which was supplied to him or her by the Municipality, is defective, he or she may, against payment of the prescribed fee, make application in writing for the meter to be tested.
- (2) The prescribed fee referred to in subsection (1) shall be -
- (a) retained by the Municipality if the meter is found in terms of subsection (3) or (4) not to be defective; or
  - (b) refunded to the applicant if the meter is found in terms of those subsections to be defective.
- (3) A meter to which the regulations relating to water meters published under the Trade Metrology Act, 1973 (Act No 77 of 1973) are applicable shall be deemed to be defective if, when tested in accordance with SABS 1529 Part 1, is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of that specification.
- (4) A meter of size greater than 100mm diameter to which the specification referred to in subsection (3) is not applicable, shall be deemed to be defective if it is found to have a percentage error in over-registration or under-registration greater than 5% at any one of the rates of flow when tested at the following percentages of its designed maximum rate of flow:
- (a) 75% or more of the design maximum flow;
  - (b) between 50% and 55% of the design maximum flow; and
  - (c) between 15% and 20% of the design maximum flow.
- (5) In addition to applying the provisions of subsection (2) if the meter is found to be defective, the Municipality must -
- (a) repair the meter or install another meter which is in good working order, without charging the consumer, unless the costs thereof are recoverable from the consumer where section 30(5) has been contravened.
  - (b) determine the quantity of water services for which the consumer will be charged on the basis set out in section 33.
- (6) A consumer is entitled, on giving the Municipality reasonable notice of his or her intention, to be present at the testing of any meter in which the consumer has an interest.
- (7) Any meter removed by the Municipality for testing must be retained intact and must be available for a period of three months after testing.

**Adjustment of quantity of water supplied through defective meter**

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

**Special meter reading at request of consumer**

21. The Municipality must, on receipt from the consumer of written notice of not less than seven days and subject to payment of the prescribed fee, read a meter at a time or on a day other than that upon which it would normally be read.

**Special measurement**

22. (1) If the Municipality wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of the water installation, it may by written notice advise the owner concerned of its intention to install a meter at such point in the water installation as it may specify.
- (2) The installation of a meter referred to in subsection (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the Municipality.
- (3) The provisions of sections 31(4) and 32(5) shall apply insofar as they may be applicable in respect of a meter installed in terms of subsection (1).

**Part 4**

**Approval for work and use of pipes and fittings**

**Approval of installation work**

23. (1) If an owner wishes to have installation work done, he or she shall first obtain the Municipality's written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required, or for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- (2) If any of the installation work is governed by the EIA Regulations, then the owner must ensure compliance and obtain the relevant authorisation in respect thereof.
- (3) Application for the approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by -
- (a) the prescribed fees, if applicable; and
  - (b) copies of the drawings as prescribed by the Municipality, giving information in the form required by clause 4.1.1 of SABS Code 0252 : Part I; or
  - (c) a certificate from a person approved by the Municipality certifying that the installation has been designed in accordance with SABS 0252 : Part I or has been designed on a rational basis.
- (4) The provisions of subsections (1), (2) and (3) shall not apply to a registered plumber who replaces a fixed water heater or its associated protective devices.
- (5) Authority given in terms of subsection (1) shall lapse at the expiry of a period of 24 months after the first day of the month succeeding the month in which the authority is given.
- (6) A complete set of approved drawings of installation work must be available at the site of the work at all times until such work has been completed, where permission is required in terms of subsection (1).

(7) If installation work has been done in contravention of subsections (1), (2) or (3), the Municipality may by written notice require the owner of the premises concerned to comply with that regulation within a specified period, and if work is in progress, to cease the work, and may further require the owner to remove all such work which does not comply with this By-law.

**Persons permitted to do installation work**

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

**Provision and maintenance of water installation**

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

**Technical requirements for water installation**

26. (1) Notwithstanding the requirement that a certificate be issued in terms of section 40(3)(c), all water installations shall comply with SABS Code 0252 Part I and all fixed electric storage water heaters shall comply with SABS Code 0254.
- (2) In addition to any requirement of SABS Code 0252 Part I, the consumer must at his or her own expense, or the Municipality may in its discretion and at the consumer's expense, and for the consumer's exclusive use, provide and install a stop-cock at a suitable point inside the boundary of the premises on the consumer's side of the meter leading to the water installation.

**Use of pipes and fittings to be authorised**

27. (1) No person shall, without the prior written authority of the Municipality, install or use a pipe or water fitting in a water or drainage installation within the Municipality's area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings.
- (2) A pipe or water fitting may be included in the Schedule referred to in subsection (1) if –
- (a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or

- (b) it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS Mark specification or a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years.
- (3) Municipality may, in respect of any pipe or water fitting included in the Schedule, impose such additional conditions as it may deem necessary in respect of the use or method of installation thereof.
- (4) A type of pipe or water fitting may be removed from the Schedule if it -
  - (a) no longer complies with the criteria upon which its inclusion was based; or
  - (b) is no longer suitable for the purpose for which its use was accepted.
- (5) The current Schedule referred to in subsection (1) must be available for inspection at the office of the Municipality at any time during working hours.
- (6) The Municipality may sell copies of the current Schedule at the prescribed fee.

**Labelling of terminal water fittings and appliances**

- 28.** All terminal water fittings and appliances using or discharging water shall be marked, or have included within the packaging of the item, the following information:
- (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate;
  - (b) the flow rates, in litres per minute, related to the design pressure range; provided that this information shall be given for at least the following water pressures:
    - (i) 20 kPa
    - (ii) 100 kPa
    - (iii) 400 kPa

**Unlawful water installation**

- 29.** Where any installation work has been constructed in contravention of this By-law, the owner must on receiving a compliance notice by the Municipality carry out such alterations to the installation as prescribed in the notice.

**Pipe in street or public place**

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

**Special provision for fire services**

- 31.** (1) Any water installation for the provision of water for fire fighting purposes, must comply with the provisions of SABS Code 0252-1:1994 or any revision or substitution thereof.  
 (2) Notwithstanding the provisions of subsection (1), the special provisions contained in section 48 to 57, inclusive apply, insofar as they are applicable, to the supply of water for fire fighting purposes.

**Dual and combined installations**

- 32.** Any new building erected after the adoption of this By-law must comply with the following requirements in relation to the provision of fire extinguishing services
- (a) If, in the opinion of any official or employee of the Municipality charged with the approval of plans, boosting of the system is required, either in terms of ensuring adequate pressure or supply of water for the purposes which the system is intended to meet, a dual pipe system must be used, one for fire extinguishing purposes and the other for general domestic purposes;
  - (b) Combined installations, in which the same pipes and fittings are used for fire extinguishing and general domestic purposes, are only permitted where no booster pumping connection is provided on the water installation;
  - (c) In the circumstances contemplated in paragraph (b), a fire hydrant must be provided by the Municipality, at the consumer's expense, within 30 metres of the property to provide a source of water for the use of the crew of any fire tender sent to extinguish a fire; and
  - (d) All pipes and fittings must be capable of handling pressures in excess of 1015 kPa, which could be expected when boosting takes place and must be designed to maintain their integrity when

exposed to fire conditions.

**Connection pipe for fire extinguishing services**

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

**Valves in connection pipe**

- 34.** Every connection pipe must be fitted with a proper gate valve, which must be -
- (a) supplied by the Municipality at the expense of the consumer;
  - (b) installed between the consumer's property and the main;
  - (c) of the same diameter as the connection pipe; and
  - (d) installed in such position as may be specified by the Municipality.

**Inspection and approval of fire extinguishing installation**

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

**Connection at the pleasure of the Municipality**

- 36.** (1) The Municipality is entitled, in its absolute discretion, to grant or refuse an application for the connection of a fire extinguishing installation to its main.
- (2) If in its opinion a fire extinguishing installation which it has allowed to be connected to its main is not being kept in proper working order or is otherwise not being properly maintained, or is being used in contravention of section 51(3) or 51(4), the Municipality is entitled either to require the installation to be disconnected from the main, or itself to carry out the work of disconnecting it at the expense of the owner or consumer, as the case may be.

**Meter in fire extinguishing pipe**

- 37.** The Municipality is entitled to install a water meter in any connection pipe used solely for fire extinguishing purposes, and the owner of the premises will be liable for the whole of the costs if it appears to the Municipality that water has been drawn from the pipe otherwise than for purposes of extinguishing a fire.

**Sprinkler extinguishing installation**

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

**Header tank or double supply from main**

39. (1) Unless a sprinkler installation is provided with a duplicate or reserve supply from a separate main, the consumer must install a header tank on or in the building or structure at such elevation as will compensate for any failure or reduction of pressure in the Municipality's main.

(2) The main pipe leading from such header tank to the sprinkler installation may be linked with the main from which the principal supply of water is drawn, provided that such main pipe must be equipped with a reflux valve which, if the pressure in the main fails or is reduced for any reason, will shut off the opening to the main.

(3) Where a sprinkler installation is provided with a duplicate or reserve supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises.

**Sealing of private fire hydrant**

40. (1) (a) Except in the case of a fire installation supplied through a connection pipe fitted with a meter, a private hydrant and hose-reel must be sealed by the Municipality and such seal may not be broken by any person other than the Municipality in the course of servicing and testing, except for the purpose of opening the hydrant in the case of fire.

(b) Every owner or consumer must give the Municipality at least 48 hour's notice of his or her intention to cause a fire extinguishing installation to be tested.

(2) The cost of resealing a hydrant and hose-reel referred to in subsection 1(a), must be borne by the consumer except when such seal is broken by the Municipality's employee for testing purposes.

(3) Any water consumed after the breaking of the seal referred to in subsection (2), other than in the course of testing by the Municipality or of fighting a fire, must be paid for by the consumer at the fees determined by the Municipality for domestic purposes.

(4) The quantity of water consumed as contemplated in subsection (3), must be determined by the Municipality.

**Part 5**

**Water conservation and prevention of pollution**

**Waste of water**

41. (1) No consumer shall permit -

(a) the wasteful discharge of water from any terminal water fitting;

(b) any pipes or water fittings to leak;

(c) the use of maladjusted or defective water fittings;

(d) an overflow of water to persist; or

(e) an inefficient use of water to persist.

(2) An owner shall repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in subsection (1).

(3) If an owner fails to take measures as contemplated in subsection (2), the Municipality shall, by written notice, require the owner to comply with the provisions of subsection (1).

(4) If an owner fails to comply with the notice referred to in subsection (3), the Municipality shall take such measures as it may deem fit without prior notice and recover the cost of doing so from the owner.

(5) (a) A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.

(b) The Municipality may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the

## Municipality.

**Car washing facilities**

42. All commercial vehicle washing facilities shall be constructed and operated in such a manner that 50 percent of the water used by such facility is recycled for reuse in the facility.

**"Gray water" practises**

43. Any device which entails the recycling or reuse of water shall not make use of water derived from any kitchen, excluding clothes washing machines, or from toilet discharges.

**Equipment specification to facilitate water conservation**

44. (1) No cistern, and related pan designed to operate with such cistern, shall be installed with a cistern capacity of greater than 6 litres.  
 (2) Only flushing urinals that are user activated may be installed.  
 (3) In any water installation where the dynamic water pressure is more than 200 kpa at a shower control valve, and where the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve, a shower head with a maximum flow rate of no greater than 10 litres per minute shall be installed.  
 (4) The Maximum flow rate from any tap installed on a wash hand basin shall not exceed 6 litres per minute

**Water demand management**

45. (1) No person shall, without prior written authority from the Municipality, water a garden, sports field, park or other grassed or horticultural area between the hours of 11:00 and 15:00, between the months of October and March inclusive, irrespective of the source of the water used.  
 (2) Any person who contravenes or fails to comply with subsection (1) shall be guilty of an offence and liable to penalties as prescribed in the National Water Act, or other applicable legislation.

**Water restrictions**

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



published in terms of subsection (1), and where the supply has been cut off, it shall only be restored when the prescribed charge for cutting off and reconnecting the supply has been paid.

- (4) The provisions of this section shall also apply in respect of water supplied directly by the Municipality to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of subsection (1).

**Owner to prevent pollution of water**

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

**Protection of water supply system and installation**

48. (1) The owner must take any of the measures referred to in subsection (2) to prevent the backflow of water from the water installation to the water supply system in the case of-
- (a) a fire or combined installation on premises; and
  - (b) a general installation serving the following activities-
    - (i) medical treatment of people or animals;
    - (ii) medical, pharmaceutical or chemical research and manufacturing;
    - (iii) agriculture, including dairies and nurseries;
    - (iv) photographic processing;
    - (v) laundering and dry-cleaning;
    - (vi) metal plating;
    - (vii) treatment of skins and hides; and
  - (c) a general installation serving-
    - (i) mortuaries;
    - (ii) abattoirs;
    - (iii) sewage purification works;
    - (iv) refuse processing plants;
    - (v) oil processing and storage facilities;
    - (vi) wineries, distillers, breweries, yeast and cold drink factories;
    - (vii) sports facilities; or
    - (viii) any other premises on which an activity is carried out which in the opinion of the Municipality is likely to cause a danger to health or affect the potability of water in the event of a substance resulting from such activity entering the water supply system; and
  - (d) a general installation on any premises after a compliance notice by the Municipality to do so.
- (2) The measures required in terms of subsection (1) are-
- (a) the discharge of water from the service pipe into a storage tank through an air gap; or
  - (b) the passing of water through-
    - (i) a reduced pressure backflow preventer; or
    - (ii) a double check backflow preventer; or
  - (c) any other measures approved by the Municipality which achieve the same purpose.

- (3) The owner of any premises must prevent the back siphonage into his or her water installation of a substance which is likely to cause a danger to health or affect the potability of water, in the case of-
- (a) a terminal water fitting which is so designed that a hose or other flexible pipe is or can be attached to it, which shall include a hose bibcock, a laboratory tap, and a movable shower unit;
  - (b) a fire hose-reel in a combined installation;
  - (c) an underground irrigation system; or
  - (d) any other fitting which may provide contact between polluted water and the water installation.

### Part 6

#### Water Supply Services: Miscellaneous

##### Use of water from source other than water supply system

49. (1) No person shall use or permit the use of water obtained from a source other than the water supply system, except rain water tanks which are not connected to the water installation, except with the prior consent of Municipality and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes.
- (2) Any person desiring the consent referred to in subsection (1) shall provide Municipality with satisfactory evidence to the effect that the water referred to in that subsection complies, whether as a result of treatment or otherwise, with the requirements of SABS Specification 241-1984: Water for Domestic Supplies, published in the Government Gazette under General Notice 2828 dated 20 December 1985, or that the use of such water does not or will not constitute a danger to health.
- (3) Any consent given in terms of subsection (1) may be withdrawn if, in the opinion of Municipality -
- (a) a condition imposed in terms of subsection (1) is breached; or
  - (b) the water no longer conforms to the requirements referred to in subsection (2).
- (4) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into Municipality's sewerage system, Municipality may install a meter in the pipe leading from such borehole or other source of supply to the point or points where it is so used.
- (5) The provisions of section 30 shall apply insofar as they may be applicable in respect of the meter referred to in subsection (4).

##### Notification of boreholes

50. (1) The Municipality may, by public notice, require -
- (a) the owner of any premises within the area of jurisdiction of the Municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and
  - (b) the owner or occupier of any premises who intends to sink a borehole on such premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.
- (2) The owner or occupier of any premises who intends to sink a borehole shall undertake an environmental impact assessment for such intended borehole, to the satisfaction of the Municipality, before sinking the borehole.

##### Sampling of water

51. (1) Municipality may take samples of water obtained from a source other than the water supply system and cause the samples to be tested for compliance with the requirements referred to in section 55(2).
- (2) The prescribed charge for the taking and testing of the samples referred to in section (1) shall be paid by the person to whom consent to use the water was granted in terms of section 55(1).

##### Supply of non-potable water by Municipality

52. (1) The Municipality may on application in terms of section 17 agree to supply non-potable water to a consumer (excluding residential properties) subject to such terms and conditions as the Municipality may impose.
- (2) Any supply of water agreed to in terms of subsection (1) shall not be used for domestic or any other purposes which, in the opinion of Municipality may give rise to a health hazard.
- (3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the Municipality or its suitability for the purpose for which the supply was granted.
- (4) The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss to himself, herself or others arising directly or indirectly therefrom, including the consequences of any bona fide fault of the Municipality or the malfunction of a treatment plant.

#### Testing of pressure in system

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

#### Warning notices

54. (1) On premises on which non-potable water is used, the owner shall ensure that every terminal water fitting and every appliance which supplies or uses the water is clearly marked with a weatherproof notice indicating that the water therefrom is water unsuitable for domestic purposes.
- (2) In an area where treated sewage effluent is used, the owner shall erect weatherproof notices in prominent positions warning that such effluent is not suitable for domestic purposes.
- (3) Every warning notice prescribed in terms of subsections (1) and (2) shall be in more than one official language and shall include the symbolic sign for non-potable water, sign PV5 as described in SABS 1186.

#### Water audit

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

## CHAPTER 3 SANITATION SERVICES

### Part 1 Disposal of sewage

#### Objectionable discharge to sewage disposal system

56. (1) No person shall cause or permit any solid, liquid or gaseous substance other than storm water to

enter: -

- (a) any storm water drain, storm water sewer or excavated or constructed watercourse;
  - (b) any river, stream or natural watercourse or any public water, whether ordinarily dry or otherwise, except in accordance with the provisions of the Water Act, or
  - (c) any street or premises.
- (2) No person shall, other than in compliance with the permissions issued in terms of this By-law, discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance -
- (a) which does not comply with the standards and criteria prescribed in this By-law or other applicable legislation;
  - (b) which contains any substance in such concentration as will produce or is likely to produce in the final treated effluent at any treatment works or sea outfall discharge point or in any public water, any offensive or otherwise undesirable taste, colour or odour or any foam;
  - (c) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use or treated to produce sludge for disposal;
  - (d) which contains any substance or thing of whatever nature which is not amenable to treatment at treatment works to a satisfactory degree or which causes or is likely to cause a breakdown or inhibition of the processes in use at such works;
  - (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (3) No person shall cause or permit any storm water to enter the sewage disposal system.
- (4) An authorised official may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures, which would ensure compliance with these by-laws, and to report such findings to an authorised official.
- (5) If any person becomes aware of any contravention of these By-laws, he or she shall immediately advise the authorized official of the details of such contravention.

**Application for use of sewage disposal system**

57. (1) Any person wishing to utilise the sewage disposal system must make application to an authorised official in the prescribed form, accompanied by such information as set out in section 17(5) and any additional information that the Municipality may require from time to time.
- (2) The approval of an application referred to in subsection (1) shall constitute an agreement between the Municipality and that person.
- (3) After approval of the application the applicant referred to in subsection (1) shall be liable for all the prescribed fees in respect of the use of the sewage disposal system until such time as the agreement referred to in subsection (2) has been terminated.
- (4) Where premises have been connected to the sewage disposal system or are reasonably capable of being so connected, it shall be deemed that an agreement in terms of subsection (2) exists.
- (5) If the applicant is not the owner, the Municipality may, if it deems it expedient, require any owner to bind him or herself jointly and severally with the applicant for the payment of any charges payable to the Municipality in terms of these by-laws.

**Special agreements for disposal of sewage**

58. (1) The Municipality may enter into a special agreement for the disposal of sewage with -
- (a) a person / entity within the Municipality's area of jurisdiction, if the disposal necessitates the imposition of conditions not contained in this By-law.
  - (b) a person / entity outside the Municipality's area of jurisdiction.
- (2) If the Municipality, in terms of a special agreement contemplated in subsection (1), provides a means of disposal of sewage to a person or entity outside the Municipality's area of jurisdiction, it may permit him/her to

accept sewage for eventual disposal by the Municipality from other persons outside the Municipality's area of jurisdiction, subject to such conditions as the Municipality deems fit.

**Application for infrastructure**

59. (1) If an agreement for on-site sanitation and associated services in accordance with section 75 has been concluded, and no infrastructure in connection therewith exists on the premises, the owner must immediately make application for the installation thereof on the prescribed form and –
- (a) pay the prescribed fees for the installation of the necessary infrastructure; or
  - (b) with the approval of the Municipality install on-site sanitation services in accordance with the specifications of the Municipality.
- (2) In approving an application for the installation of infrastructure, the Municipality may specify the type of on-site sanitation services to be installed.

**Septic tank and treatment plant**

60. (1) No person may construct, install, maintain or operate any septic tank or other plant for the treatment, disposal or storage of sewage, without the prior written permission of the Municipality.
- (2) The permission referred to in subsection (1) is subject to the provisions of this By-law, any other relevant by-laws of the Municipality, or any other law.

**French drain**

61. The Municipality may, at its discretion and on such conditions as it may prescribe, having regard to the quantity and the nature of the effluent and the nature and permeability of the soil, permit the disposal of wastewater or other effluent by means of a French drain, soakage pit or other approved work.

**Conservancy tank**

62. The Municipality may at its discretion permit the owner of any premises to construct a conservancy tank and ancillary appliances for the retention of soil water, or such other sewage or effluent as it may decide, and such tank and appliances must be of such capacity, constructed of such material, and located in such position and at such level as it may prescribe.

**Ventilated improved pit latrine**

63. The Municipality may at its discretion and on such conditions as it may prescribe, having regard to the nature and permeability of the soil, the depth of the water table and any other factors which may have the potential to cause harm to the environment if approval is granted, the size of and access to the site and the availability of a piped water supply, permit the disposal of human excrement by means of a ventilated improved pit latrine, constructed in accordance with the specifications and located in a position indicated by the Municipality.

**Services associated with on-site sanitation services**

64. (1) The removal or collection of conservancy tank contents, night soil or the emptying of pits will be undertaken by the Municipality in accordance with a collection and removal schedule determined from time to time by the Municipality.
- (2) Prescribed fees in respect of the removal or collection of conservancy tank contents, night soil or the emptying of a pit or septic tank will be based on the quantity removed by vacuum tank or on the number of pails, in the case of a night soil removal service, and must be in accordance with Schedule of Tariffs of this By-law.
- (3) Regular night soil, conservancy tank and pit content removal services rendered in terms of this By-law, will be discontinued on receipt by the Municipality of not less than 48 hours notice in writing from the owner or occupier of the property or premises to discontinue the service.

**Provision of a connecting sewer**

65. (1) If application has been made in accordance with section 75 for use of the sewage disposal system and no connecting sewer exists in respect of the premises, the owner or his or her agent shall immediately apply to Municipality for the installation of such a connecting sewer and pay the prescribed charge.
- (2) If an application is made for use of the sewage disposal system to a premises which is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, an authorised official may agree to the extension subject to such conditions as he or she may impose.
- (3) An authorised official may at the request of any person agree, subject to such conditions as he or she

may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises; provided that the applicant shall be responsible, at his or her cost, for any extension of the drainage installation to the connecting point designated by an authorised official and for obtaining such servitudes over other premises as may be necessary.

- (4) A connecting sewer provided and installed by the Municipality shall -
- (a) be located in a position determined by an authorised official;
  - (b) terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the Municipality or over which it has a servitude or other right or when subsection (3) applies, at the connecting point designated in terms of that subsection;
  - (c) be of a size determined by an authorised official.

#### **Construction of drainage installation**

**66.** Any drainage installation must comply with *SABS Code 0400-1990 Part P, Drainage* and any amendments thereto.

#### **Use of pipes and fittings in drainage installation to be authorised**

**67.** No person may, without the prior written permission of the Municipality install or use a pipe or fitting in a drainage installation within the Municipality's area of jurisdiction, unless it is of a type included in the schedule referred to in section 45.

#### **Approval of drainage work**

- 68.**
- (1) No person may construct, reconstruct, alter, add to or make any permanent disconnection in or of any drainage installation without first having obtained the permission of the Municipality in writing.
  - (2) No drainage work mentioned in subsection (1) for which permission has been given in terms of this By-law, may be commenced until after the expiration of two clear days notice after notice in writing has been served on the Municipality stating the day on and time at which it is intended to commence the work.
  - (3) Before any part of a drainage installation is permanently covered or otherwise rendered practically inaccessible to visual inspection, it must be inspected and approved by the Municipality.
  - (4) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.

#### **Interconnection between premises**

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

#### **Acceptance of sewage delivered by road haulage**

- 70.**
- (1) An authorised official may, subject to such conditions as he or she may specify, accept sewage for disposal delivered to Municipal facilities by road haulage.
  - (2) No person shall discharge sewage into Municipal facilities by road haulage, except with and in accordance with the written permission of an authorised official. An authorised official shall determine the fees for any sewage delivered as contemplated in subsection (1) for disposal to any Municipal facility in accordance with the prescribed tariff of charges.
  - (3) When delivery is by road haulage-
    - (a) the time of delivery shall be arranged with an authorised official; and
    - (b) the nature and composition of the sewage shall be established to the satisfaction of an authorised official prior to the discharge thereof, and no person shall deliver sewage which does not comply with the standards determined in terms of this By-law.
  - (4) Provided that fourteen days written notice is given, an authorised official may withdraw any permission to discharge sewage delivered in terms of this section if the person to whom such permission had been given:
    - (a) fails to ensure that the sewage so delivered conforms to the standards prescribed in Schedule "A" or "B", as applicable, or in the permit; or
    - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these by-

laws or contravenes any provisions of these by-laws or any condition imposed on him or her in terms of any permission granted to him or her;

(c) fails to pay the assessed charges in respect of any sewage delivered.

#### **Measurement of quantity of standard domestic effluent discharged**

71. (1) The quantity of standard domestic effluent must be determined as a percentage of the water supplied to those premises by the Municipality.
- (2) If the Municipality is of the opinion that the percentage referred to in subsection (1), in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the Municipality may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.
- (3) In the absence of direct measurement, the standard domestic effluent will be estimated as follows -
- (a) 1,0 kilolitre per full-time *staff member* per working month;
  - (b) 4,0 per resident per working month, not included in paragraph (a); and
  - (c) for *staff canteens*: 0,15 kilolitre per meal prepared per working month; for which purpose a working month will be based on a five day working week, and in cases where the working week deviates from five days, a pro rata adjustment will be made.
- (4) Where premises are lawfully supplied with water from a source other than or in addition to the Municipality's water supply system, including abstraction from a river or borehole, the quantity will be a reasonable percentage of the total water used on those premises as may be estimated by the Municipality, taking into account any representations which may be made by the consumer.

### **Part 2 Industrial effluent**

#### **Discharge of industrial effluent**

72. (1) No person shall discharge or cause or permit to be discharged into the sewage disposal system any industrial effluent except with and in accordance with the provisions of this By-law and the written permission of an authorised official.
- (2) If, in the opinion of an authorised official, the capacity of a sewage disposal system is sufficient to permit the conveyance, effective treatment and lawful disposal of the industrial effluent he or she may, for such period and subject to such conditions as he or she may impose, grant written permission in terms of subsection (1).
- (3) A person to whom such permission is granted shall pay to the Municipality the prescribed fees.
- (4) Application for permission to discharge industrial effluent shall be made in accordance with section 75 above.
- (5) The person to whom permission has been granted in terms of this Chapter shall ensure that no industrial effluent is discharged into the sewage disposal system unless it complies with the standards and criteria set out in Schedules "A" and "B" hereto.
- (6) No person shall, without the written permission of the authorized official, discharge into or cause or allow to enter any sewer, any sewage or industrial effluent which:
- (a) has a temperature exceeding 45 degrees Celsius or 10 deg. Celsius above ambient temperature, whichever is higher at the point of entry to the sewer;
  - (b) has a pH value of less than 6,0 or greater than 9,5;
  - (c) contains the following :
    - (i) calcium carbide or radioactive waste or isotope;
    - (ii) yeast, yeast wastes, molasses spent or unspent, in excess of an amount permitted by the authorized official;
    - (iii) cyanogen compounds capable of liberating hydrogen cyanide on acidification;
    - (iv) degreasing solvents, petroleum spirit, volatile inflammable solvents or any

- substance which may, or is likely to give off an inflammable or poisonous vapour at a temperature above 20 degrees Celsius.
- (d) contains any matter in such concentration as will, in the opinion of the authorized official, produce or is likely to produce in the final treated effluent at any sewage works or in any public water, any offensive or otherwise undesirable taste, colour or odour or any foam;
  - (e) may prejudice the reuse of treated sewage effluent for industrial or similar purposes or adversely affect any of the processes whereby sewage is treated to purify such effluent for reuse, or to produce sludge for disposal; and
  - (f) contains any substance or material of whatever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment works or which causes or is likely to cause breakdown or inhibition of the processes in use at such works.
    - (g) which contains any substance or thing of whatever nature which is of such strength, or which is amenable to treatment only to such a degree as will result in effluent from the treatment works or discharge from the sea outfall being unable to comply satisfactorily with any requirements of the Water Act;
    - (h) which may cause danger to the health or safety of any person or may be injurious to the sewage disposal system or may prejudice the use of any ground used by the Municipality for the sewage disposal system;

#### Relaxation of standards

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

#### Test samples

- 74.** (1) Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with Schedule "A" and "B" or any other standard prescribed by Municipality *permit*.
- (2) The permit holder of a permit issued in terms of subsection (1) shall provide a sampling point, to the satisfaction of the authorised official, in respect of the industrial premises concerned.

#### Duties of permit holder

- 75.** (1) An authorised official may in the *permit* or at any time, by written notice, require a person to whom permission had been granted in terms of section 90(1) to -
- (a) subject the industrial effluent to such preliminary treatment as in the opinion of an authorised official will ensure that the industrial effluent conforms to the standards prescribed in Schedules "A" and "B" before being discharged into the sewage disposal system;
  - (b) install such equalizing tanks, valves, pumps, appliances, meters and other equipment as in the opinion of an authorised official will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed by him or her;
  - (c) install for the conveyance of his or her industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent and may prohibit such permit holder from disposing of his or her industrial



effluent at any other point and from disposing of his or her waste water and standard domestic effluent by means other than into a sewage disposal system;

(d) construct on any pipe conveying his or her industrial effluent to any sewer, a manhole and/or stop-valve in such position and of such dimensions and materials as an authorised official shall prescribe;

(e) provide all such information as may be required or called for by an authorised official to enable him or her to assess the charges due to the Municipality in terms of this By-law in accordance with the formula prescribed by them;

(f) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catchpits, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of this By-law;

(g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of the permit holder at times laid down by an authorised official and copies of the calibration to be forwarded to him or her;

(h) cause his or her industrial effluent to be analyzed as often and in such manner as may be prescribed by an authorised official and provide him or her with results of these tests when completed;

(i) obtain the written permission of an authorised official for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system;

(j) in the event of the permit holder discharging into the sewage disposal system any industrial effluent which does not comply with the permit issued in respect of that process or premises, the permit holder or his or her agent shall, within twelve hours of the discharge, notify an authorised official of the incident and the reasons for it.

(2) The cost of any treatment, plant, works or analysis required in terms of subsection (l), shall be borne by the person to whom permission had been granted.

**Withdrawal of written permission for disposal of industrial effluent**

**76.** (1) Provided that an authorised official shall give fourteen days written notice, he or she may withdraw any permission to discharge industrial effluent into the sewage disposal system granted in terms of this Chapter if the person to whom such permission had been granted -

(a) fails to ensure that the industrial effluent so discharged conforms to the industrial effluent standards prescribed in Schedules "A" and "B" of this By-law or in the permit;

(b) fails or refuses to comply with any notice lawfully served on him or her in terms of this By-law or contravenes any provision of this By-law or any condition imposed upon him or her in terms of any permission granted to him or her; or

(c) fails to pay the charges due in respect of any industrial effluent discharged.

(2) The authorised official may, when withdrawing the permission as contemplated in subsection (1), -

(a) and in addition to any steps prescribed in this By-law, on fourteen days' written notice served on the person concerned, authorize the closing or sealing of the connecting sewer or drain of the said premises to any sewer at the cost of such person;

(b) refuse to accept any further industrial effluent until he or she is satisfied that the person concerned has taken adequate steps to ensure that the industrial effluent to be discharged conforms with the standards prescribed in this By-law.

(3) An authorised official may, subsequent to a drain or connecting sewer having been closed or sealed in terms of subsection (2), upon being satisfied that the effluent to be discharged meets with the standards prescribed in this By-law and against payment of the prescribed fees, open or authorize the reopening of the connection or seal.

**Measurement of quantity of industrial effluent discharged**

**77.** (1) The Municipality may install, in such position as it determines, in any drainage installation conveying industrial effluent to a sewer, any meter or gauge or other device for the purposes of ascertaining the quantity or composition of the industrial effluent and it may recover the installation and maintenance costs from the owner.

- (2) It is an offence for any person to bypass, open break into or otherwise interfere with or to damage any such meter, gauge or other device.
- (3) The Municipality may, after consultation with the person concerned, establish an alternative method of assessing the quantity of the effluent to be discharged.
- (4) Notwithstanding the foregoing provisions of this section, the Municipality may require any person who discharges industrial effluent into its sewers to provide one or more meters in such a position in the water installation as the Municipality may deem necessary to record the water consumption in a specific part of the premises.
- (5) The Municipality may determine a rebate to apply to the prescribed fees if the owner or occupier discharges industrial effluent -
- (a) solely during periods specified by the Municipality; and/or
  - (b) containing constituents which will have a beneficial effect on the effluent discharged from the sewage treatment plant.
- (6) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the Municipality may, upon application, reduce the assessed quantity of industrial effluent.

**Damage to sewage disposal system or the environment**

- 78.** If a person is discharging industrial effluent which will, if allowed to continue, seriously damage the sewage disposal system or the environment, the authorised official may immediately authorise the sealing of the sewer connection through which the industrial effluent is being discharged. No person shall permit the opening of that connection until an authorised official is satisfied that the industrial effluent will comply with the prescribed standards.

**Maintenance of delivery pipeline**

- 79.** The delivery pipeline from the premises concerned to the point of acceptance shall be maintained by the permit holder in a proper condition and free from leaks.

**Periodic review**

- 80.** Acceptance of the industrial effluent shall be subject to periodic review; provided that such review may be made at any time if, in the opinion of an authorised official, special circumstances exist to justify such review.

**Change in process of manufacture of materials**

- 81.** An authorized official shall be notified of any proposed change in the process of manufacture or in the quantity or nature of the materials used which is likely to affect the nature, composition or quantity of the industrial effluent discharged and his or her permission for the continued discharge of such effluent shall be obtained.

**Part 3**

**Sanitation: Miscellaneous**

**Damage to sewage disposal system**

- 82.** (1) A person may not damage or endanger the sewage disposal system, or cause or permit it to be damaged or endangered.
- (2) Any person who intends performing work on land owned by or vested in the Municipality or over which it has a servitude or other right and which may cause damage to the sewage disposal system shall, prior to commencement of such work, ascertain from an authorised official if any part of the sewage disposal system is situated on the said land.
- (3) If work which is to be performed or is being performed on land referred to in subsection (2), or on land adjacent thereto and which in the opinion of an authorised official could damage or endanger the sewage disposal system he or she may, by notice in writing, require the person concerned not to commence, or to cease performing, the work until such time as he or she has complied with the conditions specified in the notice.

**Consequential maintenance of sewers**

- 83.** Whenever a sewer is damaged or becomes obstructed or in need of repair as a result of the act or omission of any person, whether by reason of the failure of such person to comply with the requirements of this By-law or

otherwise, the Municipality shall be entitled to remove the obstruction or perform the maintenance or repairs deemed necessary by the authorised official, at the expense of such person.

**Work by private persons**

- 84.** (1) The Municipality or its agents shall lay all sewers and connecting sewers unless it elects not to do so, in which case the work shall be executed in accordance with the Municipality's specifications applicable to the work, as well as the following provisions:
- (a) any person performing work in terms of this section shall, prior to commencement of such work, lodge with an authorised official a written indemnity to his or her satisfaction indemnifying the Municipality against all liability in respect of any accident or injury to persons or loss or damage to property which may occur as the direct or indirect result of the execution of such works;
  - (b) where a connection is to be made with any sewer it shall be made at a point indicated by an authorised official;
  - (c) whenever the surface of any street or road has been disturbed in the course of such work, the restoration of such surface shall be undertaken solely by the Municipality at the expense of the person performing the work. Prior to the disturbance of the surface of such street or road a deposit shall be made by such person with the Municipality which in the opinion of an authorised official is sufficient to cover the estimated cost of such restoration. When the actual cost exceeds or is less than the amount deposited, any excess shall be recoverable from such person and any balance shall be refunded to him or her;
  - (d) all work shall be performed in accordance with the requirements and to the satisfaction of an authorised official.

**CHAPTER 4  
DEPOSITS, PAYMENTS AND ACCOUNTS**

**Deposits**

- 85.** (1) Every consumer must on application for the provision of water services and before such water services will be provided by the Municipality, deposit with the Municipality a sum of money equal to the estimated fees for two average months water services as determined by the Municipality.
- (2) The Municipality may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request within a specifies period.
- (3) The Municipality may from time to time review the deposit paid by a consumer in terms of subsection (1) and, in accordance with such review -
- (a) require that an additional amount be deposited by the consumer; or
  - (b) refund to the consumer such amount as may be held by the Municipality in excess of the revised deposit.
- (5) Subject to the provisions of subsections (5) and (8), an amount deposited with the Municipality in terms of subsections (1) or (2) must not be regarded as being in payment or part payment of an account due for water services rendered.
- (6) If, upon the termination of the Agreement for the provision of water services, an amount remains due to the Municipality in respect of water services rendered to the consumer, the Municipality may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer, if the address of the consumer is known.
- (7) No interest will be paid by the Municipality on the amount of a deposit held by it in terms of this section.
- (8) When a water supply is disconnected due to an unpaid account, the deposit will be allocated to the unpaid account and a new deposit must be paid before the water supply is reconnected.

**Fees for Services**

- 86.** (1) All fees payable in respect of water services rendered by the Municipality in terms of this By-law, including but not limited to the payment of connection fees, fixed fees or any additional fees or interest in respect

of failure to pay such prescribed fees on the specified date, shall be prescribed by resolution of the Municipality and must be in terms of section 10 of the Act and the regulations made there under.

(2) All fees determined by the Municipality for the use of its sewers, or for discharge into the sewage disposal system or otherwise in connection with such system are payable in accordance with the Schedule of Tariffs in this By-law by the owner of the premises, or the consumer, whichever is applicable, in respect of which the fees are raised.

(2) If any portion of land, whether or not there are any improvement thereon, is, or in the opinion of the Municipality could be connected to a sewer, the owner of that land must pay to the Municipality the fees determined by the Municipality.

#### **Accounts**

**87.** (1) Accounts must be rendered and administered in accordance with the requirements and policies of the Municipality and subject to Credit Control By-laws passed by the Municipality.

(2) If it is established that a meter is defective, the Municipality must, in accordance with section 34, adjust the account rendered.

#### **Payment for water services**

**88.** (1) Water services provided by the Municipality must be paid for by the consumer at the prescribed fees for the particular category of water services provided.

(2) A consumer is responsible for the payment of all water services provided to him or her from the date of commencement of the service to the date of termination thereof.

(3) The Municipality may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements which may not be more than 180 days apart, and may render an account to the consumer for the services so estimated, which estimate must, for the purposes of this By-law, be regarded as an accurate measurement until the contrary is proved.

(4) If a consumer uses water supply services for a category of use other than that for which it is provided by the Municipality in terms of an agreement and as a consequence is charged at a rate lower than the rate that should have been charged, the Municipality may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the fees payable in accordance with such adjustment, and may also review the amount of the deposit held, in accordance with section 9(3).

(5) If amendments to the prescribed fees for water services provided become operative on a date between measurements for the purposes of rendering an account in respect of such fees -

(a) the same quantity of water services must be regarded as having been provided in each period of twenty four hours during the interval between the measurements; and

(b) any prescribed fee must be calculated on a pro rata basis in accordance with the prescribed fee which applied immediately before such amendments.

(6) Failure by the Municipality to comply with the period of 180 days referred to in subsection (3) will not entitle the Municipality from recovering any monies due to it by a consumer.

(7) If a consumer is dissatisfied with an account rendered for water supplied to him or her by Municipality he or she may, prior to the due date stipulated therein, object in writing, or be assisted by Municipality to object in writing, to the account, setting out his or her reasons for such dissatisfaction; provided that the lodging of an objection shall not entitle a consumer to defer payment except with the written consent of Municipality.

#### **Payment in respect of prepayment meters**

**89.** When a consumer is supplied with water through a prepayment meter, in addition to the requirements of sections 9 and 10:

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

(b) when a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer; and

(c) the Municipality shall not be liable for the reinstatement of credit in a prepayment meter lost due to

tampering with, or the incorrect use or abuse of a prepayment meter and/or token.

**Payment for water supplied**

90. All water supplied by the Municipality must be paid for by the consumer in accordance with section 10 of the Water Services Act and this By-law.

**Water accounts**

91. (1) The Municipality shall show on each water account rendered to a consumer the actual or estimated meter readings in kilolitres or cubic metres, together with the dates of the readings and the total amount due in Rands. If the readings are estimated, this shall be clearly indicated on the account.

(2) When an estimated meter reading is used, the Municipality must be in a position to justify it to the consumer.

**No reduction of amount payable for water wasted**

92. A consumer shall not be entitled to a reduction of the amount payable for water wasted in a water installation.

**Charges other than for water supplied**

93. (1) The Municipality may, in addition to fees authorised elsewhere in this By-law, prescribe and levy any of the following fees:

(a) A fee payable by the consumer in respect of each connection pipe or meter provided by the Municipality to serve the premises occupied by him or her, whether or not water has been supplied to him or her, the fee being due from the date of the agreement referred to in sections 17(2) or 18(1), whichever is applicable. Such fee shall not be based on any quantity of water consumed.

(b) A monthly fee payable by the owner in respect of premises which, in the opinion of the Municipality, can reasonably be connected to the water supply system but is not so connected.

(2) The consumer and the owner of the premises are jointly and severally liable to pay the fees determined by the Municipality, in respect of any fire extinguishing installation or appliance used or installed upon such premises.

**CHAPTER 5**

**Part 1  
Miscellaneous**

**Power to Serve Notices and Compliance**

94. (1) The Municipality may, by written notice, order an owner, consumer or any other person who, by an act or omission, fails to comply with a provision of this by-law; or

(b) any condition imposed by this by-law to remedy such failure within a period specified within the notice, which period may not be less than 30 days, provided that the period in the case of a notice issued in may not be less than 7 days.

(3) If an owner or consumer or any other person fails to, within the specified period, comply with a written notice served on him or her by the Municipality in terms of this by-law, the Municipality may take such action as in its opinion is necessary to ensure compliance, which action also includes:-

(a) Undertaking the work necessary and recovering the cost of the work from the owner, consumer or other person, as the case may be; or

(b) Restricting or continuing the provision of services to the owner, consumer or other person, as the case may be; and

(c) Instituting legal proceedings against the owner, consumer, or other person, as the case may be.

(3) A notice in terms of subsection(1) shall:-

(a) give details of the provision of the by-law that has not been complied with;

(b) give the owner, consumer, or other party a reasonable opportunity to make representations and state his or her case in writing to the Municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was served

- (c) specify the steps that the owner, consumer or other person can take to rectify or remedy the failure
  - (d) specify the period within which the owner, consumer or other person is to take the steps specified to rectify the failure; and
  - (e) indicate that the municipality may:-
    - (i) if the notice is not complied with, undertake the work that is necessary to rectify the failure and recover from the owner, consumer or other person the actual cost of such work; and
    - (ii) take any other action it deems necessary to ensure compliance.
- (4) In the event of an emergency, the municipality may without prior notice undertake the work contemplated in subsection 3 and recover such costs from the owner, consumer or other person, as the case may be.
- (5) The actual costs recoverable by the municipality in terms of subsections (3) and (4) shall be the full costs associated with such work and include, but is not limited to:-
- (a) the costs of any exploratory investigation, plan, specification, schedule of quantities, supervision, administrative charge, the use of tools, and the labour involved in disturbing or rehabilitating any part of a street or ground affected by the work; and
  - (b) the environmental costs of such work

#### **Interference with water services**

- 95.** (1) No person may -
- (a) operate or maintain any part of the water supply system;
  - (b) operate any sewerage disposal system;
  - (c) effect a connection or reconnection to the water supply system or sewerage disposal system; or
  - (d) render any other sanitation services, unless authorised to do so by the Municipality in writing.
- (2) No person may interfere with, or wilfully or negligently damage, or permit damage to or interference with any part of the water supply system or sewerage disposal system belonging to the Municipality.

#### **Obstruction of access to water supply system or sanitation service**

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

#### **Power of entry and inspection**

- 97.** (1) An official may for any purpose connected with the implementation or enforcement of this By-law, at all reasonable times, after having given notice of the intention to do so, or in an emergency at any time, enter premises, request information and carry out such inspection and examination as he or she may deem necessary, and for those purposes operate any water fitting of the water installation or sewerage disposal system.
- (2) If Municipality considers it necessary that work be performed to enable an official to perform a function referred to in subsection (1) properly and effectively, it may -
- (a) by written notice require the owner or occupier of the premises at his or her own expense to do specified work within a specified period; or
  - (b) if in its opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done at the expense of the owner.
- (3) If the work referred to in subsection (2) is carried out for the sole purpose of establishing whether a contravention of this By-law has been committed and no such contravention is established, Municipality shall bear the expense connected therewith together with that of restoring the premises to its former condition.
- (4) If an official requires the presence of -
- (a) an owner at an inspection of his or her water installation; or
  - (b) a registered plumber doing installation work at an inspection of such work;
- he or she may give such person written notice of not less than five working days to that effect, indicating the date and time when and the place where he or she proposes to carry out the inspection.

**Termination of Agreements**

- 98.** (1) Subject to the provisions of subsection (9) –
- (a) a consumer may terminate an agreement for the provision of water services by giving to the Municipality not less than seven days' notice in writing of his or her intention to do so;
  - (b) the Municipality may, by notice in writing of not less than 30 days, advise a consumer of the termination of his or her agreement for the provision of water services if –
    - (i) he or she has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the Municipality for the continuation of the agreement;
    - (ii) he or she has failed to comply with the provisions of these By-laws and has failed to rectify such failure to comply following the issue of a compliance notice or has failed to pay prescribed fees due and payable; Provided that the provisions of the Act, this By-law and any other applicable law must be followed before the agreement is terminated; or
    - (iii) an arrangement has been made by such consumer with another water services institution to provide water services to the consumer;
- (2) the Municipality may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.
- (3) (a) If it is determined by a person legally entitled to do so, other than the Municipality, that an existing water service on private property, or emanating from private property, is creating environmental damage or water pollution, or water wastage, and the owner of the property or consumer, whichever is applicable, is directed to carry out measures as are required under any Act or law to rectify the situation, the Municipality is not liable for any damages arising as a result of the measures required to be taken or in respect of damages suffered as a result of a permanent or temporary termination of the services.
- (b) Should the consumer fail to carry out such measures, the Municipality may, subject to the provisions of Chapter 4, undertake the measures required, and any expenditure incurred may be recovered from the owner of the premises or the consumer as the case may be.

**Prohibition of access to water services other than through the Municipality**

- 99.** (1) No person is permitted to have access to water services from a source other than the Municipality, without its written approval.
- (2) Despite the provision of subsection (1) hereof, a person who, at the commencement of this By-law, was using water from another source may continue to do so –
- (a) for a period of 60 days after he or she has been requested to apply for approval;
  - (b) thereafter until the application for approval is granted, if it has not been granted within that period; or
  - (c) for a reasonable period thereafter, within the discretion of the Municipality, if the application for approval is refused.
- (3) In granting approval, the Municipality may require the person seeking approval to supply such services as may be specified in the approval to others on reasonable terms, which must be specified by the Municipality.

**Water services intermediaries**

- 100.** (1) An intermediary for the supply of water and sanitation services must be registered with the Municipality.
- (2) The quality, quantity and sustainability of water services provided by the intermediary must meet the minimum standards prescribed by the Minister and must in all respects comply with the relevant provisions of this By-law.
- (3) Fees charged by an intermediary must comply with the norms and standards prescribed under the Act and any additional norms and standards required by this By-law or otherwise set by the Municipality.
- (4) In the event of a failure by the intermediary to perform its functions effectively, the Municipality may, subject to the provisions of section 26 of the Act, direct the intermediary to rectify its failure, and if the direction is not complied with, the Municipality may itself take over such functions.

(5) When the intermediary is capable of resuming its functions effectively, the Municipality must stop exercising such functions on behalf of the intermediary and may recover from the intermediary all expenses incurred and losses suffered as a result of having acted on behalf of the intermediary.

(6) The Municipality must monitor the performance of intermediaries to ensure that norms and standards for fees, any conditions set by the Municipality, the provisions of this By-law and any contractual arrangements between the parties are adhered to.

**General responsibility for compliance with this By-law and other laws**

**101.** (1) The owner of premises is ultimately responsible for ensuring compliance with this By-law in respect of all or any matters relating to any installation, and if he or she is not the consumer who actually uses the water services, the owner is jointly and severally liable with such consumer in respect of all matters relating to the use of any water services on his or her property, including any financial obligation.

(2) The consumer is primarily responsible for compliance with this By-law in respect of matters relating to the use of any water services.

(3) No approval given under this By-law relieves any owner or consumer from complying with any other law relating to the abstraction and use of water, or the disposal of effluent.

**Unauthorised use of water services**

**102.** No person shall take water from the water supply system -

(a) until an agreement referred to in section 17 or 18(1) has been concluded;

**Part 2**

**Enforcement of By-Laws and Other Legal Matters**

**Authorisation of authorised official**

**103.** A service provider as contemplated in the definition of Municipality and in section 76 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), may authorise any person in its employ to be an authorised official.

**Functions of authorised official**

**104.** (1) An authorised official may execute work, conduct an inspection and monitor and enforce compliance with this By-law.

(2) Subject to the provision of any other law, an authorised official must carry out the functions contemplated in this section and the powers set out in section 101, in accordance with the procedure outlined in sections 106 and 107.

**Additional powers of authorised official**

**105.** (1) An authorised official, in addition to any power conferred upon him or her in terms of this By-law, may -

- (a) execute work on or inspect premises;
- (b) question a person present on any premises in respect of any matter which may be relevant to the work or inspection;
- (c) question a person whom the authorised official believes may have information relevant to the work or inspection;
- (d) inspect any document that a person is required to maintain in terms of any law or that may be relevant to work or inspection;
- (e) copy any document referred to in paragraph (d) or if necessary, remove the document in order to copy it;
- (f) take samples of any substance that is relevant to the work or inspection;
- (g) monitor and take readings or make measurements;
- (h) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises; and
- (i) do what is necessary for the execution of work or the conducting of an inspection that the Municipality is required to undertake in terms of these By-laws.

(2) An authorised official who removes anything other than a substance contemplated in subsection (1) (f) from the premises being worked upon or inspected, must -



- (a) issue a receipt for it to the owner or person in control of the premises; and
- (b) return it as soon as is practicable after achieving the purpose for which it was removed.

**Procedure to execute work or conduct an inspection: entry with a written authorisation**

- 106.** (1) An authorised official may subject to section 101 of the Systems Act, enter any premises if a justice of peace as contemplated in section 3 and 4 of the Justices of the Peace and Commissioners of Oaths Act, 1963 (Act No. 16 of 1963) has issued a written authorisation to enter and execute work or inspect the premises, and the written authorisation is still valid.
- (2) A justice of peace may issue a written authorisation to enter and execute work or inspect any premises if, from information on oath, there are reasonable grounds to believe -
- (a) that, in the interest of the public, it is necessary to execute work or obtain information that cannot be obtained without entering those premises;
  - (b) that there is non-compliance with any provision of this By-law in respect of the premises;
  - (c) that significant environmental degradation or water pollution has taken, or is likely to take place, or is suspected.
- (3) A justice of peace may issue a written instruction to the owner or person in control of the premises to do work at the expense of such owner or person, which is necessary to enable an authorised official to -
- (a) determine whether or not there has been a contravention of these By-laws on such premises;
  - (b) restore access to water supply system or any sanitation service where the owner or such person has restricted access;
  - (c) properly or effectively execute work or inspect premises, as contemplated in subsection (1).
- (4) If, after the work contemplated in subsection (3) has been performed, it is established that no contravention of this By-law has taken place, the expenses incurred in performing the work and restoring the premises to its former condition, shall be paid by the Municipality.
- (5) A written authorisation in terms of subsection (2) may be issued at any time and must specifically -
- (a) identify the premises that may be worked on or inspected; and
  - (b) authorise the authorised official to enter and execute work or inspect the premises and do anything listed in section 101(1).
- (6) A written authorisation issued in terms of subsection (2) is valid until one of the following events occur:
- (a) It is carried out;
  - (b) is cancelled by the person who issued it or, in that person's absence, by a person with similar authority;
  - (c) the purpose for which it was issued, has lapsed;
  - (d) three months have passed since the date of issue.
- (7) A written authorisation issued in terms of subsection (2) may only be carried out between 07h00 and 19h00, unless the justice of peace who issues it states in writing that it may be carried out at a different time reasonable in the circumstances.
- (8) Before commencing any work or inspection, an authorised official who carries out a written authorisation must either -
- (a) if the owner or a person apparently in control of the premises is present -
    - (i) identify him or herself and explain his or her authority to that person or furnish proof of such authority, and
    - (ii) hand a copy of the written authorisation to that person;
  - (b) if the owner or person apparently in control of the premises is absent or refuses to accept a copy, attach a copy of the written authorisation to the premises in a prominent and visible place.

**Procedure to execute work or conduct an inspection: entry without a written authorisation**

- 107.** (1) An authorised official who does not have a written authorisation may subject to section 101 of the

**Systems Act, enter and execute work or inspect –**

- (a) any premises with the consent of the owner or person apparently in control of the premises; or
- (b) any premises, except residential premises, on a routine basis
  - (i) no more frequently than six times during a twelve month period; or
  - (ii) more frequently if permitted by this By-law for the purposes of any work or inspection;
- (c) any premises, if there are reasonable grounds to suspect that there is an emergency, and/or that any delay in commencing any work or inspection may -
  - (i) disrupt or adversely affect the provision of water and sanitation services;
  - (ii) result in excessive wastage or pollution of water; or
  - (iii) have significant detrimental effects on public or private health and safety;
- (d) any premises from which there is a discharge or suspected discharge, into any sewer of any storm water, sewage, industrial effluent, or other liquid or substance contemplated in section 73(1), (2) and (3);
- (e) any premises on which a nuisance is caused by, or related to, or emanates from a drainage installation; and
- (f) any premises on which a contravention exists or is suspected.

(2) Unless the emergency and/or delay in commencing any work or inspection referred to in subsection (1)(c) was caused by an act or omission of the Municipality, the cost of any remedial action taken in connection with subsections (c), (d), (e) and (f) must be paid by the owner of the premises.

(3) In addition to the entry permitted in terms of subsection (1), an authorised official may enter any premises without a written authorisation in respect of which there is an outstanding compliance notice, issued in terms of section 108 for the purposes of determining whether that notice has been complied with.

(4) Before commencing work or inspecting any premises in terms of this section, an authorised official must identify himself or herself and explain his or her authority or furnish proof of such authority to the person apparently in control of the premises or the person who gave permission to enter.

(5) Any entry and execution of work or inspection without a written authorisation must be carried out at a reasonable time in the circumstances.

**Using force to enter**

108. (1) An authorised official carrying out a written authorisation in terms of section 102 may overcome any resistance to entry, execution of work or inspection by using as much force as is reasonably required, including breaking a lock, door or window of the premises to be entered.

(2) Before resorting to force, the person carrying out the written authorisation must audibly demand admission and must announce his or her purpose, unless he or she reasonably believes that doing so may induce someone to destroy, dispose of, or tamper with, an article or document that is the object of the inspection.

(3) The Municipality must compensate anyone who suffers damage because of forced entry during the execution of any work or any inspection when no one responsible for the premises was present.

(4) Force may not be used to effect an entry or execute work or conduct an inspection in terms of section 103, unless an emergency arises.

**Authorised official may be accompanied**

109. During the execution of any work or an inspection, an authorised official may be accompanied by a member of the South African Police Services or by any other person reasonably required to assist in executing the work or conducting the inspection.

**Duty to produce document**

110. Any person who holds any document relevant to the execution of any work or inspection contemplated in this Chapter must produce it at the request of an authorised official.

**Compliance notice**

111. (1) An authorised official who becomes aware that any provision of this By-law has not been complied with, may issue a *compliance notice* to the owner or person apparently in control of the relevant premises.

(2) An authorised official who is satisfied that the owner or person apparently in control of any premises has satisfied the terms of a compliance notice may issue a *compliance certificate* to that effect.

(3) A compliance notice remains in force until an authorised official has issued a compliance certificate in

respect of that notice.

- (4) A compliance notice must set out -
- (a) the provision that has not been complied with;
  - (b) details of the nature and extent of non-compliance
  - (c) any steps that are required to be taken and the period within which those steps must be taken; and
  - (d) any penalty that may be imposed in terms of these By-laws in the event of non-compliance with these steps.

**Complaints against persons other than the Municipality**

**112.** Anyone may lodge a complaint with an authorised official, either directly or through any other channel established by the Municipality, that another person -

- (a) is likely to cause or has caused a disruption of the provision of water and sanitation services without just cause; or
- (b) is likely to act or has acted contrary to the provisions of this By-law; in which event the authorised official, unless he or she has reasonable grounds to believe that the complaint is frivolous, must investigate the complaint and, take any necessary action which is competent in terms of this By-law.

**Official address**

- 113.** (1) For the purposes of the serving of any notice, order or other document relating to legal proceedings -
- (a) the address of the owner of the premises on which domestic water is consumed or generated is deemed to be the official address of such owner; and
  - (b) the address of the consumer, as referred to in sections 18(5) and 75(1) is deemed to be the official address of the consumer.

(2) Where any notice or other document is required by this By-law to be served on any person other than for the purpose of criminal proceedings, it must be served on him or her personally, failing which it may be served on any member of his or her household or an employee as the case may be, of the apparent age of 16 years or older, at the place of residence or business of that person, or if sent by registered post, to the official address contemplated in subsection (1), it will constitute prima facie proof of the serving of such notice.

**Recovery of costs and fees**

**114.** Any costs which the Municipality is entitled to recover from a consumer, owner or other person in terms of this By-law include, where applicable, any prescribed fees, expenses incurred in any exploratory investigation, survey, plan, specification, or schedule of quantities compilation, supervision, administration or authorisation charges, including the cost of any ancillary work associated therewith, wear and tear on plant and equipment utilised in any of these activities, the provision of labour and the costs, including environmental costs, involved in the disturbing and making good of any part of any street, ground or water and sanitation services work.

**Legal compliance warranty**

**115.** Notwithstanding any provisions to the contrary, any consumer by making application for water services, warrants that he or she will -

- (a) in his or her activities, application and use of the water services, comply with all relevant laws, regulations and standards governing the environment, health and safety;
- (b) take all reasonable measures to prevent pollution or environmental degradation from occurring, continuing or recurring;
- (c) in so far as such harm to the environment is authorised by law, or cannot reasonably be avoided or stopped, minimize and rectify such pollution or degradation of the environment; and
- (d) bear all costs and expenses incurred in meeting the above obligations and the implementation thereof.

**False statement or information**

**116.** No person may make a false statement or furnish false information to the Municipality, an authorised official, an authorised official or an employee of the Municipality or falsify a document issued in terms of this By-law.

**Exceptions to application of this By-law**

- 117.** (1) If approval was given before the date of commencement of this By-law for installation work to be done, or if authorised work is in progress on such a date, such work must comply with any applicable laws which were in force in the area of jurisdiction of the Municipality, immediately prior to such date.

(2) For a period of 90 days after the commencement of this By-law, the Municipality may give approval for installation work to be done in accordance with any law mentioned in subsection (1).

(3) No owner may be required to comply with this By-law by altering a water installation or part thereof which was installed in conformity with any law applicable immediately before the date of commencement of this By-law: Provided that if in the opinion of the Municipality, the installation or part thereof is so defective, or in such a condition or position to cause waste or undue consumption of water, pollution of the water supply, or a health, safety or environmental hazard, it may by notice in writing require the owner to comply with the provisions of this By-law within a specified and reasonable period.

#### **Exemptions**

**118.** (1) The Municipality may by resolution exempt any person from complying with a provision of this By-law, subject to conditions, if the provision is considered to be unreasonable, provided that an exemption may not be granted which will result in -

- (a) wastage or excessive water consumption;
- (b) evasion or avoidance of water restrictions;
- (c) a danger for public health, safety or the environment;
- (d) non-payment for services;
- (e) the installation of pipes and fittings which are not approved in terms of this By-law;
- (f) non-compliance with the Act and regulations made in terms thereof.

(2) The Municipality may at any time withdraw an exemption given in terms of subsection (1), provided that it must give the person concerned reasonable notice in writing of its intention to withdraw an exemption previously granted.

#### **Offences**

**119.** (1) No person other than the municipality may manage, maintain or operate the water and sanitation infrastructure through which municipal services are provided.

(2) No person other than the municipality may affect a connection to the water and sanitation infrastructure through which municipal services are provided.

(3) No person may prevent or restrict physical access to the infrastructure through which municipal services are provided.

(4) If a person contravenes subsection 1, 2 and 3 of section 119, the municipality may -

- (1) By written notice require such person to restore access at his or her own expense within a specified period; or
- (2) If it is of the opinion that the matter of urgency, without prior notice, restore access and recover from such person the cost of restoring the access.

(5) If any person uses unauthorised services, the municipality may, irrespective of any other action it may take against the person in terms of this by-law, order the person by written notice to:-

- (1) Apply for the water supply services; and
- (2) Undertake such work as may be necessary to ensure that the installation through which unauthorised services was gained complies with the provisions of this or any other by-law of the municipality.

The municipality may, without compensation, confiscate the property or other instruments through which unauthorised services were accessed.

(6) It is an offence for any person to -

- (a) refuse to grant an authorised official access to premises to which that authorised official is duly authorised to have access;
- (b) obstruct, interfere or hinder an authorised official who is exercising a power or carrying out a duty under this By-law;
- (c) fail or refuse to provide an authorised official with a document or information that the person is required to provide under this By-law;
- (d) give false or misleading information to an authorised official;
- (e) unlawfully prevent the owner of any premises, or a person working for that owner, from entering the premises in order to comply with a requirement of this By-law;

- (f) pretend to be an authorised official;
- (g) falsely alter an authorisation to an authorised official or written authorisation, compliance notice or compliance certificate issued in terms of this Chapter;
- (h) enter any premises without a written authorisation in circumstances requiring such authorisation;
- (i) act contrary to a written authorisation issued in terms of this Chapter;
- (j) without authority -
  - (i) enter or inspect premises;
  - (ii) carry out any act mentioned in section 101(1);
- (k) disclose any information relating to the financial or business affairs of any person which was acquired in the performance of any function or exercise of any power in terms of this By-law, except -
  - (i) to a person who requires that information in order to perform a function or exercise a power in terms of this By-law;
  - (ii) if the disclosure is ordered by a court of law; or
  - (iii) if the disclosure is in compliance of the provisions of any law.
- (l) contravene or fail to comply with the provisions of this By-law;
- (m) fail to comply with any notice issued in terms of this Notices and Documents
- (n) fail to comply with any lawful instruction given in terms of this By-law; or
- (o) obstruct or hinder any authorised official of the Municipality in the execution of his or her duties under this By-law.

#### **Penalties**

- 120.** Any person convicted of an offence contemplated in subsection 119 is liable on conviction to a fine, or in default of payment, to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R5000, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Municipality requiring the discontinuance of such offence, and for a second or subsequent offence he shall be liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding six months.

#### **Application of this By-Law**

- 121.** This by-law applies to all persons or bodies, including the State, situated within the area of jurisdiction of the Municipality.

#### **Repeal of By-laws**

- 122.** All by-laws adopted by the municipality or a former municipality now comprising an administrative unit of the municipality and relating to water and sanitation or any matter referred to in these by-laws are, from the date of promulgation of these by-laws, here by repealed.

#### **Short title and Commencement**

- 123.** This By-law is called the Water and Sanitation By-law, 2010 and commences on the date of publication in the provincial Gazette.

**LOCAL AUTHORITY NOTICE 64****LOCAL GOVERNMENT NOTICE****MUNICIPALITY OF RAMOTSHERE MOILOA**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Law Relating to the Prevention of Nuisances which shall come into operation on the date of publication thereof.

**BY-LAW RELATING TO THE PREVENTION OF NUISANCES ( NO.4 OF 2010)****Purpose of By-Law**

The purpose of these by-laws is to promote the achievement of a safe, peaceful and healthy environment for the benefit of residents within the area of jurisdiction of the municipality and to provide for procedures, methods and practices to regulate nuisances.

**Definitions**

(1) In these by-laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and, unless the context otherwise indicates: -

**"council"** means the council of Ramotshere Moiloa Local Municipality or any political structure, political office bearer, councillor, or any staff member acting under council's delegated or sub-delegated authority;

**"erf"** means any land, whether vacant, occupied or with buildings thereon;

**"municipal area"** means the municipal area of Ramotshere Moiloa;

**"municipality"** means the Municipality of Ramotshere Moiloa established in terms of Section 12 of the Municipal Structures Act, 117 of 1998;

**"objectionable material"** means garden litter, rubbish, waste material, rubble, scrap metal, article or thing, disused motor cars, machinery or other vehicles, as well as the disused parts thereof, refuse from any building operations, or any refuse capable of being dumped on any land or premises, including new or used building materials not necessarily required in connection with bona fide building operations actually in progress on any land, and includes any solid, liquid or gas which is or may become offensive or dangerous or injurious to health or which materially interferes with the ordinary comfort or convenience of the public;

**"public nuisance"** means any act, omission or condition which is offensive and/or injurious and/or dangerous to health and/or which materially interferes with the ordinary comfort, convenience, peace or quiet of the public and/or which adversely effects the safety of the public;

**“public place”** means any square, building, park, recreation ground or open space which:-

- [a] is vested in the Municipality;
- [b] the public has the right to use, or
- [c] is shown on a general plan of a township filed in a deeds registry or a Surveyor-General's office and has been provided for or reserved for the use of the public or the owners of erven in such township;

**“public road”** means any road, street or thoroughfare or any other place [whether a thoroughfare or not] which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes:-

- [a] the verge of any such road, street or thoroughfare;
- [b] any bridge, ferry or drift traversed by any such road, street or thoroughfare, and
- [c] any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

#### **Enforcement**

- [2] The council may, whenever it regards it necessary to do so, enter any premises at any reasonable time to ensure compliance with these by-laws.

#### **Behaviour and conduct**

- [3] Notwithstanding the provisions of any other by-law, no person shall:
  - [a] dump, accumulate or place or cause or permit to be dumped, accumulated or placed objectionable material in or on any erf, street, drain, water furrow, sewer, thoroughfare, public square or commonage except at such place or places as the council may from time to time set aside or approve for such purposes, provided however that the council may permit public garages, workshops and other trades, subject to such conditions as may be imposed in each case, to keep, store, repair, dismantle or re-assemble any motor vehicle or other vehicle or apparatus on premises approved by the council;
  - [b] do work on any erf or use any building or land for purposes calculated, in the opinion of the council, to depreciate or to disfigure such erf or to interfere with the convenience or comfort of the neighbours thereof or to become a source of danger to any person;
  - [c] carry on any trade, business or profession on any erf in the municipal area which may in the opinion of the council be a source or become a source of discomfort or annoyance to the neighbourhood;
  - [d] deposit, leave, spill, drop or place any fruit or vegetable peels, broken bottles, glass, refuse or any objectionable material or thing which is offensive or likely to cause annoyance, danger or injury to persons in or upon any erf, street or public place;

- [e] allow any erf to be overgrown with bush, weeds or grass or other vegetation except cultivated trees, shrubs and grass to such extent that, in the opinion of the council or any duly authorised employee of the council it may be used as a shelter by vagrants, wild animals or vermin or may threaten the public health or the safety of any member of the community or may promote the spread of fires;
- [f] allow any erf to be dirty, neglected or infested with rodents, snakes, mosquitoes, flies, ticks, bugs or other insects harmful to health, or allow any offensive odours or gasses to emanate from such erf;
- [g] allow the fencing of any erf to fall into a state of disrepair or to become unsightly or dilapidated;
- [h] allow any building or structure or any portion thereof on any erf to fall into a dilapidated, neglected or unsightly state, or fail to maintain the roof-water disposal system, pipes, sewers, drains, water fittings, waste water fittings, water closet fittings and all other appurtenances forming part of or attached to any building or structure in good and sound repair, or fail to maintain the walls of any building or structure free from dampness;
- [i] use or cause or permit to be used any stoep and/or verandah of any shop or business premises or vacant land adjoining such shop or business premises for the purpose of storing, stacking, dumping, disposing, displaying, keeping, selling or offering for sale any goods, articles or merchandise;
- [j] use or cause or permit any shop or business premises or vacant land adjoining such shop or business premises or any portion thereof which is open or visible to the public for the purpose of storing, stacking, dumping, disposing, or keeping any waste material, refuse, cartons, crates, containers or other articles of a like nature;
- [k] enclose or cause or permit the enclosing of any stoep or verandah of any shop or business premises by means of movable or immovable structures, objections, articles or devices otherwise than by such means as the council may approve;
- [l] keep on his premises any animal or bird which creates a disturbance or a nuisance to the neighbours by making frequent and excessive noise;
- [m] deposit or keep or cause or suffer to be deposited or kept any night soil on any premises, except in a proper sanitary convenience approved by the council and in accordance with any by-law of the council;
- [n] keep or cause or suffer to be kept upon his premises any sanitary convenience of such nature that it is a nuisance or is offensive or injurious or dangerous to health;
- [o] defoul, misuse or damage any public convenience or any convenience provided in any public building or place of public entertainment;
- [p] carry or convey, or cause or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become offensive or dangerous or injurious to health, unless such objectionable material or thing is covered with a suitable material to prevent the creation of any nuisance;
- [q] bury or dispose of any dead body in any unauthorised place;



- [r] permit the carcass of any animal, being his property or of which he is in charge, and which has died on his premises or elsewhere in the municipal area, to remain unburied;
- [s] cause or permit any stream, pool, ditch, drain, gutter, watercourse, sink, bath, cistern, water closet, privy or urinal on any land or premises owned or occupied by him or of which he is in charge to be or become so foul or in such a state or to be so situated or constructed as to be offensive or dangerous or injurious to health;
- [t] cause or permit any foul or polluted water or any foul liquid or objectionable material to run or flow from any premises owned or occupied by him, whether occupied for trade, business, manufacturing, dwelling or any other purpose, into any street or on any land;
- [u] commit or cause or permit to be committed, any act which may pollute any water which inhabitants of the municipality have the right to use or which is provided or deserved for the use of such inhabitants;
- [v] bathe or wash himself or any animal or article or clothing or any other article or thing in any public stream, pool or water trough or at any public hydrant or fountain or at any place which has not been set aside by the council for any purpose;
- [w] disturb the public peace in any street or public place by making unseemly noises or by shouting, insistent hooting, wrangling or quarrelling, or by collecting a crowd or by organising any demonstration or by fighting or challenging to fight, or by striking with or brandishing or using in a threatening manner any stick or other weapon or by any other riotous, violent or unseemly behaviour at any time of the day or night, or by loitering in any street or public place or by gathering in crowds on pavements;
- [x] advertise wares or services in any street or public place by means of any megaphone, loudspeaker, or similar device or by insistent shouting, striking of gongs, blowing of horns or ringing of bells in such manner as to constitute a public nuisance in the neighbourhood;
- [y] in or upon any property or premises disturb the public peace in the neighbourhood of such premises by making therein or thereon any unseemly noises, or by shouting, wrangling, quarrelling and singing or by playing therein or thereon a musical instrument or use or permit to be used any musical instruments, radios, television sets or the like or any loudspeaker or other device for the reproduction or amplification of sound, in such manner or at such a time or in such circumstances that the sound thereof is audible beyond the boundaries of such property or premises and materially interferes with the ordinary comfort, convenience, peace or quiet of the occupiers of surrounding properties;
- [z] in any street or public place use any abusive or threatening language or commit any act which may or is calculated to cause a breach of the peace;
- [za] solicit alms in any street or public place or endeavour by the exposure of wounds, sores, injuries or deformities or the production of begging letters to obtain alms, or
- [zb] cleanse or wash any vehicle or part in any street or public place.

### Failure to comply with provisions

- [4] [1] Where any material, article or thing of whatsoever nature has been accumulated, dumped, stored or deposited on any erf, or where there is an overgrowth of bush, weeds, grass or vegetation on any erf in contravention of section 3[a], [d] and [e] the council may serve a notice on -
- [a] the person directly or indirectly responsible for such accumulation, dumping, storing or depositing;
- [b] the owner of such material, article or thing, whether or not he is responsible for such accumulation, dumping, storage or depositing;
- [c] the owner of the erf on which such accumulation, dumping, storage or depositing takes place, whether or not he is responsible therefor, or
- [d] the owner of the erf on which there is an overgrowth of bush, weeds, grass or vegetation -
- requiring such persons or owners to dispose of, destroy or remove such material, article or thing or to clear such overgrowth to the satisfaction of the council.
- [2] Should any person or owner fail to comply with the requirements of a notice in terms of subsection [1] within the period stipulated by the council, the council may itself dispose of or destroy or remove such material, article or thing, or clear the overgrowth from any erf at the cost of any one or more of the persons or owners mentioned in subsection [1][a], [b], [c] and [d].
- [3] Where on any erf there is a contravention of section 3[b], [f], [g], [h] and [t] the council may at its discretion serve a notice on either the owner or the occupier to abate the nuisance within a defined period to be stated in such notice.

### Sanitary facilities at construction sites

- [4] Every person engaged in building operations, road construction or construction work of any nature shall, when required to do so by the council, provide adequate sanitary accommodation for himself and his employees to the satisfaction of and in accordance with any requirements specified by the council.

### Unlawful occupation

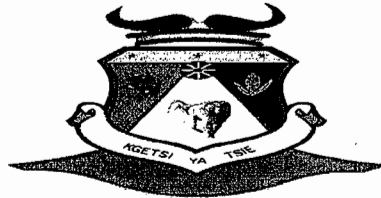
- [5] [1] No person shall, without the permission of the council, occupy or permit to be occupied for human habitation any caravan, tent or other similar shelter of any description except on an authorised camping or caravan site controlled by the council or any other camping or caravan site which conforms with the provisions of the by-laws relating to such caravan parks or camping sites.
- [2] The council may serve notice on any person who occupies a caravan, tent or shelter in contravention of subsection [1] to vacate such caravan, tent or shelter within 3 days after the service of such notice upon him, failing which, such person shall be guilty of an offence.

### **Penalties**

- [6]** Any person who contravenes or fails to comply with any provision of these by-laws or any notice served in terms thereof shall be guilty of an offence and be liable upon conviction to -
- [i]** a fine or imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
  - [ii]** in the case of a continuing offence, to an additional fine or an additional period of imprisonment of 10 days or to such additional imprisonment without the option of a fine or to 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 By-Laws**

- [6]** Any by-law relating to the prevention of nuisances adopted by the municipality or any municipality now comprising an administrative unit of the municipality is repealed from the date of promulgation of these by-laws.

**LOCAL AUTHORITY NOTICE 65****LOCAL GOVERNMENT NOTICE****RAMOTSHERE MOILDA LOCAL MUNICIPALITY**

The Municipal Manager hereby published, in terms of Section 13 of the Local Government Municipal Systems Act 2000 read with Section 162 of the Constitution of the Republic of South Africa 1996 the By-Laws Relating to Advertising Signs and the Disfigurement of the Front or Frontages of Streets.

**BY-LAWS RELATING TO ADVERTISING SIGNS AND THE DISFIGUREMENT OF THE FRONT OR FRONTAGES OF STREETS(NO.7 OF 2010)****Definitions**

[1] In the interpretation of these by-laws, words in the masculine gender include the feminine, the singular includes the plural and vice versa and the following words and expressions shall have the meanings respectively assigned to them hereunder, unless such meanings are repugnant to or inconsistent with the context in which they occur:-

**"aerial sign"** shall mean 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"** shall mean any employee authorised thereto by the municipality.

**"clear height"** of a sign shall mean 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 shall mean the vertical distance between the uppermost and lowest edges of such sign.

**"display of a sign"** shall include 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"** shall mean any illuminated sign, the light emitted from which does not remain constant in all respects.

**"flat sign"** shall mean any sign which is affixed to or painted directly on a main wall and which at no point projects more than 250mm 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 0.80m<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.

**"municipality"** shall mean the municipality of Ramotshere Moiloa and includes the council of the municipality, any duly authorised committee or employee thereof.

**"main wall"** or a building shall mean any external wall of such building but shall not include a parapet wall, balustrade or railing of a verandah or a balcony.

**"new sign"** shall mean any sign first displayed after the promulgation of these by-laws.

**"overall height"** of a sign shall mean 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 alternation of or the addition to a sign, or in relation to the intended or attempted display or alternation of, or addition to a sign, shall include 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 proves the contrary.

**"poster"** shall mean any placard or similar device attached to some fixed object whereby any advertisement or notice is publicly displayed.

**"projecting sign"** shall mean any sign which is affixed to a main wall and which at some point projects more than 250mm 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] the 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”** shall mean any sign, signboard, screen, private lamp, blind or other device by means whereof any advertisement or notice is publicly displayed.

**“sky sign”** shall mean any sign that is fixed above the roof of a building other than a roof of a veranda 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.

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

### **Disfigurement**

- [2] [a] No person shall by means of posters or other signs disfigure the front or frontage of any public road, wall, fence, land, rock, tree or other natural feature, or the front or frontage or roof of any building otherwise than is provided in these by-laws and any person who contravenes the provisions of this section shall be guilty of an offence.
- [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.

### **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 these by-laws, submitting therewith the prescribed fees determined by the municipality and plans drawn in accordance with the following requirements:-
- [i] 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. 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 behalf, and all alterations and corrections to such form and plans shall be similarly dated and signed.
- [ii] 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. 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 the 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 these by-laws, accurately drawn to a large enough scale [but in no event less than 1:50] shall also be included.
  - [v] The plans shall also 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 thereof 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 flashing sign, and if the sign is a flashing sign, full details of its periodicity and variations or changes in appearance shall be furnished.
- [3.2] [a] Notwithstanding the provisions of sub-section 3[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, including the payment of any fees by the applicant for its approval in terms of these by-laws, grant permission for the display of posters on special occasions such as elections, festivities, university rag processions, etc.
- [3.3] The municipality shall, within 21 days after receiving the form and plans referred to in sub-section [1], specify to the applicant the provisions, if any, of these by-laws, or of any other laws that the municipality is required or empowered to administer, with which such form or plans do not comply; and the municipality shall, if it deems it necessary, return the form and plans to the applicant.
- [3.4] Where the form and plans comply with these by-laws and any other laws as aforesaid, the municipality shall approve them and shall forward one set thereof to the applicant.
- [3.5] Approval granted in terms of sub-section [4] shall become null and void if the sign has not been completed in accordance with the approved form and plans within twelve months of date of such approval.

### **Existing Signs to Comply with by-laws**

- [4.1] Every sign existing at the date of the promulgation of these by-laws shall be made to comply therewith in all respects within a period of one year from the date of such promulgation. Where any sign does not so comply after the said period of one year, it shall forthwith be removed.
- [4.2] Where any sign not complying with the provisions of these by-laws has not been made to comply therewith within the aforementioned period of one year, or where any sign has been erected which is not in conformity therewith the municipality may, in writing, order the owner thereof to remove such sign within a period stipulated in such order.
- [4.3] 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 these by-laws, such sign shall be forthwith removed, obliterated or altered by the person displaying such sign so as to comply with these by-laws.

### **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.
- [5.2] Any such person shall forthwith, after service on him 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.
- [5.3] 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.
- [5.4] 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.
- [5.5] Whether or not any such order as is referred to in sub-sections [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 sub-section [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.
- [5.6] If before the date for completion of the removal or obliteration required by such order, such person satisfies the municipality that he has complied with these by-laws, the municipality may withdraw such order.



- [5.7] Where any person displaying a sign contravenes any of the provisions of these by-laws other than those relating to the matters referred to in sub-section [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.
- [5.8] Any person who fails to comply with any order referred to in sub-section [5] or with the terms of any notice referred to in sub-section [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 matter"] 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.
- [6.2] Notwithstanding the provisions of sub-section [1], 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.
- [6.3] The provisions of this section shall not apply to any sign referred to in paragraph [i], [ii], [iv], [vi], [vii], [viii], [ix], [x], [xi], [xv] or [xvi] of section 22[2].

- [6.4] Where a sign is displayed by means of a device whereby a service of consecutive signs is displayed at one place, the provisions of sub-section [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 sub-section [1], shall be displayed on any one occasion for a longer period than twenty 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 sub-section 9[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 is calculated to bring about or to 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 is calculated to detract from the amenities of the neighbourhood or to depreciate the property or to cause a public nuisance.
  - [e] No such sign shall have a clear height of less than 9m.
  - [f] Notwithstanding the granting of approval by the municipality for the display of signs referred to in this sub-section, 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].
- [6.5] [a] Where the municipality, by notice in writing, informs any person displaying signs referred to in sub-section [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 under mentioned signs or the use of certain colours therein:-

- [a] Flat signs
- [b] Projecting signs
- [c] Sky signs
- [d] Signs affixed to or painted on verandas or balconies.
- [e] Signs painted on sun blinds 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]; provided that all the conditions applicable to such sign are complied with.

[7.1] Flat signs shall not exceed, in aggregate area, 40m<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.

[7.2] No flat sign shall extend above the top of such main wall or beyond either end of such main wall.

[7.3] [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 will be permitted on the sidewall of such other building facing the building so re-constructed, in so far as the said sidewall extends over the aforementioned boundary line.

[b] For the purposes 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 6m or less.

#### Projecting Signs

[8.1] 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] 1.5m in the case of a sign which has a clear height of not less than 7.5m; of

[ii] 1m in the case of any other sign;

provided, however, that where such a sign has a clear height of less than 7.5m-

- [a] any portion of such sign which is not more than 600mm in depth may project as aforesaid to an extent of more than 1m but not more than 1.5m; provided that there shall be a clear vertical distance of not less than 3.6m between any two successive portions, if any, so projecting; and
  - [b] any such sign which is not more than 600mm in depth may project as aforesaid to an extent of more than 1m but not more than 1.5m; provided that there shall be a clear vertical distance of not less than 3.6m between any two such signs, if any, which are in the same vertical plane.
- [8.2] No projecting sign shall extend above the top of the main wall to which it is affixed.
- [8.3] The depth of a projecting sign shall not exceed one-and-a-quarter times the clear height of such sign.
- [8.4] A projecting sign shall not exceed 600mm in thickness.

#### **Sky-signs**

- [9.1] The depth of a sky-sign shall not exceed one-sixth of the clear height of such sky-sign.
- [9.2] 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.
- [9.3] The length of a sky sign shall not exceed:-
- [i] 14m, if the depth of such sky-sign does not exceed 4.5m, or
  - [ii] 18m, if the depth of such sky-sign exceeds 4.5m.
- [9.4] Subject to the preceding provisions of this section a council may allow a sky-sign in excess of 18m in length whenever the street frontage of a site exceeds 55m, 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-signs 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 Verandas and Balconies**

- [10.1] The following signs and no others may be affixed to or painted on verandas and balconies:-

- (i) Signs affixed flat on to or painted on a parapet wall, balustrade or railing of a veranda or a balcony.
  - (ii) Signs affixed flat on to or painted on a beam or fascia of a veranda or a balcony.
  - (iii) Signs suspended below the roof of a veranda or the floor of a balcony.
- [10.2] No sign affixed to a parapet wall, balustrade or railing of a veranda or a balcony shall exceed 1m in depth, or project above or below or beyond either end of such parapet wall, balustrade or railing, or project more than 250mm in front of such parapet wall, balustrade or railing.
- [10.3] No sign affixed to a beam or fascia of a veranda or balcony shall exceed 600mm in depth, or project above or below or beyond either end of such beam or fascia, or project more than 250mm in front of such beam or fascia. 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 veranda or the floor of a balcony, such sign shall not exceed 1.8m in length.
- [10.4] No sign suspended below the roof of a veranda or the floor of a balcony shall exceed 1.8m in length or 600mm in depth. Every such sign shall be at right angles to the building line.
- [10.5] Notwithstanding the foregoing, it shall be permissible to erect a sign on the roof of a veranda or balcony, subject to the following conditions:-
- (i) Such sign shall be composed of a single line of freestanding, 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).
  - (iv) The depth of such sign shall not exceed 600mm.
- [10.6] Notwithstanding the provisions of section 17(1) it shall be permissible for a sign suspended below the roof of a veranda or the floor of a balcony to be bordered by a running light, provided that such running light border shall be not more than 75mm in width.

#### **Signs over Footways and Roadways**

- [11.1] Any sign projecting over a footway forming part of a public road shall be not less than 2.4m in clear height, provided that a flat sign in the form of a showcase for the display of goods may project not more than 50mm over such footway if such footway is not less than 1.5m wide, irrespective of the clear height of such showcase.
- [11.2] Any sign projecting more than 150mm 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 2.1m in clear height.

- [11.3] No part of a sign projecting over a footway forming part of a public road shall be nearer than 300mm to a vertical plane through the kerb line of such footway.
- [11.4] Where a public road has no footway, signs may project over the carriageway of such public road if such signs are not less than 6m in clear height.

### **Prohibited Signs**

- [12.1] Notwithstanding anything in these by-laws contained; the following types of sign 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 these by-laws;
- [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 these by-laws.
- [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.
- [12.2] 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.
- [12.3] Any person contravening the provisions of sub-section [2] shall be guilty of an offence.

### **Signs on Walls, Fences and Hoardings**

- [13.1] 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.
- [13.2] 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.
- [13.3] Every such sign affixed or painted in terms of this section shall comply with the following requirements:-
- [i] No such sign shall exceed 3m in depth or 4.2m 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**

[14.1] 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-

- (a) 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

- (b) in the 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 these by-laws would do.

[14.2] 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 100mm in height.

[14.3] 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. Such signboard shall not exceed 3,6m in area, and the lettering employed thereon shall not exceed 100mm in height.

[14.4] In granting its approval in terms of section 3 for the display of any sign referred to in sub-section [1], [2] or [3] of this section the Municipality may grant such approval for a limited period only; on the expiry of such period the person displaying such sign shall forthwith remove it.

#### **Signs on Vehicles and Signs Carried through the Street**

[15.1] 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.

- [15.2] 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.
- [15.3] Any person who contravenes the provisions of sub-sections [1] or [2] shall be guilty of an offence.

#### **Illuminated Signs**

- [16.1] No flashing sign shall be less than 9m 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.
- [16.2] No sign that is so intensely illuminated as to create a nuisance shall be displayed.

#### **Structural Requirements**

- [17.1] Every sign affixed to a building or structure shall be rigidly attached thereto. 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. 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 1.5kPa.
- [17.2] 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. Such bolts shall be not less than 12mm in diameter.
- [17.3] Every sign affixed to a building or a wall shall be supported by at least four independent supports so designed and disposed that any two of such supports will safely support the sign with a safety factor of 2.
- [17.4] 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.
- [17.5] Every person displaying a sign shall cause such sign and its supports to be maintained in a safe condition at all time and any person who contravenes the provisions of this sub-section shall be guilty of an offence.

#### **Use of Glass**

- [18] All glass used in signs [other than glass tubing used in neon and similar signs] shall be plate glass at least 5mm thick.



### **Fire Precautions**

- [19] 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.

### **Electrical Requirements**

- [20.1] No sign shall be illuminated except by electricity from the municipality's mains where such supply is available.
- [21.2] 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 these regulations shall not apply to any sign inside a building, except illuminated signs in shop windows.
- [22.2] 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 person lawfully authorised to conduct an approved 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 in the streets, and any poster in connection therewith.
  - [iv] Any sign temporarily displayed on the occasion of-
    - [a] any public thanksgiving, rejoicing or mourning, or
    - [b] 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, and any sign carried in, public roads.
  - [vi] Any unilluminated sign not projecting over a public road and not exceeding 0.60m<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 one month after the date when the sign is first displayed]; provided that only one such sign is displayed on any

- public road frontage of such premises and that it is removed within seven days after the said specified date.
- [vii] Any unilluminated sign not projecting over a public road and not exceeding 0.20m<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 one 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 1.2m 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 one 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 0.20m<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 one 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 0.60m<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 one month after the date when such sign is first displayed; and provided lastly that only one such sign is displayed on any public road frontage of such premises and that it is removed within seven 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 reasonable 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 veranda or balcony if it complies with section II.
  - [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 these by-laws 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 Regulations**

- [24.1] The municipality may, if it deems it desirable to do so, waive compliance with or relaxing the provisions of these by-laws; provided that any person whose rights are adversely affected by such waiver or relaxation shall not be bounded thereby.
- [24.2] 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. 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] Any person who contravenes or fails to comply with any provision of these by-laws and/or any notice issued there under shall be guilty of an offence and be liable, upon conviction, to a fine or in default of payment to imprisonment for a period not exceeding 6 months.

### **Repeal of By-laws**

- [26] All by-laws relating to advertising signs and the disfigurement of the front or frontages of streets adopted by the council of the municipality or any council of a municipality now forming an administrative unit of the municipality are, with effect from the date of promulgation of these by-laws, rescinded.

**SCHEDULE****APPLICATION TO ERECT A SIGN**

I, the undersigned, hereby apply for permission to erect a sign in accordance with the particulars given below and the plans attached hereto.

**Applicant**

Full name .....

Address .....

Signature .....

Telephone No. .... Date .....

**Premises to which Sign is to be Affixed**

Address of premises .....

Name of Occupier of premises .....

Use to which premises are put .....

Owner of premises .....

Address of owner .....

**If Sign Projects over Public Footway, etc.**

Name and address of person who will enter into the necessary Agreement with municipality in respect of projection:

.....

.....

**Particulars of Sign**

Materials of construction .....

Approximate mass of sign (if to be affixed to a building) ..... kg

Is sign illuminated or non-illuminated? .....

If illuminated, what colours are used? .....

If illuminated, is it flashing or non-flashing? .....

**LOCAL AUTHORITY NOTICE 66****LOCAL GOVERNMENT NOTICE****MUNICIPALITY OF RAMOTSHERE MOILOA**

**BY-LAWS RELATING TO THE MANAGEMENT AND CONTROL OF INFORMAL  
SETTLEMENTS WITHIN THE AREA OF JURISDICTION OF THE MUNICIPALITY  
2010(ND. 12 OF 2010 )**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Laws Relating to the Management and Control of Informal Settlements within the area of jurisdiction of the municipality which by-laws shall come into operation on the date of publication thereof.

**[1] Application of By-laws**

These by-laws shall apply to all informal settlements within the area of jurisdiction of the Municipality of Ramotshere Moiloa, hereinafter referred to as "the Municipality".

**[2] Definitions**

In the by-laws, unless the context otherwise indicates -

"authorized informal settlement" means any informal settlement which is recognized by the Municipality as an authorized informal settlement which will be legalized and upgraded as a formal township in terms of the Municipality's existing housing policies;

"consent" means the express or implied consent of the owner or person in charge to the occupation of land by a resident of a shack, irrespective of whether such consent was given in writing or otherwise;

"contractual agreement" means the contractual agreement entered into between the head of a household and the Municipality in terms of which the said household is authorised to occupy a shack in an authorised informal settlement;

"court" means any Division of the High Court or the magistrate's court in whose area of jurisdiction the land is situated;

"eviction" means the permanent removal of a person and his/her personal property from occupation of a shack or the land on which such shack is constructed or erected in accordance with the provisions of a court order, including the demolition and removal from such land of any building materials used to construct or erect such shack ;

"head of the household" means -

- [a] the father in a household, where the father and mother of the household are legally married;
- [b] the single parent, where the household has only one parent with dependents living permanently with him / her in such household;
- [c] any person in a household who has legal capacity to act and is recognized by the majority of other persons in the household as the person responsible for the maintenance of the welfare and discipline within the household;

Provided that in respect of the occupation of a shack by a single person, such person shall be regarded as the head of the household for the purposes of these by-laws.

**"informal settlement"** means one or more shacks constructed or erected on land, with or without the consent of the owner or person in charge of the land,

**"land"** means any land within the area of jurisdiction of the Municipality, irrespective of whether such land belongs to the National or Provincial Government, the Municipality or a private individual, company or other legal entity;

**"land invasion"** means the illegal occupation of land or any settlement or occupation of persons on land without the express or tacit consent of the owner or person in charge of the land, or without any other right in law to settle on or occupy such land;

**"Land Invasion Reaction Unit"** means a group of officers or workers consisting of any combination of one or more of the following components –

- [a]** members of the South African Police Service and/or;
- [b]** members of the Municipality's Police Service and/or;
- [c]** members of the staff of the bailiff, sheriff or messenger of the court with jurisdiction in the area and/or;
- [d]** members of a private security company contractually engaged by the Municipality to perform certain duties on its behalf and/or;
- [e]** any combination of employees of the Municipality,

designated or appointed by the Municipality to assist the Informal Settlements Manager in the execution of his/her duties and to execute any eviction order contemplated by section 5 of these by-laws to terminate an unauthorised informal settlement.

**"Municipality"** means the Municipality of Ramotshere Moiloa and includes the Council of the Municipality, the Executive Mayor and / or the Mayoral Committee or any other committee established by the Council and any employee or official of the said Council duly authorised to perform any duty, power or function in terms of these by-laws;

**"owner"** means the registered owner of land, irrespective of whether such owner is the National or Provincial Government, the Municipality or a private individual, company or other legal entity;

**"person in charge"** means a person who has the legal authority to give permission to a person to enter or reside upon land ;

**"shack"** means any temporary shelter, building, hut, tent, dwelling or similar structure which does not comply with the provisions of the National Building Regulations and Building Standards Act, 1977 [Act 103 of 1977], the Regulations promulgated thereunder and, where applicable, the Municipality's Building Control By-Laws and which is primarily used for residential purposes;

**"unauthorized informal settlement"** means any informal settlement which is not recognized by the Municipality as an authorized informal settlement and which will not be legalized and upgraded as a formal township in terms of the Municipality's existing housing policies, but will, on the contrary, be demolished and removed as contemplated in these by-laws:

### **[3] Appointment of Informal Settlements Manager**

The Municipality shall appoint an officer or assign one of its officials to manage and control all the Informal Settlements within the area of jurisdiction of the Municipality in accordance with the provisions of these by-laws.

**[4] Duties of the Informal Settlements Manager**

The Informal Settlements Manager shall -

- [1]** conduct regular surveys to determine the location, origin, extent and conditions prevailing in each informal settlement within the area of jurisdiction of the Municipality;
- [2]** monitor and control all informal settlements within the area of jurisdiction of the Municipality and take the necessary steps to prevent land invasion within the area of jurisdiction of the Municipality;
- [3]** undertake and promote liaison and communication with local communities with a view to obtaining their understanding and co-operation regarding the prevention of land invasion in the area;
- [4]** keep a register of all the residents who are entitled to reside in each authorised informal settlement within the Municipality in which shall be entered the following details in respect of each shack in such authorised informal settlement -
  - [a]** the number allocated to the stand or site on which the shack is constructed;
  - [b]** the name and identity number of the head of the household who is entitled to occupy such shack;
  - [c]** the names, identity numbers and relationships to the head of the household of each and every other person occupying the said shack as a member of the particular household;
  - [d]** the reference number of the Manager's file containing a copy of the contractual agreement entered into between the head of the household and the Municipality in respect of his/her occupation of the shack in the authorised informal settlement;
  - [e]** the number of the particular shack's rental account;
  - [f]** the number of the particular shack's municipal services account;
  - [g]** the previous address of the particular household;
  - [h]** the names, addresses and telephone numbers, if any, of at least two family members of the head of the household who do not live at the same address as the said household.
- [5]** ensure that all the residents living within an authorized informal settlement are registered in the Municipality's Housing Waiting List;
- [6]** submit written reports on the control and management of any informal settlement, or the conditions prevailing therein, if and when required to do so by the Municipality;
- [7]** ensure that the contents of these by-laws are communicated to all the residents in informal settlements and that a copy thereof is posted and maintained in a prominent place at the venue where the said committee usually holds its meetings, for the information of the residents and all other persons visiting the said informal settlement.

- [8] allocate to each site or stand in an authorized informal settlement a unique number as its temporary address and ensure that such number is legibly painted or inscribed in a prominent place on the site or stand;
- [9] ensure that no new unauthorised shacks are erected and that no new unauthorized residents take up residence within any informal settlement;
- [10] perform any other duty or function which may be necessary to ensure the proper management and control of an informal settlement;
- [11] consult through the appropriate channels of communication determined by the Council of the Municipality with Ward Councillors and political officer bearers of the Municipality on the application of these by-laws.

**[5] Incidents of Land Invasion**

- [1] The Informal Settlements Manager shall, within a period of 72 hours after he/she becomes aware of an incident of land invasion or the existence of a newly established informal settlement, irrespective of whether such informal settlement was established as a consequence of an incident of land invasion or not, make a determination of its status as an authorized or an unauthorized informal settlement in terms of the Municipality's existing housing policies and inform the residents of the informal settlement accordingly as contemplated by section 6 or section 7 of these by-laws, whichever might be applicable under the circumstances.
- [2] In the event of the status of the informal settlement contemplated in subsection [1] being determined as an authorized informal settlement, the Informal Settlements Manager shall deal with the matter in accordance with the provisions of section 6 of these by-laws.
- [3] In the event of the status of the informal settlement contemplated in subsection [1] being determined as an unauthorized informal settlement, the Informal Settlements Manager shall deal with the matter in accordance with the provisions of section 8 of these by-laws.

**[6] Procedures relating to the Management and Control of Authorised Informal Settlements**

- [1] As soon as a determination of the status of the authorised informal settlement has been made and within the period contemplated by section 5[1], the Informal Settlements Manager shall, personally or by means of a subordinate official designated by him/her for this purpose, visit the settlement concerned and notify the residents of the status of the authorised informal settlement in the manner contemplated by section 7[2] or by means of a letter delivered to each shack in the said informal settlement, whichever might be appropriate under the circumstances.
- [2] The Informal Settlements Manager shall compile a comprehensive register of all the residents who are entitled to reside in the said authorised informal settlement in which shall be entered the following details in respect of each shack in such settlement -
  - [a] the number allocated to the stand or site on which the shack is constructed or erected;



- [b] the name and identity number of the head of the household who is entitled to occupy such shack;
  - [c] the names, identity numbers and relationships to the head of the household of each and every other person occupying the said shack as a member of the particular household;
  - [d] the reference number of the Manager's file containing a copy of the contractual agreement entered into between the head of the household and the Municipality in respect of his/her occupation of the shack in the authorised informal settlement;
  - [d] the number of the particular shack's rental account;
  - [e] the number of the particular shack's municipal services account;
  - [f] the previous address of the particular household ;
  - [g] the names, addresses and telephone numbers, if any, of at least two family members of the head of the household who do not live at the same address as the said household.
- [3] The Informal Settlements Manager shall ensure that the names, addresses and other relevant details of all the residents living within an authorized informal settlement are registered in the Municipality's Housing Waiting List.
- [4] The Informal Settlements Manager shall allocate to each site or stand in an authorized informal settlement a unique number as its temporary address and ensure that such number is legibly painted or inscribed in a prominent place on the site or stand.
- [5] The Informal Settlements Manager shall, furthermore, ensure that no new unauthorized shacks are constructed and that no new unauthorized residents take up residence within the said settlement by implementing appropriate measures to manage, monitor and control the occupancy of residents in the settlement in general.
- [6] Any unauthorized occupancy within the said authorized informal settlement must be dealt with in accordance with the provisions of section 8 of these by-laws.
- [7] The Informal Settlements Manager must ensure that the Municipality's Finance Department institutes, operates and maintains an appropriate account for services rendered by the Municipality, as well as any charges levied for the right of occupation of a particular site or stand and that it is supplied to the head of the household of each registered shack in the said authorized informal settlement.
- [7] **Residents' Committee**
- [1] A meeting of residents in each authorized informal settlement shall be convened annually on a date and at a venue determined by the Informal Settlements Manager to elect a Residents' Committee with a Chairperson, Deputy Chairperson, Secretary and six ordinary members, to represent the

views and interests of the residents of the settlement in all consultative processes between the Municipality and the residents of the settlement.

- [2] The Residents' Committee and the Informal Settlements Manager (or his/her designated representative) shall meet on a regular monthly basis where the Municipality shall consult the said Committee on all matters relating to the authorized informal settlement and communicate matters of general concern to the residents on a collective basis. It shall, thereafter, be the sole responsibility of the Residents' Committee to inform the individual residents of matters discussed at such meetings.
  - [3] Special meetings of residents may be convened from time to time by the Residents' Committee to communicate with and to inform the individual residents of matters relating to the settlement.
  - [4] Notice of meetings of residents shall be given by placing notices prominently on the official notice board at the venue determined by the Residents' Committee and communicated to the residents at an official meeting of residents.
  - [5] The Informal Settlements Manager shall consult the Ward Councillor in whose area the authorized informal settlement is situated with regard to the application of this section.
  - [6] Nothing in this section shall preclude a duly established and operational ward committee from participating in the formation and operation of a Residents' Committee established in terms of this section.
- [8] **Procedures relating to the Termination of Unauthorised Informal Settlements**
- [1] As soon as a determination of the status of the unauthorised informal settlement has been made and within the period contemplated by Section 5 (1), the Informal Settlements Manager shall, personally or by means of a subordinate official designated by him/her for this purpose, visit the settlement concerned and notify the residents of the status of the unauthorized informal settlement by means of a written notice hand-delivered to each shack in the said informal settlement.
  - [2] The written notice contemplated in subsection (1) shall, furthermore, notify the residents of each shack in the unauthorized informal settlement that their occupation of the said shack and the site or stand on which it is situated is illegal and request them to vacate and remove all their shacks, structures, building materials and other personal property from the settlement within a period of 24 hours after serving of such written notice.
  - [3] In the event where the notified residents co-operate and vacate and remove their shacks, structures, building materials and other personal property from the site or stand on which it is situated, as requested, the Informal Settlements Manager shall take such steps as he/she may deem appropriate in order to prevent a recurrence of any incident of land invasion or illegal land occupation in the particular site or settlement and regularly monitor the situation to ensure such non-recurrence.
  - [4] In the event where the notified residents fail to co-operate and to vacate and remove their shacks, structures, building materials and other personal property from the site or stand on which it is situated, as requested, the Informal Settlements Manager shall immediately institute the necessary legal procedures to obtain an eviction order contemplated by subsection [5].

- [5] Within a period of 24 hours after the expiry of the period mentioned in the written notice contemplated by subsection [1], the Informal Settlements Manager shall lodge an application in a competent court of law to obtain an eviction order contemplated in sections 4, 5 or 6 of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 , [Act No. 19 of 1998] or any other applicable law against any person or persons jointly or separately occupying or residing in any shack, site or stand in the said unauthorized informal settlement.
- [6] The Informal Settlements Manager shall, within a period of 24 hours after obtaining the eviction order envisaged in subsection [5], deploy the Municipality's Land Invasion Reaction Unit to execute the said eviction order and to terminate the unauthorized informal settlement by vacating the relevant settlement, demolishing and removing all shacks, structures, building materials and other personal property from the settlement and dealing with such building materials and other personal property in accordance with the provisions of these by-laws.
- [7] Any costs incurred by the Informal Settlements Manager for the purposes of executing the provisions of these by-laws shall be undertaken by the Municipality in accordance with its approved Budget.

**[9] Disposal of Building Materials and Personal Property**

- [1] In the execution of the provisions of section 8[6], any building materials and other personal property belonging to any resident or inhabitant of a shack or structure in the unauthorized informal settlement shall be removed and stored in a safe place by the Informal Settlements Manager.
- [2] If such building materials and other personal property are not claimed by the owner thereof within a period of three months after the date of removal and storage, it shall be sold to the best advantage by the Informal Settlements Manager or a person designated by him/her, who shall, after deducting the amount of any charges due or any expenses incurred, pay the net proceeds into the Municipality's Revenue Account; Provided that, subject to the laws governing the administration and distribution of estates, nothing in this subsection contained shall deprive the heir of any deceased person of his/her right to the balance of the proceeds of such property : Provided further, that any such building materials or other personal property which are, in the opinion of the Informal Settlements Manager, valueless and unable to realize any meaningful amount, may be destroyed, abandoned, dumped or otherwise disposed of.
- [3] The Informal Settlements Manager shall compile and maintain a register in which shall be recorded -
  - [a] particulars of all building materials or other personal property removed and stored in terms of these by-laws;
  - [b] the date of removal and storage of such building materials or other personal property in terms of subsection [1] and the name and site or stand number of the owner thereof;
  - [c] (i) the signature or left thumb print of the person claiming ownership and to whom delivery of such building materials or other personal property has been made, or

- [ii] full details of the amount realized on the sale of such building materials or other personal property and the date of such sale, and
- [iii] if the building materials or other personal property have been destroyed, abandoned, dumped or otherwise disposed of, a certificate by the Informal Settlements Manager to the effect that these were valueless.
- [4] Neither the Municipality, nor any of its officials acting within the reasonable scope of their authority, shall be held responsible for any loss or damage to property or injury to person suffered by any resident or inhabitant of an unauthorized informal settlement or any other person for any reason whatsoever.
- [10] **Prohibition of Receipt or Solicitation of Consideration in respect of Unlawful Occupation of Land**
- [1] No person may directly or indirectly receive or solicit payment of any money or other consideration as a fee or charge for arranging or organizing or permitting a person to occupy land without the consent of the owner or person in charge of that land.
- [2] Any person who contravenes the provisions of subsection [1] is guilty of an offence and liable upon conviction to a fine or to imprisonment not exceeding two years, or to both such fine and such imprisonment.
- [3] The court which convicts any person of a contravention of this section, must order any money or other consideration received by that person which have been seized, to be forfeited, and the said money and the proceeds of such other consideration may be paid to the person or persons from whom the money or other consideration was received, and where such person or persons cannot be positively identified, into the Municipality's Revenue Account.
- [4] If any money has been received in contravention of subsection [1], but has not been seized or made available for purposes of confiscation, the court which convicts any person of a contravention of this section, may order the amount proved to the satisfaction of the court to have been received by such person to be paid to the person or persons from whom the money or other consideration was received, and where such person or persons cannot be positively identified, into the Municipality's Revenue Account, and such other order has the effect of and may be executed against such person as if it were a civil judgment in favour of that person or persons from whom the money or other consideration was received or in favour of the Municipality.
- [11] **General prohibition on land invasion**
- Notwithstanding the provisions of any law or in addition to any law relating to the illegal occupation or invasion of land, it shall be unlawful for any person to invade any land or permit the invasion of land within the municipal area, and, in addition to any other remedies available to the municipality in terms of any law and/or these by-laws, any person who invades land or permits the invasion of land in the municipal area shall be guilty of an offence and be liable upon conviction to a fine or imprisonment not exceeding two years or to both such fine and such imprisonment.
- [12] **Repeal of By-Laws**
- All by-laws adopted by the municipality or a former municipality now comprising an administrative unit of the municipality and relating to the management and control of informal settlements or any matter referred to in these by-laws are, from the date of promulgation of these by-laws, here by repealed.

**LOCAL AUTHORITY NOTICE 67****LOCAL GOVERNMENT NOTICE****RAMOTSHERE MOILOA LOCAL MUNICIPALITY**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Law Relating to the Keeping of Dogs which shall come into operation on the date of publication thereof.

**INTEGRATED WASTE MANAGEMENT BY-LAW , 2010 ( NO. 15 OF 2010 )****Definitions**

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

**"accredited service provider"** means a person or entity accredited by the Municipality in accordance with its guidelines published from time to time and who provides a waste management service in the Municipality and may include, but is not limited to, large and small business, entrepreneurs, community cooperatives, and venture learnerships;

**"building waste"** means waste produced through the construction, alteration, repair or demolition of any structure both manmade and natural, and includes rubble, earth, wood and rock that is displaced during any construction, alteration, repair or demolition, but excludes garden waste;

**"business waste"** means waste that emanates from premises that are used, whether lawfully or unlawfully mainly, for commercial, retail, wholesale, entertainment or government administration purposes, and also applies to waste generated by informal traders and residential premises where commercial activities are being conducted

**"chemical waste"** includes discarded solid, liquid and gaseous chemicals;

**"Municipality"** means the Municipality of Ramotshere Moiloa established in terms of Section 12 of the Municipal Structures Act, 117 of 1998 and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

**"Director"** means the Director responsible for solid waste management (Community Services) in the Municipality;

**"dump"** means to dispose of waste in any manner other than one permitted by law and includes, without derogating from the generality of the foregoing, to deposit, discharge, spill or release waste, whether or not the waste is in a container or receptacle, in or at any place whatsoever whether publicly or privately owned, including but not limited to vacant land, rivers, waterways, catchments, and sewage and storm water systems, but excludes littering;

**"event waste"** means waste that originates from the activities related to an event that is held in the Municipality;

**"garden waste"** means organic waste which emanates from gardening or landscaping activities at residential, business or industrial properties including but not limited to, soil, grass cuttings, leaves and branches, and

includes any biodegradable material and includes such waste emanating from residential, business or industrial properties, but excludes waste products of animal origin;

**"hazardous waste"** means health care risk waste and any waste that may, by circumstances of the production, use, quantity, concentration or inherent physical, chemical or toxicological characteristics thereof, have a significant adverse effect on the environment, or the health of a person or other living organism;

**"health care waste"** means any waste—

(a) Generated by or derived from medical care or medical research including but not limited to—

- (i) infectious waste;
- (ii) pathological waste;
- (iii) sharp waste;
- (iv) pharmaceutical waste;
- (v) genotoxic waste;
- (vi) chemical waste;
- (vii) pressurized container waste;
- (viii) waste with heavy metals;
- (ix) radioactive waste;
- (x) general waste

(b) That has been in contact with blood, bodily fluids or tissues from humans, or infected animals from veterinary practices;

**"infectious waste"** means waste that is suspected to contain pathogens in a sufficient concentration or quantity to cause disease in susceptible hosts, and includes cultures and stocks of infectious agents from laboratory work, waste from surgery and autopsies on corpses with infectious diseases, waste from infected patients in isolation wards, waste that has been in contact with infected patients undergoing haemodialysis, infected animals from laboratories, sanitary waste materials and tissues including swabs and any other instruments or materials that have been in contact with infected persons or materials;

**"pathological waste"** includes all human tissues, organs, body parts, foetuses, blood and bodily fluids and those also those of animals;

**"sharp waste"** includes items that could cause cuts or puncture wounds and includes, but is not limited to, needles, hypodermic needles, scalpels and other blades, knives, infusion sets, saws, broken glass and nails, and the word "sharp" has a corresponding meaning;

**"pharmaceutical waste"** includes expired, unused, spilt and contaminated pharmaceutical products, drugs, vaccines and sera that are no longer required and that need to be disposed of appropriately;

**"genotoxic waste"** means highly hazardous waste that may have mutagenic, teratogenic or carcinogenic properties and includes certain cytostatic drugs as well as vomit, urine or faeces from patients treated with cytostatic drugs, chemicals and radioactive material;

**"pressurized container waste"** includes pressurized cylinders and cartridges used in health care facilities to store gases;

**"radioactive waste"** includes solid, liquid and gaseous materials contaminated with radionuclides, including waste produced as a result of procedures such as *in vitro* analysis of body tissue and fluid, *in vivo* organ imaging and tumour localization and various investigative and therapeutic practices;

**"general waste"** is a generic term for waste that, because of its composition and characteristics, does not pose a significant risk to public health or the environment if managed properly, and typically consists of plastics, paper, food and liquids not considered to be infectious or contaminated with hazardous chemicals or radioactivity;

**"health care risk waste"** means that portion of health care waste that is hazardous and includes infectious waste, pathological waste, sharp waste, pharmaceutical waste, genotoxic waste, chemical waste, waste with

heavy metals, radioactive waste, and any other health care waste which is defined as hazardous in terms of the waste Management Series: Document 1: *Minimum Requirements/or the Handling, Classification and Disposal of Hazardous waste*, as published by the Department of Water Affairs and Forestry or any other applicable legislation;

**"holders of waste"** means any person who imports, generates, stores, accumulates, transports, processes, treats, exports or disposes of waste and also includes recyclers and scrap dealers;

**"industrial waste"** means waste that emanates from premises that are used wholly or mainly for industrial purposes and generate waste through manufacturing, industrial or fabricating processes including premises used for agricultural activities, mining activities or the operation of power stations;

**"integrated waste management plan"** means an integrated waste management plan which is required by the Municipality in terms of this By-law or that is required in terms of any other applicable legislation;

**"licenced waste disposal facility"** means a site, or premises which is licensed by the Province of the North West or the National Government and used for the accumulation or disposal of waste;

**"litter"** means waste, excluding hazardous waste, arising from activities in public areas that has not been disposed of in a public litter container;

**"owner"** includes the registered owner, lessee or occupier of a premises, or the person in charge or control of any premises or part thereof who is over 16 years of age, and any person who obtains a benefit from the premises or is entitled thereto;

**"person"** includes any organ of state;

**"priority waste"** means waste declared to be such by the Director in terms of this By-law or in terms of national or provincial legislation;

**"recyclable materials"** means any material that can be converted into raw material that can be re-used to make new products or resources;

**"residential waste"** means waste that emanates from premises used wholly or mainly for residential, educational, sport or recreational purposes and may include recyclable materials and non-recyclable material, but excludes hazardous waste;

**"Tariff Policy and Tariff By-Law"** means the Tariff Policy and Tariff By-Law adopted by the Council of the Ramotshere Moiloa and published in the Provincial Gazette from time to time;

**"waste"** means any matter, whether gaseous, liquid or solid or any combination thereof, which is from time to time designated by the National Minister of Environmental Affairs and Tourism by notice in the *Government Gazette* or by the member of the Executive Council of the Province of the North West who is responsible for waste management in the Province of the North West, as an undesirable or superfluous by-product, emission, residue or remainder of any process or activity;

**"waste generator"** means a property owner, a household, organisation or business entity, the inhabitants, occupants or employees of which generate waste and includes sorters of waste such as recycling or waste minimisation groups, scrap dealers and buy-back centres;

**"waste management officer"** means the Director: Community Services, or an officer referred to in section 25 of this By-law;

**"waste minimisation club"** means a group of persons, typically residing in a high density residential or office building, or a multi-property cluster residential or business development, that have an agreement approved by the Director in terms of this By-law to minimise waste in exchange for a lower tariff according to an integrated waste management plan.

**"waste with heavy metals"** includes mercury waste from thermometers, blood- pressure gauges, residues from dentistry, cadmium waste from discarded batteries, reinforced wood panels used in radiation proofing, and drugs containing arsenic;

**Application of this By-law**

2. In the event of conflict between this By Law and any other by law of the Ramotshere Moiloa Municipality dealing with waste management this By Law must prevail.

**Categorisation of waste**

3.(1) Waste shall be categorised in accordance with the definitions of the various types of waste in this By-law, and the Environmental Health By-Law insofar as it defines Medical waste and to the extent that it is unclear under which category a type of waste falls.

(2) The decision of the Director must, subject to any other law, be final in the categorizing of waste.

**Obligations of waste generators**

4.(1) A waste generator must—

(a) avoid the generation of waste or where it cannot be avoided minimise the toxicity and amounts of waste generated;

(b) separate waste with the aim of minimising waste and its impacts on the environment and to store the recyclable waste separately from non-recyclable waste provided that industrial waste must be separated into liquids, components and materials that can be treated for recycling or re-use;

(c) re-use, recycle or recover waste where possible;

(d) dispose of recyclable waste by—

(i) contracting with the Municipality where the waste generator will be charged at the Municipality's standard charge in terms of the Tariff By-law;

(ii) where the Municipality does not provide such a service by contracting with an accredited service provider; or

(iii) delivering waste to a licenced waste disposal facility and ensure that waste is treated or disposed of in an environmentally sensitive manner at a licenced waste disposal facility;

(e) manage waste so that it does not endanger health or the environment or create a nuisance;

(f) maintain suitable cleanliness and hygiene standards on their premises as required by the Municipality's Environmental Health By-law;

(g) make use of the waste removal services provided by the Municipality's or its service provider, unless the Municipality does not provide a waste removal service for the type of waste to be disposed of, in which case they shall make use of an accredited service provider;

(h) conclude a contract with the Municipality, its service provider or an accredited service provider, as the case may be, for the storage and collection of waste;

(i) store waste in the containers provided by the Municipality or an accredited service provider prior to collection or where a container is not provided, store waste in plastic black bags, which containers or bags will be collected by the service provider at least once a week according to the routes as published by the Municipality or the service provider from time to time;

(j) pay tariffs and rates charged by the Municipality for such waste removal services according to the Municipality's Credit Control and Debt Collection By-law.

(2) A waste generator may apply to the waste management officer for an additional container and shall be liable for the additional costs as per the Municipality's Tariff-By-Law and Tariff Policy.

(3) The waste management officer may require a waste generator to submit an integrated waste management plan prior to agreeing to supply an additional container.

(4) The owner and waste generator must comply with the terms and conditions set out by such waste management officer for the generation, minimisation, storage, collection, treatment and disposal of such additional waste.



- (5) Should the waste generated by a waste generator exceed the volume that can be stored in the containers provided or bags, the owner must make arrangements for the collection of the excess waste by an accredited service provider.
- (6) If no arrangement is made for collection of excess waste, the owner or waste generator must promptly transport that additional waste to and deposit it at a licensed waste disposal facility at his or her own cost.
- (7) The owner of a formal dwelling who has other structures on the property with persons living in these separate structures shall also be allocated one container per additional structure by the Municipality and shall be entitled to have it collected on the same terms as the residential dwelling.
- (8) The owner of the property will have to sign an additional contract with the Municipality for the storage, collection and disposal of waste contemplated in subsection (7) and shall be liable for the charges levied by the Municipality in connection therewith.
- (9) Any business or agent disposing of waste on behalf of such business shall provide a report of the waste disposed to the waste management officer in a format as determined by the Director from time to time, on or before the 7th of each month.
- (10) A waste generator generating Industrial waste must contract with an accredited service provider for the collection and disposal of such waste to a licensed waste disposal facility.
- (11) The owner must on demand prove to the waste management officer that he or she has entered into a suitable agreement with an accredited service provider for the collection, processing, treatment or disposal of industrial waste at least once per week or as determined by the waste management officer.
- (12) An accredited service provider must in respect of industrial waste as defined by SANS 10228 and 10229 comply with all legislation relating to handling, transfer, storage, use, treatment and transportation of the dangerous goods and dispose of same at a licensed waste disposal facility or landfill site.
- (13) A waste generator generating industrial waste shall submit an integrated waste management plan to the Municipality and comply with the terms and conditions set out by the Municipality for the generation, minimisation, storage, recycling, collection and disposal of such waste.
- (14) Garden waste generated at properties being used mainly for residential purposes may be composted on the property, or it may be stored in a compost heap or suitable bags as per the Municipality's requirements, and it may be kept on the property until collection or taken to a licensed waste disposal facility.
- (15) The waste generator may be called upon by the waste management officer to produce a weighbridge ticket as proof of proper disposal of garden waste over a certain mass, as determined by the Municipality in terms of its guidelines and conditions imposed from time to time.
- (16) Any person who directly or indirectly generates building waste or the owner of the property on which such building waste is generated shall not store such waste in containers provided by the Municipality for residential waste and shall remove and dispose of it at a licensed crushing plant or landfill site or any other licensed building waste disposal facility.
- (17) When plans are submitted to the Municipality for its approval in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 107 of 1977), the person submitting same must submit simultaneously therewith—
- (a) an integrated waste management plan setting out what provision is made for collection and disposal of the building and other waste;
  - (b) what provisions are made to store the waste on their property; or
  - (c) provide a permit to store the waste on the Municipality's property.
- (18) Contaminated building or other waste where the contamination agent is hazardous or dangerous must be deposited at a licensed waste disposal facility for the treatment and disposal of hazardous waste.

(19) The owner of the facility where building rubble is disposed of shall provide a monthly report to the waste management officer of the mass of such waste deposited at such facility.

(20) The waste generator or the owner of the property on which waste is generated who deposits or stores waste on property of the Municipality may be fined for failure to have or produce a permit for such deposit or storage.

(21) When the building control officer inspects the property where building works have been undertaken to check that it has been built in accordance with the approved plans, he or she shall also check if all building waste has been disposed of.

(22) The owner of the property referred to in subsection (21) will be required to provide the building control officer with proof of a weighbridge certificate that he or she has disposed of the full mass of the building rubble at a licensed waste disposal facility for that category of waste prior to an occupancy certificate or any final approvals being granted.

#### **Hazardous waste**

5.(1) A waste generator who generates hazardous waste and an owner of property where hazardous waste is generated must contract with an accredited service provider to collect and dispose of such waste at a licensed hazardous waste disposal facility.

(2) A person transporting the hazardous waste must ensure that the facility or place to which the hazardous waste is transported is authorised to accept such hazardous waste prior to off-loading the hazardous waste from the vehicle.

#### **Event waste**

6.(1) Any person who is directly or indirectly involved with the organisation or management of a sporting, entertainment, cultural or religious event which is to take place on private or public property or owns or controls premises at which a sporting, entertainment, cultural or religious event is to take place, including sports stadia and conference centres, must submit an integrated waste management plan consistent with this By-law to the waste management officer in respect of the storage, collection, recycling and disposal of waste at and after such event at least five working days prior to the proposed event and comply with the terms and conditions set out by the Municipality.

(2) The integrated waste management plan must also include costing information, and the organiser, management or owner will be required to pay a refundable deposit as determined by the Municipality.

(3) Any person who intends to generate event waste shall contract with an accredited service provider for the collection and disposal of such waste to a licensed waste disposal facility and provide proof of this to the Municipality as part of its integrated waste management plan.

(4) If the event is to be held in a public area, the use, sale or distribution of glass or similar containers is prohibited, unless the prior consent has been obtained from the waste management officer on such conditions as will be determined by him or her that will reduce the likelihood of injury from broken glass.

(5) Should a person fail or neglect to obtain services of an accredited service provider in terms of subsection (3) prior to the event in question, or fail to provide the Municipality with the integrated waste management plan or should there be waste left at the area where the event has been held or the surrounding area as a result of the event, the waste management officer may subject to subsection (6), arrange for the collection, clean-up, recycling and disposal of the waste.

(6) The cost for the collection, clean-up, recycling and disposal of the waste shall be payable by the event organiser and may be recovered from the deposit paid or in terms of the Municipality's Credit Control and Debt Collection By-law.

#### **Priority waste**

7.(1) The Director must in terms of this By-law categorise priority waste if he or she reasonably believes that special measures are required in respect of the management of that waste, because it—

- (a) poses a significant threat to health or the environment;
  - (b) may persist in the environment;
  - (c) contains or could foster pathogens or communicable diseases; or
  - (d) has been declared a priority waste in terms of other applicable legislation.
- (2) The Municipality may publish guidelines from time to time insofar as may be necessary in respect of categorisation of waste.

**Emergencies requiring the management of waste**

- 8.(1) In the event of an emergency, the Director may call upon the owner of the property or the waste generator to manage same within a stipulated period to the Municipality's satisfaction.
- (2) The Director may arrange for management of an emergency, including the clearing and cleaning of debris and pollution effects, transporting and disposing of the waste at a licensed waste disposal facility accredited for the specific type of waste generated.
- (3) The Director may also arrange, manage and co-ordinate the rehabilitation and repair of any infra-structure, buildings, equipment or natural environment in this process.
- (4) The cost of such management, rehabilitation and repair, including all costs incurred in the utilisation of the City's resources, equipment and materials shall be for the account of the person responsible for the emergency.
- (5) If an emergency occurs by an act of God the Municipality will deal with such emergency in such manner as the circumstances and funding may allow.

**Establishment of formal waste minimisation clubs in communities or businesses**

- 9.(1) Waste management clubs may apply to the Director for special dispensation as an enhanced service associated with waste minimisation in terms of the Municipality's Tariff By-Law and Tariff Policy.
- (2) The club must submit an integrated waste management plan in writing to the Director for approval, as well as other application documentation for the formation and operation of a waste minimisation club, as may be determined by the Municipality.
- (3) The Director may subject to the provisions of this By-law determine whether to approve the application for a special dispensation of a waste minimisation club.
- (4) If an application is unsuccessful, the Director must stipulate and provide reasons for turning down an approval to the waste minimisation club.
- (5) If an application to form a waste minimisation club is approved by the Director, the club must comply with the terms and conditions set out by the Director for the generation, minimisation, storage, collection and disposal of such waste.

**Integrated waste management plan**

- 10.(1) An integrated waste management plan must be submitted by the waste generators listed in subsection (1D) in writing to the waste management officer for approval prior to the generation of the waste to be dealt with in terms of the said plan.
- (2) An integrated waste management plan must include –
- (a) an assessment of the quantity and type of waste that will be generated;
  - (b) a description of the services required to store, collect, transport and dispose of such waste;
  - (c) a description of how they intend separating recyclable and non-recyclable material at the point of source;
  - (d) the waste minimisation and pollution prevention plans of such waste generator;
  - (e) the impact or potential impact on the environment of the waste created by them;
  - (f) the type or characteristics of waste produced of an environmentally sensitive nature or the amount of natural resources that are consumed in the manufacturing or production process that result in waste;
  - (g) targets for waste production through waste minimisation, re-use, recycling and recovery measures or programmes that can minimise the consumption of natural resources and the method of disposal of waste.

(3) Industrial entities must include in an integrated waste management plan measures or actions to be taken to manage waste, the phasing out of the use of certain substances, opportunities for reduction of waste generation through changes to product design, product production or packaging to reduce resource consumption.

(4) Industrial and business entities must provide for the education, marketing and sales information to influence perception and behaviour of customers to ensure recycling of products.

(5) When requested to submit an integrated waste management plan or a further integrated waste management plan in terms of this By-law, a waste generator shall do so within the time stipulated and comply with the terms and conditions set out by the waste management officer for the generation, minimisation, storage, collection and disposal of such waste.

(6) The waste management officer must consider the plan and –

- (a) approve it with conditions and give directions for the implementation thereof;
- (b) request that additional information be furnished or a revised plan be submitted for approval;
- (c) require amendments to be made within a time frame so specified by them;
- (d) reject the plan and provide reasons therefor; or
- (e) approve such a plan and specify conditions pertaining to such approval.

(7) If an integrated waste management plan is rejected or not submitted at all, the waste management officer shall give directives as to what waste management measures must be taken by the waste generator and should the waste generator fail to take such measures within the time frame specified by the waste management officer, the Municipality may implement such measures and the waste generator will be liable for the cost thereof.

(8) The Director may by written notice require any person to provide such information as he or she requires when preparing the Municipality's integrated waste management plan.

(9) Should a person fail to provide the information referred to in subsection (8), the Director may appoint an auditor to obtain such information at the cost of waste generator.

(10) The waste generators of the following classes of waste must submit an integrated waste management plan:

- (a) business waste;
- (b) industrial waste;
- (c) building waste;
- (d) event waste;
- (e) priority waste;
- (f) hazardous waste;
- (g) those applying for special dispensation in terms of section 9;
- (h) those who sort waste or undertake a recycling, re-use or waste recovery activity including but not limited to scrap dealers, recycling groups and buy back centres;
- (i) any other person who is given notice to do so by the Director; or
- (j) those persons carrying out the activities listed in paragraph (h).

**Exemptions from submitting an integrated waste management plan**

11.(1) If one of the waste generators for the categories of waste referred to in section 10(10)(j) wishes to be exempt from submitting a waste management plan, an application must be made in writing to the waste management officer, stipulating reasons for the application.

(2) A waste management officer may also declare—

- (a) certain types of waste or waste generators;
- (b) a particular mass or volume of waste; or
- (c) persons who have submitted such a plan to the other spheres of government in terms of their applicable legislation, to be exempt from the submission of an integrated waste management plan.

**Storage and transportation of waste**

**12.**(1) Any holder of waste who stores or transports waste must ensure that—

- (a) the container in which any waste is stored is intact and not corroded or in any other way rendered unfit for the safe storage or transportation of waste if the waste is not in a container provided by the Municipality;
- (b) suitable measures are in place to prevent accidental spillage or leakage;
- (c) the waste cannot be blown away;
- (d) nuisances such as odour, visual impacts and breeding of vectors do not arise;
- (e) pollution of the environment and harm to health are prevented;
- (f) hazardous waste is sealed in an impervious container and suitable measures are in place to prevent tampering; and
- (g) any waste items or substances are safe for handling, collection or disposal and are not harmful to persons when accessed by unauthorized persons or members of the public.

(2) The waste generator and the holder of waste must ensure that waste is transported to the nearest licensed disposal facility that has capacity to deal with the waste.

**Recycling, re-use, sorting and recovery of waste**

**13.**(1) Any person who undertakes a recycling, re-use or recovery activity or who sorts waste, including scrap dealers, buy back centres and formalised recycling groups, must, before undertaking that activity make sure by way of an environmental impact assessment or similar procedure required by national or provincial legislation, that the recycling, re-use or recovery of the waste is less harmful to the environment than its disposal and must obtain accreditation from the Municipality in terms of its guidelines as published from time to time.

(2) The person referred to in subsection (1) must also submit an integrated waste management plan, and the waste management officer must, when deciding to grant authorisation, consider such integrated waste management plan.

(3) Any person who undertakes a recycling, re-use, processing, treatment or recovery activity or who sorts waste, including scrap dealers, buy back centres and formalised recycling groups, must register for accreditation with the Municipality that will entitle them to perform such activities.

(4) Persons and entities that handle, transport, process, treat and dispose of waste for recycling purposes shall provide the waste management officer with a written report on or before the 7th of each month in a format to be determined by the Director.

(5) The waste management officer may exempt certain waste generators, handlers, transporters or agents of waste from such requirements.

**Prohibition of unauthorised disposal of waste**

**14.** No person may—

- (a) dispose of waste in a manner likely to cause pollution of, or have an impact on, the environment or to be harmful to health;
- (b) dispose of waste other than in accordance with this By-law or National and Provincial legislation;
- (c) dispose of hazardous waste in a container provided by the Municipality that is designed for the storage of residential or business waste or in bags to be collected by the Municipality;
- (d) burn waste especially hazardous waste except in approved incinerators which have a permit or license to do so;
- (e) dispose of hazardous waste, unless in accordance with an approved integrated management plan;
- (f) deposit residential, business, industrial, garden, building or hazardous waste in a public litter bin; or
- (g) deal with waste in a manner that causes dust, spillage or litter.

**Littering and dumping**

15.(1) No person may drop, throw, deposit, spill, dump, store or in any other way discard, any litter or waste into or onto any public place, municipal drain, land, vacant erf, stream, water course, street, road, wetland, coastline or on any place to which the public has access, or otherwise dispose of it nor may they allow a person under their control to do so.

(2) The owner of private land to which the public has access must ensure that sufficient containers are provided to contain litter which is discarded by the public.

(3) If the provisions of subsection (1) are contravened, the Director may direct, by way of a written notice to persons that—

(a) they cease the contravention, in a specified time;

(b) they prevent a further contravention or the continuation of the contravention;

(c) take whatever measures the Director considers necessary to clean up or remove the waste, and to rehabilitate the affected facets of the environment, to ensure that the waste and any contaminated material which cannot be cleaned or rehabilitated is disposed of lawfully.

(4) The Director may in respect of the notice contemplated in subsection (3)(c) state that the person must, within a maximum of 5 working days remove the waste or litter, provided the Director may grant a further 2 days, on request of the person, to remove the litter or waste.

(5) A person who owns land or premises, or who is in control of or has a right to use land or premises, may not use or permit the use of the land or premises for unlawful dumping of waste and must take reasonable steps to prevent the use of the land or premises for that purpose.

(6) If the Municipality elects to remove the waste or litter the person concerned shall be liable for the cost of such removal operation.

(7) In the case of hazardous waste, the Municipality shall immediately remove same and thereafter issue notices that the person concerned is liable for the cost of the removal and rehabilitation of the area.

**Licences**

16. Any person who, or entity which, requires a license in terms of national, provincial or municipal legislation will have to prove on request, to the waste management officer that such person or entity has obtained the appropriate license within 30 days or such lesser period as specified by such officer.

**Waste management services, applications and registration for waste collection and removal services**

17.(1) All persons collecting or removing waste must have a contract for the collection and removal of waste with the Municipality or an accredited service provider.

(2) Residents must apply and register for waste collection and removal services that will be provided exclusively by the Municipality or its contracted accredited service provider, unless the Council authorises otherwise.

(3) Businesses have an option to contract with the Municipality for the waste collection and removal services, or to contract with an accredited service provider.

(4) Industries, including those that produce hazardous waste, due to the specialised nature of waste produced in these sectors, must contract with a private sector accredited service provider.

(5) If an accredited service provider is required to have a license or approval in terms of national or provincial legislation, they are required to provide proof thereof, as well as comply with criteria determined by the Council before they will be registered by the Director.

(6) The Director shall keep an updated record of registered accredited service providers.

(7) Commercial and industrial undertakings, including scrap dealers requiring a waste collection and removal service which is not provided by the Municipality, must register with the Municipality and prove that they have contracted with an accredited service provider for such service.

**Access to private property**

18.(1) The owner must, on request, allow a peace officer or any other duly authorised employee of the Municipality access to their property for the purpose of inspecting the property and investigating any contravention of this By-law and to ensure compliance therewith.

(2) When accessing the property the authorised employee must, on request, identify him or herself by producing written proof of such authority.

(3) Such employee may be accompanied by a person reasonably required to assist in inspecting or conducting an investigation who must be identified as such by the authorised employee.

**Premises inaccessible for refuse collection**

19. Should the Municipality be impeded from handling or collecting refuse due to the layout of a person's premises, and if this impediment imposes a danger to employees of the Municipality, the Director may require the owner to do such alterations or additions to the premises as are necessary to remove such impediment at that persons cost.

**Compliance notices**

20.(1) The waste management officer may issue notices to any person contravening the provisions of this By-Law—

- (a) setting out the provisions or conditions contravened;
- (b) directing such person to comply with such provisions or conditions; and
- (c) setting out the measures which must be taken to rectify the contravention, and the period in which he or she must do so.

(2) If a person fails to comply with directions given in a notice issued by the waste management officer, the waste management officer may —

- (a) take whatever steps it considers necessary to clean up or remove waste, to rehabilitate the premises, place or the affected environment at which the waste has been illegally dumped or stored and to ensure that the waste, and any contaminated material which cannot be removed, cleaned or rehabilitated, is disposed of lawfully;
- (b) recover the costs of cleaning, removing, rehabilitating or disposing waste, premises or environment, or contaminated material, respectively, from the persons obliged to take such steps in terms of this By-Law, who shall be jointly and severally liable therefore.

(3) The Municipality may, in the case of hazardous or priority waste, require the persons generating such waste to close until such time as steps are taken to dispose of the waste in terms of subsection (2) if there is a real threat of damage or injury to any person or property.

(4) The following persons may be served with such notice:

- (a) any person who committed, or who directly or indirectly permitted, the contravention;
- (b) the generator of the waste;
- (c) the owner of the land or premises where the contravention took place;
- (d) the person in control of, or any person who has or had, at that stage of the contravention, a right to use the land or premises where contravention took place.

**Service of documents and process**

21. Whenever any notice, order, demand or other document is authorised or required to be served on a person in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such a person—

- (a) when it has been delivered to him or her personally;
- (b) when it has been left at his or her place of residence or business with a person apparently over the age of 16 years;

- (c) when it has been posted by registered or certified mail to his or her last known residential or business address and an acknowledgement of posting thereof is produced;
- (d) if his or her address is unknown, when it has been served on his or her agent or representative in a manner provided for in paragraph (a), (b) or (c); or
- (e) if his or her address and agent are unknown, when it has been posted in a conspicuous place on the immovable property, if any, to which it relates.

**Failure to comply with the By-law and enforcement**

22.(1) If the waste management officer has issued a compliance notice in terms of section 21 to anyone for contravening any provision of this By-law and such person fails to comply with such notice he or she shall be guilty of an offence.

(2) The waste management officer may in writing require any person to submit a report to him or her in respect of the impact of waste in a specified form as stipulated in the Municipality's guidelines as published from time to time.

(3) If the person fails to submit such a report within the period specified, the waste management officer may appoint an independent person to compile the report and recover the costs of compiling the report from the person required to submit it.

(4) If the waste management officer suspects that the person has on one or more occasion contravened or failed to comply with the By-law or a license issued in terms of provincial or national legislation and this has had a detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions or cultural heritage or has contributed to the degradation of the environment, the waste management officer may direct that such a report be compiled by an independent person.

(5) The waste management officer may then direct the person who failed to comply with the By-Law to take the action recommended in such report,

failing which the Municipality may do so, and the person who contravened the By-Law shall be liable for the cost thereof.

**Offences and penalties**

23.(1) A person who contravenes sections 12(b), 12(f), 15(l) shall be guilty of an offence and shall on conviction be liable for—

- (a) littering or dumping over 8m<sup>3</sup> of waste or hazardous waste;
- (b) spillage or leakage over 8m<sup>3</sup> of waste without putting in place suitable measures;
- (c) conveying of an uncovered load of hazardous waste of any volume;
- (d) conveying of an uncovered or unsecured load which results in spillage over 8m<sup>3</sup> of waste or hazardous waste, such fine or imprisonment as the court may deem appropriate and the court may in addition order the removal of such waste or determine what measures must be taken by such person and the payment of the expenses incurred in respect thereof or any other costs or damages.

(2) Should any person induce, influence, persuade or force an employee of the Municipality or other person to commit an offence in terms of this By-law he or she shall be guilty of an offence.

(3) Should any person induce an employee of the Municipality to collect and dispose of waste without the correct payment to the Council, or the correct methods being employed, shall be guilty of an offence.

(4) Any waste generator who fails to submit or comply with an integrated waste management plan in terms of this By-law shall be guilty of an offence.

(5) Any person who commits any offence referred to in subsections (2) to (4) or any other offence in terms of this By-law shall on conviction be liable for the payment of a minimum fine of R500 but not exceeding R10 000 or imprisonment for a minimum period of 6 months but not exceeding 2 years, or to both such fine and such imprisonment.



(6) The court may in addition to any penalty imposed in terms of subsection (5), order a person to repair the damage, make good the loss, rehabilitate the environment, remove waste, or determine what measures must be taken by such person and the payment of the expenses incurred in respect thereof or any other costs or damages.

(7) The Court may, when considering any sentence for an offence in terms of this By-Law, take into account the following:

(a) That a person delayed in complying with or failed to comply with the terms of notices or directions given to that person under this By-law;

(b) that person obtained a financial advantage or was to obtain a financial advantage as a result of the commission of the offence;

(c) the severity of the offence in terms of its impact or potential impact on health, wellbeing, public safety and the environment.

**Delegations by the waste management officer**

24. The waste management officer shall be entitled to delegate to any other official of the Municipality any of his or her powers or obligations in terms of this By-law.

**Functions and powers of waste management officer**

25. The waste management officer shall be responsible for regulating, controlling, managing and enforcing the provisions of this By-Law and national and provincial legislation relating to waste management.

**Amendments to waste removal services**

26. The Municipality may amend any existing waste removal or cleansing services once a process of public notification, participation and comment has been completed and provided the amendment is practical, cost effective and has as its objective the prevention of the proliferation of waste, the Minimization of waste or the reduction of waste to be removed.

**Transitional provisions**

27. Any approvals given in accordance with previous by-laws will be valid in respect of the premises for which they were granted and in respect of the person to whom they were granted, but cannot be transferred to any other person.

**Guidelines**

28. The Council may make guidelines not inconsistent with other legislation generally for the better carrying out of the objects and purposes of this By-law.

**Repeal of By-laws**

29. Any by-law relating to the Integrated Waste Management adopted by the municipality or any municipality now comprising an administrative unit of the municipality is repealed from the date of promulgation of these by-laws.

**Short title and commencement**

30. This By-law is called Ramotshere Moiloa: Integrated Waste Management By-law, 2010 and comes into operation on promulgation in the Provincial Gazette.

**LOCAL AUTHORITY NOTICE 68****LOCAL GOVERNMENT NOTICE****RAMOTSHERE MOILOA LOCAL MUNICIPALITY****STREET TRADING BY-LAW, 2010 (No 14 of 2010)**

To regulate street trading in the area of jurisdiction of the Municipality and to provide for matters connected therewith.

Be it enacted by the Municipal Municipality in terms of section 11 (3) (m) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), as follows:-

**Contents**

1.	Definitions.....
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**1 Definitions**

(1) In this by-law, except as otherwise expressly provided or unless the context otherwise requires -

"approval" means approval by the authorised official and "approve" has a corresponding meaning;

"authorised official" means an official of the Municipality to whom it has delegated a duty, function or power under this by-law, in relation to the exercise or performance of that duty, function or power and includes any employee acting under the control and direction of such official:

"Municipality" means the Local Municipality of Ramotshere Moiloa and includes, in relation to a duty, function or power under this by-law, a committee or official of the Municipality to whom it has delegated that duty, function or power;

"litter" includes any receptacle, container or other object or matter discarded or abandoned by a trader or his customers or left behind by him or them;

"local authority service" means any system conducted by or on behalf of a local authority for the collection, conveyance, treatment or disposal of refuse, sewage or storm water or for the generation, impounding, storage, purification or supply of water, gas or electricity;

"local authority service works" means all property or works of whatsoever nature necessary or desirable for or incidental to any local authority service;

"nuisance" bears the meaning given to it by the Ordinance

"Ordinance" means the Local Government Ordinance, 1939 (Ordinance 17 of 1939);

"prescribed" means adopted by the Municipal Council by resolution;

"property" in relation to a street trader, means any goods, receptacle, vehicle or movable structure used or intended to be used in connection with the carrying on of his business as such;

"public place" means a public place as defined in section 1 of the Ordinance;

"public road" means a public road as defined in section 1 of the Road Traffic Act, 1989 (Act No. 29 of 1989);

"roadway" means a roadway as defined in section 1 of the Road Traffic Act, 1989;

"sell" includes -

(a) barter, exchange or hire out;

(b) display, expose, offer or prepare for sale;

(c) store with a view to sell; or

(d) provide a service for reward, and "sale" has a corresponding meaning;

"sidewalk" means a sidewalk as defined in section 1 of the Road Traffic Act, 1989;

"street trader" means a person who carries on the business of street trading;

"street trading" means the selling of any goods (including a living thing) or the supplying or offering to supply any service for reward, as a street vendor, peddler or hawker in a public road or public place but does not include the sale of newspapers only;

"the Act" means the North West Businesses Act, 1997 (Act No. 6 of 1997) and includes the regulations made hereunder;

"vehicle" includes -

(a) a self-propelled vehicle;

(b) a trailer;

(c) a hand-drawn or propelled vehicle; and

"verge" means a verge as defined in section 1 of the Road Traffic Act, 1989.

- (2) In this by-law, unless the context otherwise indicates, any word or expression defined in the Act shall bear the meaning so given to it.
- (3) For the purpose of this by-law a single act of offering for sale or of selling goods or services from a public road or public place constitutes the carrying on of the business of a street trader.
- (4) For the purpose of this by-law a reference to a person carrying on the business of street trader shall include any employee of any such person.

## 2. Prohibitions

No person shall carry on the business of a street trader -

- (a) at a place or in an area declared under **section 6A (2) (a) of the Act** as a place or area in which the carrying on of street trading is prohibited;
- (b) on the verge, contiguous to -
- (i) a building belonging to, or occupied solely by, the State or the Municipality;
- (ii) a church or other place of worship; or
- (iii) a building declared to be a national monument under the National Monuments Act, 1969 (Act No. 28 of 1969), except to the extent that the carrying on of such business is permitted by a notice or sign erected or displayed by the Municipality and in compliance therewith;
- (c) on a verge contiguous to a building in which business is being carried on by any person who solely or mainly sell goods of the same or similar nature as goods being sold by the street trader concerned, without the consent of that person;

- (d) on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control or any occupier of the building objects thereto;
- (e) at a place where it substantially obstructs pedestrians in the use of a sidewalk or take up a position or deposit his property on a sidewalk so as to do so;
- (f) at a place where it causes an obstruction to vehicular traffic;
- (g) at a place where it causes an obstruction in front of -
  - (i) an entrance to or exit from a building;
  - (ii) a fire hydrant;
- (h) on a stand or in any area contemplated in **section 6A (3) (b)** of the Act if he is not in possession of proof that he has hired such stand or area from the Municipality or that it has otherwise been allocated to him, in contravention of the terms and conditions of the lease or allocation to him of a stand or area contemplated in **section 6A (3) (b) and (c) of the Act.**

### **3. Restrictions**

No person carrying on the business of a street trader shall -

- (a) if such business is carried on any public road or public place -
  - (i) sleep overnight at the place of such business; or
  - (ii) erect any structure (other than a device which operates in the same manner as, and is shaped like, an umbrella) for the purpose of providing shelter; without prior written approval of the Municipality;
- (b) carry on such business in such a manner as to -
  - (i) create a nuisance;
  - (ii) damage or deface the surface of any public road or public place or any public or private property;  
or
  - (iii) create a traffic hazard;
- (c) other than in a refuse receptacle approved or provided by the Municipality, accumulate, dump, store or deposit or cause or permit to be accumulated, dumped, stored or deposited any litter on any land or premises or on any public road or public place;
- (d) obstruct access to a service or to service works of the Municipality or of the State or any statutory body;

- (e) interfere with the ability of persons using a sidewalk to view the goods displayed behind a shop display window or obscure such goods from view;
- (f) obstruct access to a pedestrian arcade or mall;
- (g) carry on business or take up a position or place his property on a portion of a sidewalk or public place in contravention of a notice or sign erected or displayed by the Municipality for the purposes of this by-law;
- (h) carry on such business in a place or area in contravention of any restriction imposed by Municipality resolution in terms of section 6A (2)(a) of the Act;
- (i) obstruct access to pedestrian crossings, parking or loading bays or other facilities for vehicular or pedestrian traffic;
- (j) obstruct access to or the use of street furniture such as bus passenger benches or shelters and queuing lines, refuse disposal bins, and other facilities designed for the use of the general public; or
- (k) obscure any road traffic sign displayed in terms of the Road Traffic Act, 1989, and regulations made hereunder or any markings, notice or sign displayed or made in terms of this by-law.

**4. Cleanliness of place of business and protection of public health**

Every street trader shall -

- (a) unless prior written approval exempting him from the provisions of this paragraph has been given by the Municipality, daily remove from any public road or public place at the end of each trading day or at the conclusion of trading all goods, movable structures, waste, packaging material, stock and equipment of whatsoever nature which are utilized in connection with such trading;
- (b) carry on his business in such a manner as not to be a danger or threat to public health or public safety;
- (c) at the request of an officer or an employee of the Municipality move or remove anything so that the place of business may be cleaned;
- (d) keep the area or stand occupied by him for the purpose of his business as well as his property in a clean and sanitary condition and free of litter; or
- (e) if his activities involve the cooking or other preparation of food, take steps to ensure that no fat, oil or other substance drops or overflows onto the surface of a sidewalk or splashes against a building or other structure.

**5. Trading in parks and gardens**

No street trader shall carry on business in a garden or park to which the public has the right of access except with the prior written approval of the Municipality's Director of Community Services or other authorized official and in compliance with any conditions imposed by him when granting such consent.

**6. Objections used for display of goods**

A street trader shall ensure that any structure, container, surface or other object used by him for the preparation, display, storage or transportation of goods -

- (a) is maintained in a good state of repair and in a clean and sanitary condition; and
- (b) is not so placed or stacked so as to constitute a danger to any person or so as to be likely to injure any person.

**7. Removal and impoundment**

- (a) For the purpose of this bylaw "goods" includes any receptacle, vehicle or movable structure.
- (b) An officer may remove and impound any goods -
  - (i) which he reasonably suspects are being used or are intended to be used or have been used or in connection with the carrying on of any business of a street trader; and
  - (ii) which he finds at a place where the carrying on of such business is restricted in terms of bylaw (3) (h) or bylaw 5 or prohibited in terms of bylaw 2(a) to (g) and which in his opinion constitutes an infringement of such provision, whether or not such goods are in the possession or under the control of any person at the time of such removal or impoundment.
- (c) Any officer acting in terms of sub-bylaw (2) shall -
  - (i) except in the case of goods which have been left or abandoned, issue to the person carrying on the business of street trader a receipt for any goods so removed and impounded; and
  - (ii) forthwith deliver any such goods to the authorized official.
- (d) Neither the Municipality nor a Councillor, official, officer or employee of the Municipality shall be liable for any loss of or damage to any goods removed and impounded in terms of this section.

**8. General offences and penalties**

- (l) 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 for the purpose of this by-law;
  - (c) contravenes or fails to comply with any approval or condition granted or imposes in terms of these by-law;
  - (d) for the purpose of these by-law makes a false statement knowing it to be false in a material particular or deliberately furnishes false or misleading information to an authorized official or officer;or

(e) threatens, resists, interferes with or obstructs an authorized official, officer or employee of the Municipality in the performance of his powers, duties or functions under these by-law; shall be guilty of an offence and on conviction be liable to a fine or imprisonment for a period not exceeding three months.

(2) When an employee of a street trader performs any act or is guilty of any omission which constitutes an offence under these by-law the employer shall be deemed to have performed the act or to be guilty of the omission himself and he shall be liable on conviction to the penalties mentioned in sub-by-law (1) unless he proves to the satisfaction of the Court that -

(a) in performing the act or being guilty of the omission the employee was acting without his knowledge or permission;

(b) all reasonable steps were taken by him to prevent the act or omission in question; and

(c) it was not within the scope of the authority or the course of the employment of the employee to perform an act of the kind in question.

(3) The fact that an employer issued instructions forbidding any act or omission referred to in sub-by-law (2) shall not of itself be accepted as sufficient proof that he took all steps referred to in paragraph (b) of that sub-by-law.

(4) When an employer is by virtue of the provisions of sub-by-law (2) liable for anything done or omitted by his employee, then that employee shall also be liable to prosecution for the offence.

**9. Presumption**

In any prosecution of a street trader for a contravention of this by-law, the accused shall be deemed to know the provisions of this by-law and to know that the offence with which he is charged is a contravention thereof.

**10. Application of this By-Law**

This by-law applies to all persons or bodies conducting street trading within the area of jurisdiction of the Municipality.

**11. Repeal of By-laws**

Any by-law relating to the Street Trading adopted by the municipality or any municipality now comprising an administrative unit of the municipality is repealed from the date of promulgation of these by-laws.

**12. Short title and Commencement**

This By-law is called the Street Trading By-law and commences on the date of publication in the Provincial Gazette.