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EXTRAORDINARY • BUITENGEWOON

PROVINCIAL GAZETTE PROVINSIALE KOERANT

Vol. 258

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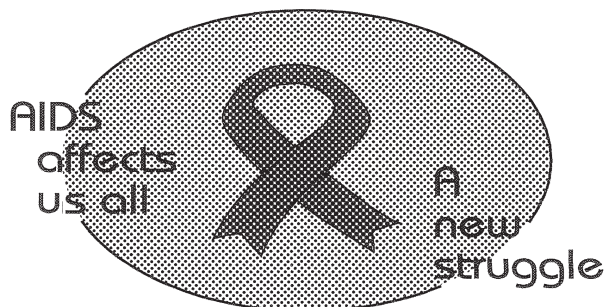
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No. 7511

PART 1 OF 2

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DEPARTMENT OF HEALTH

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IMPORTANT

Information

from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.



GPW Business Rules

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address submit.egazette@gpw.gov.za. This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za)
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.

DISCLAIMER:

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

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

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

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LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 102 OF 2015

MUNICIPALITY OF RAMOTSHERE MOILOA

**BY-LAWS RELATING TO ACCOMMODATION ESTABLISHMENTS, 2015 (NO. 7 OF 2015)**

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 Accommodation Establishments which shall come into operation on the date of publication thereof.

[1] Definitions

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 –

“accommodation establishment” means any place in which accommodation is provided for gain to four or more people, with or without meals, but excludes a private home;

"authorised official" means:

- [a]** an official of the Council; or
- [b]** an official of another municipality; or
- [c]** an official of another organ of state; or
- [d]** a person contracted by the Council; and

with whom the Council has concluded an agreement either directly or on an agency basis for the rendering of services in terms of these by-laws and/or to which or whom the Council has delegated a duty, function or power under these by-laws, provided that the official or person concerned shall be a duly registered environmental health officer or health practitioner;

"Council" means the Council of the municipality or any Committee, Political Office Bearer or official thereof acting by virtue of any power entrusted or delegated to it or him in terms of legislation with regard to the application and implementation of these by-laws;

“**Compliance notice**” means a notice issued in terms of section 6 to comply with these by-laws or with the conditions of a permit issued in terms of these by-laws;

“**dormitory**” means a sleeping room in which sleeping accommodation is provided for four or more persons.

“**permit**” means a public health permit granted by the Council in terms of section 4;

“**municipality**” means the municipality of Ramotshere Moiloa and includes the Council thereof and should the context so require also the authorised official;

“**prohibition notice**” means a notice issued in terms of section 7;

“**public health**” means the mental and physical health and well-being of people in the municipal area;

“**public health hazard**” means any actual threat to public health, and without limitation, includes –

- [a] unsanitary conditions;
- [b] circumstances that make it easier for a communicable disease to spread;
- [c] circumstances that make food or drink [including water for domestic consumption] unhygienic or unsafe to eat or drink; and
- [d] circumstances that allow pests to infest any place where they may affect public health;

“**public health nuisance**” means the use of any premises or place in a manner that creates conditions that significantly increase the risk of a public health hazard occurring or that compromises any aspect of public health to an extent that is more than trivial or insignificant.

[2] Requirements for premises

Except under authority of permit issued by the Council in terms of these by-laws, no person may operate an accommodation establishment on premises that do not comply with the following requirements:

- [a] No room wholly or partly used by persons for sleeping in may be occupied by a greater number of persons than will allow:
 - [i] less than 11, 3 m³ of free air space and 3,7 m² of floor space for each person over the age of 10 years; or
 - [ii] less than 5,7 m³ of free air space and 1, 9 m² of floor space for each person under the age of 10 years.
- [b] No latrine, passage, staircase, landing, bathroom, cupboard, outbuilding,

garage, stable, tent, storeroom, lean-to, shed, cellar or loft may be used as sleeping accommodation.

- [c]** If a dormitory is provided on the premises -
- [i]** a single bed, manufactured of metal or some other durable material and equipped with a mattress, must be provided for every person housed in the dormitory;
 - [ii]** a separate locker must be provided for every person making use of the dormitory for safeguarding the person's personal clothing and other possessions;
 - [iii]** every bed in a dormitory must be placed such that its sides are at least one metre away from any part of any other bed.
- [d]** An accommodation establishment must be provided with -
- [i]** an area for the preparation and cooking of food, adequate for the use of and easily accessible to any occupier residing in the premises;
 - [ii]** adequate separate wash-up facilities; and
 - [iii]** where meals are provided to persons housed on the premises, a dining-room or adequate dining area with tables and chairs or benches and unobstructed floor area [including the area occupied by tables, chairs and benches] of at least 1, 2 m² for every seat provided for dining purposes.
- [e]** **[i]** An accommodation establishment must be provided with one or more showers, each suitably placed in a separate compartment, easily accessible to all occupiers of the premises, and fitted with waste pipes which comply with the provisions of the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977], as amended.
- [ii]** A bath fitted with a waste pipe may be substituted for each shower referred to in subsection [i] hereof.
- [iii]** The facilities referred to in subsections [i] and [ii] hereof must be designated for the different sexes.
- [f]** An accommodation establishment must be provided with sanitary facilities as prescribed in the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977] and such fixtures must be designated for the different sexes.
- [g]** An accommodation establishment must be provided with an adequate supply of hot and cold running potable water.
- [h]** All rooms must be provided with adequate ventilation and lighting as

prescribed in the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977], as amended.

- [i]** Openings such as doors, windows or fanlights may not be obstructed in a manner that interferes with the lighting or cross ventilation they provide.
- [j]**
 - [i]** A separate room with metal bins or canvas laundry bags must be provided for the storage of dirty articles used in connection with the accommodation establishment, pending removal to be laundered; and
 - [ii]** If articles used in connection with the accommodation establishment are laundered on the premises, a separate approved washing, drying and ironing area equipped with the necessary facilities for this purpose must be provided.
- [k]** A store-room for the storage of furniture and equipment and a separate linen room with cupboards or shelves for the storage of clean bed and other linen, towels, blankets, pillows and other articles used in connection with the accommodation establishment, must be provided.
- [l]**
 - [i]** All walls and ceilings must have a smooth finish and be painted with a light-coloured washable paint, or have some other approved finish;
 - [ii]** The floor surface of every kitchen, scullery, laundry, bathroom, shower, ablution room, toilet and sluice room must be constructed of concrete or some other durable, impervious material brought to a smooth finish; and
 - [iii]** The floor surface of every habitable room must be constructed of an approved material.
- [m]** The following facilities must be provided for people who are employed and also reside on the premises:
 - [i]** sleeping quarters equipped with a bed, mattress and locker that comply with the provisions of subsections [a], [b] and [c] for each employee; and
 - [ii]** where employees are not provided with meals on the premises, food preparation and dining facilities that comply with the provisions of subsection [d].
- [n]** Adequate changing facilities must be provided for non-resident employees.
- [o]** Adequate ablution and sanitary facilities, which comply with the provisions of subsections [e] and [f] must be provided for resident and non-resident employees.
- [p]** An adequate refuse holding area must be provided and an approved refuse

removal system must be maintained.

- [q]** All walls, floors and roofs must be constructed in a manner that prevents wind and rain entering the premises or dampness entering the interior surfaces of the walls and floors.
- [r]** All accesses to an accommodation establishment must have a door which when closed, prevents the wind or rain entering the premises; and
- [s]** All windows must be constructed in a manner that prevents rain entering the premises when the windows are closed.

[3] Duties of the operators of accommodation establishments

Every person who operates an accommodation establishment must –

- [a]** keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hangings and other soft furnishings, table linen, bed linen, and other bedding, towels and cloths of whatever nature used in connection with the accommodation establishment in a clean, hygienic and good condition at all times;
- [b]** clean and wash any bed linen, towel, bath mat or face cloth after each use by a different person;
- [c]** take adequate measures to eradicate pests on the premises;
- [d]** provide a container made of a durable and impervious material, equipped with a close-fitting lid, in every toilet used by females;
- [e]** provide towel rails or hooks in every bathroom and in every room in which there is a wash-hand basin or shower;
- [f]** store all dirty linen, blankets, clothing, curtains and other articles used in connection with the accommodation establishment in the manner referred to in Section [2][j];
- [g]** store all clean linen, towels, blankets, pillows and other articles used in connection with the accommodation establishment in the manner referred to in Section [2][k];
- [h]** keep all sanitary, ablution and water supply fittings in good working order;
- [i]** keep every wall, surface and ceiling, unless constructed of materials not intended to be painted, painted at the intervals to ensure that the area painted remains clean and in a good state of repair; and
- [j]** handle refuse in the manner referred to in Section [2][p].

[4] Permit to operate a accommodation establishment

- [1]** Any person wishing to obtain a permit to operate an accommodation establishment must apply to the Council in writing in a form stipulated by the Council, prior to operating such establishment.
- [2]** When the Council receives an application for a permit, it must ensure that the relevant premises are inspected by the authorised official as soon as reasonably possible.
- [3]** Before deciding whether or not to approve an application referred to in subsection [1], the Council –
 - [a]** must ensure that any persons in the vicinity of the premises whose health or wellbeing may be affected if the premises are used for an accommodation establishment, have been consulted and have had an opportunity to make representations with regard to such proposal; and
 - [b]** may request the applicant to provide any further information which the Council considers relevant to enable it to make a properly informed decision.

[5] General terms applicable to permits

- [1]** A permit issued in terms of these by-laws –
 - [a]** is not transferable from one person to another; and
 - [b]** applies only to the premises specified in the permit.
- [2]** Every permit –
 - [a]** must specify the address and other relevant details regarding the location of the premises concerned;
 - [b]** must describe the premises concerned;
 - [c]** must describe the authorised use or activity concerned;
 - [d]** may specify terms and conditions; and
 - [e]** must indicate when it expires.
- [3]** The Council may levy a fee for considering and granting a permit in terms of these by-laws.
- [4]** The Council may refuse to consider an application until it has been provided with the information that it reasonably requires to make an

informed decision and until the prescribed fee [if any] has been paid.

[6] Compliance notice

[1] If an authorised official after inspecting premises on which an accommodation establishment is being conducted or operated, reasonably believes that a public health hazard or public health nuisance exists on such premises or that the premises are being used for a purpose in contravention of these by-laws, he may serve a compliance notice on one or more of the following persons:

- [a]** the owner of the premises;
- [b]** the occupier of the premises;
- [c]** any person apparently in charge of undertaking the aforesaid use on the premises.

[2] A compliance notice must state –

- [a]** why the authorised official believes that these by-laws are being contravened;
- [b]** the measures that must be taken –
 - [i]** to ensure compliance with these by-laws; or
 - [ii]** to eliminate or minimise any public health nuisance;
 - [iii]** the time period within which the measures must be taken;
- [c]** the possible consequences of failing to comply with the notice; and
- [d]** how to appeal against the notice.

[3] If a person fails to comply with a compliance notice that requires a particular action to be taken, the Council may –

- [a]** take the required action specified in the compliance notice; and
- [b]** recover, as a debt, from the person to whom the notice was given, the costs and expenses reasonably incurred in taking the required action; or
- [c]** direct that a prohibition notice be served on such person in terms of Section 7 of these by-laws.

[7]

Prohibition notice

-
- [1] An authorised official may, after inspecting premises apparently used for accommodation establishment purposes contrary to these by-laws, serve a prohibition notice on the owner, occupier or user of such premises prohibiting the premises from being so used and requiring measures to be taken to ensure that this occurs.
- [2] The authorised official must give the person on whom he intends serving a prohibition notice a reasonable opportunity to make representations before serving the notice unless he reasonably believes that the delay in doing so would significantly compromise public health, in which case the person on whom a prohibition notice is served must be given reasonable opportunity to make representations why it should be withdrawn.
- [3] A prohibition notice must state –
- [a] the reasons for serving the notice;
 - [b] whether or not the Council will withdraw the notice if certain measures are taken, and if so, the measures that must be taken;
 - [c] the possible consequences of failing to comply with the notice; and
 - [d] how to appeal against the notice.
- [4] Unless a prohibition notice provides otherwise, it comes into effect when it is served under subsection [1] and remains in force until it is withdrawn.
- [5] The authorised official must as soon as possible affix a copy of the notice in a conspicuous position on the premises.
- [6] It is a defence for anyone charged with failing to comply with a prohibition notice to prove that –
- [a] he did not know of the existence of the prohibition order and could not reasonably be expected to have known of its existence; and
 - [b] he had complied with the prohibition notice within 48 hours of the time that the notice was affixed to the premises in terms of subsection [5].
- [8] **Withdrawal of prohibition notice**
- [1] The authorised official must, within 48 hours of receiving a written request for the withdrawal of a prohibition contained in a prohibition notice, carry out an investigation of the premises.

- [2] After completing the investigation, the authorised official must inform the person on whom the prohibition notice was served or that person's agent in writing, whether or not the prohibition has been removed or withdrawn.
- [3] The Council may charge the owner or occupier of any premises where an investigation is carried out in terms of subsection [1], a fee for undertaking the investigation.

[9] Suspension, cancellation and amendment of permits

- [1] An authorised official may suspend or cancel a permit with immediate effect if—
 - [a] he reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health posed by a public health hazard or a public health nuisance; and
 - [b] the holder of the permit fails to comply with a compliance notice that states that the permit may be suspended or cancelled without further notice if the holder fails to comply with such notice.
- [2] An authorised official may suspend or cancel a permit after giving the holder a reasonable opportunity of making representations as to why the permit should not be suspended or cancelled if –
 - [a] he reasonably believes that it is desirable to do so to eliminate or reduce the risk to public health posed by a public health hazard or a public health nuisance; or
 - [b] the holder of the permit fails to comply with a compliance notice.
- [3] An authorised official may amend a permit by endorsing the permit or by written notice to the holder, if he reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the permit was issued.

[10] Appeals

- [1] A person whose rights are affected by a decision taken by any authorised official under these by-laws may appeal against the decision by giving written notice of the appeal and reasons to the Municipal Manager of the Municipality within 21 days of the date of the notification of the decision.
- [2] The Municipal Manager must promptly submit the appeal to the appropriate appeal authority referred to in Section 62 of the Municipal Systems Act 32 of 2000.

- [3] The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- [4] An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

[11] Offences and penalties

Any person who –

- [a] contravenes or fails to comply with any provisions of these by-laws;
- [b] fails to comply with any notice issued in terms of these by-laws;
- [c] fails to comply with any lawful instruction given in terms of these by-laws; or
- [d] obstructs or hinders any authorised official in the execution of his duties under these by-laws –

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months.

[12] Delivery of notices

- [1] A notice, order or other document is to be regarded as having been properly served if -
 - [a] it has been delivered to that person personally;
 - [b] sent by registered post to the person to whom it is addressed at his/her/their last known address;
 - [c] it is served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address;
 - [d] if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided for in subsections [a],[b] or [c]; or
 - [e] if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the premises to which it relates.
- [2] A notice, order or other document that may in terms of these by-laws be served on the owner or occupier of premises –

- [a]** may be addressed to the owner or occupier of the specified premises and need not name the owner or occupier; and
- [b]** if the Council does not know the address of the owner or occupier of the premises and cannot easily obtain it, the notice, order or other document is to be regarded as having been properly served if it is posted up in some conspicuous place on the premises.

[13] Repeal

Any by-law relating to Accommodation Establishments or similar undertakings adopted by the Municipality or the Council of a Municipality now comprising an administrative unit of the Municipality are, from the date of promulgation of these by-laws hereby repealed.

LOCAL AUTHORITY NOTICE 103 OF 2015**MUNICIPALITY OF RAMOTSHERE MOILOA****LOCAL AUTHORITY NOTICE ,2015 (NO.8 OF 2015)****BY-LAWS SUPPLEMENTARY TO THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, 1977 [ACT 103 OF 1977] AND THE REGULATIONS PROMULGATED THEREUNDER.**

N.B. These draft by-laws may only be promulgated by a municipality after they have been approved by the Minister of Trade and Industry in terms of Section 29[8][a] of the National Building Regulations and Building Standards Act, 1977

The Municipal Manager of Ramotshere Moiloa Local Municipality 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, 1996 [Act 108 of 1996) the by-laws supplementary to the National Building Regulations and Building Standards Act, 1977 [Act 103 of 1977] and the Regulations promulgated thereunder, which by-laws will come into effect on the date of promulgation thereof.

**PART A
DEFINITIONS****[1] Definitions**

In these by-laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and, except where otherwise provided, all words and phrases have the same meanings as those contained in the National Building Regulations and Building Standards Act, 1977 [Act 103 of 1977], the National Building Regulations promulgated thereunder and the User's Code for the application of the National Building Regulations, namely SABS 0400/1990.

“adequate” or **“effective”** means adequate or effective in the opinion of the Council and **“approved”** means approved by the Council, regard being had, in all cases, to all the circumstances of the particular case and to accepted principles of drainage installation and, in the case of any appliance, fitting or other object, to the purpose which it is intended to serve;

“anti-siphon age pipe” means any pipe or portion of a pipe provided for the protection by ventilation of the water seal or trap against unsealing by siphon age or backpressure;

“cleaning eye” means any access opening to the interior of a discharge pipe or trap provided for the purposes of internal draining and which remains permanently accessible after completion of the drainage installation;

“communication pipe” any pipe leading from a main to the premises of any consumer as far as the street boundary of such premises situated nearest to such main, or, in cases where the meter is installed inside the premises of any consumer in terms of this part of these by-laws, as far as the inlet of the meter;

“connecting sewer” means that part of a sewerage system which is vested in the Council and by means of which a drain is connected to the Council’s sewer;

“connection” means the point where a drain is connected to the connecting sewer;

“conservancy tank” means a tank which is used for the retention and temporary retention of the discharge from a drainage installation and which is emptied at intervals determined by the Council;

“consumer” means the occupier of any premises with whom or which the Council has contracted to supply water or the owner or any person who has entered into a contract with the Council for the supply of water or who is lawfully obtaining water from the Council;

“Council” means the Council of the Municipality of _____ and/or any duly authorized committee or official of the said Municipality;

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

“drainage installation” means an installation vested in the owner of the premises and includes any drain, soil-water pipe, stack, waste-water pipe, ventilation pipe, anti-siphon age pipe, soil-water fitting, waste-water fitting, mechanical appliance or any other appliance or fitting or combination thereof for the collection and conveyance of sewage;

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

“gully” means a pipe fitting incorporating a trap into which waste water is discharged;

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

“main” means any pipe, aquaduct or other work under the exclusive control of the Council and used by it for the purpose of conveying water to consumers, but does not include any communication pipe, as herein defined.

“Municipal Manager” means the person appointed as Municipal Manager by the municipal council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 [Act 117 of 1998] as amended and includes a person acting in this position.

“owner” in relation to immovable property means the person in whom is vested the legal title thereto and includes:

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

“premises” means any piece of land, the external surface boundaries of which are delineated on -

[a] a general plan or diagram registered in term of the Land Survey Act, 1927 [Act 9 of 1927] or in terms of the Deeds Registries Act, 1937 [Act 47 of 1937], or

[b] a sectional plan registered in term of the Sectional Titles Act, 1986 [Act 95 of 1986],

“purified effluent” means the water discharged from a water care works after purification, either into a water course or for purposes of re-use;

“sanitary fitting” or **“sanitary appliance”** means any soil-water fitting and any waste-water fitting;

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

“sewage” means soil-water, waste-water or industrial effluent whether separately or together;

“sewer” means any pipe with fittings, vested in the Council and used or designed or intended for use for or in connection with the conveyance of sewage;

“soil-water” means any liquid containing human or animal excreta;

“soil-water fitting” means any fitting used for the reception and discharge of soil-water;

“soil-water pipe” means any pipe, other than a drain, used for the conveyance of soil-water with or without waste-water;

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

“storm water” means any liquid resulting from natural precipitation or accumulation and includes rain-water, spring-water and ground-water;

“tariff” means the tariff of charge regarding the Council’s sewerage services, as determined by the Council from time to time in terms of Section 75A of the Local Government: Municipal Systems Act 2000 or any other applicable law;

“trap” means a pipe fitting or portion of a sanitary appliance designed to retain a water seal in position;

“ventilation pipe” means any pipe or portion of a pipe not conveying any liquid and used to ventilate a drainage installation in order to prevent the destruction of water seals and which leads to the open air at its highest point;

“waste-water” means used water that has not been polluted by soil-water or industrial effluent, and does not include storm water;

“**waste-water fitting**” means any fitting used for the reception and discharge of waste-water;

“**waste-water pipe**” means any pipe, other than a drain, used for the conveyance of water-waste only;

“**water care works**” means any water works for the purification treatment or disposal of effluent;

“**water seal**” means the water in a trap, which serves as a barrier against the flow of foul air or gas;

PART B SCOPE OF BY-LAWS

[2] Scope of by-laws

- [1]** These by-laws are supplementary to the National Building Regulation and shall apply to every building, sewerage installation and/or water installation, and, regarding sewerage and water installations in particular, to the operation and maintenance of any such installation in any new building or existing building with or without any alteration or addition to such an existing installation, whether or not required by the Council to be made or altered in terms of the National Building Regulations or these by-laws.
- [2]** Any building, sewerage installation and/or water installation may, at any time after its completion and commissioning, be subjected to such inspection, approval, tests and control as the Council shall deem fit or require.

PART C STREETS AND PAVEMENTS

[3] Cat-heads, cranes and platforms

- [1]** Cat-heads, lifting cranes, platforms and other such contrivances shall not overhang any street or sidewalk without the prior written consent of the Council.

[4] Slab footways or pavement

- [1]** The owner or occupier of an erf adjoining a street, may lay or fix slab footways or pavements on any street sidewalk or footway.
- [2]** Paving or slabs shall be laid to the grade, line and cross-fall pointed out by the Council and shall conform to the following further requirements:
 - [a]** For ordinary paving or slabs, the minimum cross-fall shall be 1:100 and the maximum cross-fall 1:25.

- [b]** Non-skid paving or slabs of a type to be approved by the Council shall be used for cross-falls between 1:25 and 1:15: provided that the maximum cross-fall shall not exceed 1:15.
 - [c]** Longitudinal grades shall not be steeper than 1:25 for ordinary paving. Slabs and non-skid paving or slabs may be used for longitudinal grades between 1:25 and 1:15: provided that the maximum longitudinal grade shall not exceed 1:15.
- [3]** When carriage openings are formed in kerbs and cross footways or pavements, such openings shall be paved or slabbed.
- [4]** The Council may, for purposes of this section, impose such conditions as it may deem necessary in the interests of public safety, the preservation of municipal property and for any such purpose necessitating the imposition of such conditions.

- [5] Planting on footways and sidewalks**
 - [1]** The owner or occupier of an erf adjoining a street may grade and plant with grass any land lying between the erf and that part of the street intended, laid out or made up for the use of vehicular traffic.
 - [2]** The owner or occupier of an erf aforesaid may plant with flowers or small shrubs, a strip of land not exceeding 1m in width immediately adjoining the said erf.
 - [3]** The Council may impose such conditions as it deems necessary, regard being had to public safety, the preservation of municipal property and for any such purpose necessitating the imposition of such conditions.

- [6] Street gutter bridged**
 - [1]** No person shall bridge over or enclose any gutter or storm water drain under the control of the Council without the prior written consent of the Council.

BUILDINGS

- [7] Encroachments**
 - [a]** a cantilevered overhanging roof may be erected over the street boundary or building line, at a height of at least 2,75m above the finished ground level, measured from the finished ground level to the lowest point of the overhanging roof;

- [b] foundations that are at least 0,75m under the ground level may exceed a street boundary or building line with a maximum of 0,5m;
 - [c] sunshades and overhead lamps may exceed a street boundary or building line: provided that there shall be a head clearance of at least 2,1m, measured from the finished ground level to the lowest point of such sunshades or overhead lamps;
 - [d] eaves projections may exceed the street boundary or building line.
- [8] **Restriction on the erection of buildings within the one-in-fifty-year flood line**
- [1] No building shall without the prior permission of the Council be erected so that it is, at its nearest point, nearer to the centre of any natural watercourse than a line, as may be determined by the Council, indicating the maximum level likely to be reached on an average every fifty years by flood water in the said watercourse.
 - [2] For the purpose of this section, a natural watercourse means a topographic land depression which collects and conveys surface storm water in a definite direction, and includes any clearly defined natural channel, which conveys water in a definite course along a bed between visible banks, whether or not its conformation has been changed by artificial means and whether or not such channel is dry during any period of the year, and includes any river, spruit, and stream.
- [9] **Relay of storm water from a high-lying erf to a lower lying erf**
- [1] If, in the opinion of the Council, it is impracticable for storm water to be drained from any high-lying erf direct to a public street, the owner of any lower lying erf shall be obliged to accept and/or permit the passage of such storm water and the owner of such high-lying erf, the storm water from which is discharged over the lower lying erf, shall be liable for a proportionate share of the cost of any pipe-line or drain which the owner of such lower lying erf may find necessary to construct for the purpose of conducting the water so discharged.
- [10] **Enclosures**
- [1] Where any erf is enclosed in whichever manner, such enclosure shall be designed, erected and maintained according to Schedule I, subject to any other provisions of these By-laws.

SCHEDULE I
CONDITIONS WITH WHICH AN ENCLOSURE SHALL COMPLY

[1] **Height restrictions**

- [1] Apart from the provisions of paragraph 3 hereof, no enclosure [except

those on Industrial and Business zoned erven] irrespective of the type of material used, may exceed a height of 2.1m.

- [2] Apart from the provisions of subparagraph [1] hereof, barbed wire or similar wire and safety spikes may be erected only from a height of 1.75m.

[2] Design and appearance

- [1] An enclosure, as provided in paragraph 1 hereof, which is visible from an adjacent street or public open space shall comply with the following conditions

- [a] All surfaces which are visible from such street or public open space shall:

- [i] be skillfully finished;
- [ii] be of good quality material;
- [iii] be without defect; and
- [iv] have an exposed or finished side;

- [b] painted surfaces visible from such street or public open spaces, shall be white only or a different colour as approved by the Council.

- [c] If such enclosure is made of precast material and is visible from such street or public open space, it shall only have a brick pattern and be painted white or a different finish or colour as approved by the Council.

- [d] If wood forms part of such enclosure, it shall be thoroughly treated with a wood-preserving agent.

- [2] An enclosure, as provided in paragraph 1 hereof, which is visible from any adjacent erf, shall comply with the following requirements:

- [a] All surfaces fronting on the adjacent erven shall be –

- [i] skillfully finished;
- [ii] of good quality material;
- [iii] without defect; and
- [iv] maintenance free

- [b] if applicable, the struts, posts and columns of such an enclosure shall show on the owner's side

- [c] If wood forms part of such enclosure, it shall be thoroughly treated with a wood-preserving agent.

[3] General

- [1] Notwithstanding the provisions in paragraphs 1 and 2 hereof –

- [a] the Council may agree to it that the maximum heights, as stipulated in paragraph 1 hereof, be exceeded;

- [b] the enclosure, as provided in paragraph 1 hereof, shall, within a distance of 4.5m from any street boundaries or public open space boundaries be splayed or lowered to a height of 1m, if the Council so requires;

- [c] no barbed wire or similar wire and safety spikes in any area [Industrial zoned erven excluded] may be visible from any street, public open space or adjacent erf;

- [d] the enclosure shall be properly maintained to the sole satisfaction of the Council.

- [e] the height of any enclosure or wall will be measured from natural ground level.

[11] Roofs

- [1] Sheet metal which is used for roofs and is visible from the street or surrounding erven shall be properly painted within fifteen months after construction thereof if the Council so requires.

- [2] No roof surface may have a luminous finish.

**PART D
SEWERAGE**

GENERAL PROVISIONS

[12] Connection to sewer

- [1] No part of any drainage installation shall extend beyond the boundary of the piece of land on which the building or part thereof served by the drainage installation is erected: provided that, where it considers it necessary or expedient to do so, the Council may permit the owner to lay a drain at his/her own expense through an adjoining piece of land upon proof of the registration of an appropriate servitude or of a notarial deed of joint drainage, as the Council may require.

- [2] Subject to the provisions of subsection [3], and without prejudice to the

provisions of the National Building Regulations regarding the inspection and testing of drainage installations, the owner of a premises shall, 14 days before the drainage installation on his/her premises will be ready for connection to a connecting sewer, advise the Council of his/her intention to so connect. As soon as the Council has provided the connecting sewer, he/she shall connect the drain to it at his/her own expense.

- [3] Any alternative or additional connection required by the owner shall be subject to the approval of the Council and shall be effected at the owner's expense.
- [4] No person shall permit the entry of any substance whatsoever other than clean water for testing purposes into any drainage installation before the drainage installation has been connected to the sewer.
- [5] Save as may be otherwise authorized by the Council in writing, no person other than an official duly authorized to do so, shall lay and connect any connecting sewer to the sewer.
- [6] The conveyance of sewage from two or more premises by means of a common drain to a connecting sewer may be authorized by the Council.

[13] Disconnection of Drainage Installations and Conservancy or Septic Tanks

- [1] If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner shall cause it to be disconnected and either completely removed or completely filled with earth or other suitable material: provided that the Council may require such tank to be otherwise dealt with, or may permit it to be used for some other purpose subject to such conditions as the Council may consider necessary, regard being had to all the circumstances of the case.
- [2] After all the requirements of the National Building Regulations in regard to disconnection have been complied with and on request by the owner, the Council shall issue a certificate to the effect that the disconnection has been completed in terms of the National Building Regulations and that any sewerage charges raised in respect of the disconnected portion of the drainage installation shall cease to be raised with effect from the first day of the month following the issue of such certificate: provided that, until such certificate shall have been issued by the Council, any such charges shall continue to be raised.
- [3] When a drainage installation is disconnected from a sewer, the Council shall seal the opening so made and shall recover from the owner the cost of such work in terms of section 14[5].
- [4] Any person who, without the permission of the Council, breaks or removes or causes or permits the breakage or removal of any such seal referred to in

subsection [3], shall be guilty of an offence.

- [5] Where a soil-water fitting has during the month been connected to or disconnected from a drainage installation which discharges into a sewer system, the tariff, excluding the fixed tariff for every erf, stand, premises or other area, with or without improvements, which, in the opinion of the Council, can be connected to a sewer, shall be calculated as if such connection or disconnection had taken place on the first day of the month following the month in which such connection or disconnection was effected.

[14] Drainage Work which does not comply with the Requirements

- [1] Where any drainage installation has been constructed or any drainage work has been carried out which fails in any respect to comply with any of the provisions of the National Building Regulations or these by-laws, the owner shall, on receipt of a written notice by the Council to do so and notwithstanding the fact that he/she may have received approval of plans in respect of the said installation or work in terms of the National Building Regulations or previous by-laws, carry out such repairs, replacements, maintenance work or alteration to the installation as and within the time which the said notice may specify.
- [2] When, in the opinion of the Council, a nuisance exists as a result of the emission of gas from any trap or sanitary fitting or any other part of a drainage installation, the Council may require the owner, at his/her own expense, to take such action as may be necessary to prevent the recurrence of the said nuisance.
- [3] Where any sewage, after being discharged into a drainage installation, enters or overflows any soil-water fitting or waste-water fitting connected to the same drainage installation and leaks from the drainage installation whether by reason of surcharge, back pressure or any other circumstance, the Council may, by notice in writing, require the owner to carry out within the period specified by such notice any work necessary to abate such entry, overflow or leakage of sewage and to prevent any recurrence thereof.
- [4] The Council may, instead of serving notice as aforesaid or where such notice has not been complied with within the time prescribed therein, without prejudice to its right also to prosecute the person or body to whom the notice was directed, because of an infringement of the National Building Regulations or these by-laws, proceed itself to carry out any such alteration, removal or other work as it may deem necessary for compliance with the provisions of the National Building Regulations or these by-laws and may recover the cost thereof from the owner by the ordinary process of law in terms of subsection [5].
- [5] Where any work other than that for which a fixed charge has been determined, is undertaken by the Council, the costs of which it is entitled in

terms of these by-laws to recover from any person, there may be included in such costs such claim to be determined by the Council as will cover all expenditure reasonably incurred by the Council.

[15] Maintenance

- [1]** Where any part of a drainage installation is used by two or more owners or occupiers, they shall be jointly and severally liable in terms of this section for the maintenance and repair of such drainage installation.

[16] Drainage and Sewer Blockages

- [1]** No person shall cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, pipe, drain or fitting as will cause its blockage or ineffective operation.
- [2]** When the owner or occupier of a premises has reason to believe that a blockage has occurred in any drainage installation thereon, then he/she shall forthwith inform the Council of the facts and take steps to have it cleared.
- [3]** Where a blockage occurs in a drainage installation any work necessary for its removal shall, subject to the provisions of subsection [5], be undertaken by or under the supervision of a plumber or registered person as required in the National Building Regulations in regard to the control of plumbers and plumbing work.
- [4]** Any plumber or registered person as aforesaid shall, before proceeding to remove any blockage from a drainage installation, notify the Council by telephone or otherwise of his/her intention to do so, and shall when he/she has done so, notify the Council of that fact and of the nature, location and cause of the said blockage.
- [5]** The Council shall, whether or not it has been requested by the owner to do so, be entitled, at its own discretion, to remove a blockage from a drainage installation and may recover the costs thereof from the owner in accordance with Section 14[5].
- [6]** Should the clearing by the Council of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Council shall not be liable for the reinstatement thereof.
- [7]** Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and the Council is reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation shall be liable for the cost of clearing the blockage and the Council may recover such cost from the owner in accordance with Section 14[5].

- [8] Where a blockage has been removed from a drain or portion of a drain which serves two or more pieces of land, the charges for the clearing of such blockage shall be recoverable in the first place in equal portions from each of the owners thereof, who shall however, be jointly and severally liable for the whole charge.

[17] Interference with or Damage to Sewers and Water Care Works

- [1] Any damage caused to the Council's sewer or any part of its sewerage or water care works by or in consequence of the non-compliance with or contravention of any provision of the National Building Regulations or these by-laws shall be rectified or repaired by the Council at the expense, to be assessed by it, of the person responsible for the said non-compliance or contravention or of causing or permitting same.

[18] Entry onto Premises

- [1] An official authorized by the Council shall have the right to enter upon any premises at any reasonable time in order to take samples of or test sewage or industrial effluent or to carry out any inspection or work in connection with a drainage installation which the Council may deem necessary.

- [2] Any owner or occupier of premises who denies or causes or suffers any other person to deny entry to premises to any official demanding the same in terms of subsection [1], or who obstructs or causes or suffers any person to obstruct such official in the performance of his/her duties, or who withholds or causes or suffers any other person to withhold information required by the official for the purpose of carrying out his/her said duties, or who gives or causes or suffers any other person to give to the official any information which is to his/her knowledge false, shall be guilty of an offence.

[19] Manholes on Municipal Property

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

- [2] The owner of the private premises referred to in subsection [1] shall, if so required by the Council, pay rental to the Council for the space occupied by the manholes in the public place.

[20] Mechanical Food-Waste or other Disposal Units

- [1] No person shall incorporate into a drainage installation a mechanical food - waste or other disposal unit or garbage grinder which has a power capacity in excess of 500W, unless a standard water meter, which the Council installs and seals at the cost of the owner and to which the Council has the right of access at all times, has been connected into the supply pipe which provides water to the unit.
- [2] The Council may require the owner or occupier of any premises on which a food-waste or other disposal unit or a garbage grinder has been installed, or the owner of such unit or grinder, either to remove, repair or replace any unit which, in the opinion of the Council, is functioning inefficiently or which may impair the working of the Council's sewerage system.
- [3] The owner shall, upon the removal of any such unit or grinder, notify the Council in writing within 14 days of its removal.
- [4] The charges as prescribed in the applicable tariff shall be paid in respect of the discharge of a food-waste, other disposal unit or a garbage grinder referred to in subsection [1].

PREVENTION OF WATER POLLUTION**[21] Sewage or other Pollutants not to enter Storm water drains**

- [1] The owner or occupier of any piece of land on which steam or any liquid other than potable water is stored, processed or generated, shall provide all facilities necessary to prevent any discharge, leakage or escape of such liquid to any street, storm water drain or watercourse except where, in the case of steam, the Council has specifically permitted such discharge.
- [2] Where the hosing down or flushing by rainwater of an open area on any private premises is, in the opinion of the Council, likely to cause the discharge of objectionable matter into any street gutter, storm water drain, river, stream or other watercourse, whether natural or artificial, or to contribute towards the pollution of any such watercourse, the Council may instruct the owner of the premises to execute, at his/her own cost, whatever measures by way of alterations to the drainage installation or roofing of the area it may consider necessary to prevent or minimize such discharge or pollution.

[22] Storm water not to enter Sewers

- [1] No person shall discharge or cause or permit to be discharged any storm water or any substance other than sewage into a drainage installation.

[23] Discharge from Swimming Pools

- [1] Water from fountains, boreholes, wells, reservoirs or swimming pools situated on private premises shall be discharged into a drainage installation only with the prior written consent of the Council and subject to such conditions as to place, time, rate of discharge and total discharge as the Council may impose.

[24] Permission to Discharge Industrial Effluent

- [1] No person shall discharge or cause or permit to be discharged into any sewer, any industrial effluent or other liquid or substance other than soil-water or waste-water without the prior written permission of the Council or, if such permission has been obtained, otherwise than in strict compliance with any and all of the conditions of such permission.
- [2] Every person shall, before discharging any industrial effluent into a sewer, make application in writing to the Council for permission to do so on the prescribed form, to be completed in duplicate, and shall thereafter furnish such additional information and submit such samples as the Council may require.
- [3] The Council may, at its discretion, having regard to the capacity of any sewer or any mechanical appliance used for sewage or any water care works, whether or not vested in the Council and subject to such conditions as it may deem fit to impose, including the payment of any charge assessed in terms of the relevant tariff, grant permission for the discharge of industrial effluent from any premises into any sewer.
- [4] A person to whom permission has been granted in terms of subsection [3] to discharge industrial effluent into a sewer shall, before doing or causing or permitting to be done anything which results in any change in the quantity or discharge or nature of that effluent, notify the Council in writing of the date on which it is proposed that the change shall take place and of the nature of the proposed change.
- [5] Any person who discharges or causes or permits to be discharged any industrial effluent into the sewer without having first obtained permission to do so in terms of subsection [3] shall be guilty of an offence and be liable to such charge as the Council may assess for the conveyance and treatment of the effluent so discharged and for any damage caused as a result of such unauthorized discharge.
- [6] Without prejudice to its rights in terms of subsection [5] or of Section 27[2][c], the Council shall be entitled to recover from any person who discharges into a drain or sewer any industrial effluent or any substance which is prohibited or restricted in terms of Section 27 or which has been the subject of an order issued in terms of Section 27[2], the whole cost of expenses or charges incurred or to be incurred by the Council or of losses suffered or to be suffered as a result of any or all of the following:

- [a] Injury to persons, damage to the sewer or any water care works or mechanical appliance or to any property whatsoever, as the result of the breakdown, either partial or completely of any sewer or water care works or mechanical appliance, whether under the control of the Council or not; or
 - [b] A prosecution in terms of the Water Act, 1956 [Act 54 of 1956], as amended, or any action against the Council consequent on any partial or complete breakdown of any water care works or mechanical appliance caused directly or indirectly by the said discharge, including fines and damages which may be imposed or awarded against the Council.
- [7] Due to any change in circumstances arising from a change in the sewage treatment process or the introduction of new or revised or stricter or other standards by the Council or in terms of the Water Act, 1956 [Act 54 of 1956], as amended or as a result of any amendment of these by-laws or due to any other reason, the Council may from time to time or at any time review, amend, modify or revoke any permission given or any conditions attached to such permission and/or impose new conditions for the acceptance of any industrial effluent into the sewer or prohibit the discharge of any or all such effluent into the sewer or prohibit the discharge of any or all of such effluent into the sewer upon giving adequate written notice in advance of its intention to do so, and, upon expiration of such period of notice the previous permission or conditions, as the case may be, shall be regarded as having lapsed and the new or amended conditions, if any, as the case may be, shall forthwith apply.

[25] Control of Industrial Effluent

- [1] The owner or occupier of any premises from which industrial effluent is discharged into a sewer, shall provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means effectively to prevent the accidental discharge into any sewer, whether through the negligence of operators, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or for any other similar reason, of any substance prohibited or restricted or having properties outside the limits imposed in terms of these by-laws.
- [2] The owner or occupier of any premises on which industrial effluent originated and who intends applying treatment to such effluent before discharging it, shall obtain prior written permission from the Council.
- [3] The Council may, by notice served on the owner or occupier of any premises from which industrial effluent is discharged, require him/her, without prejudice to any other provision of the National Building Regulations or these by-laws, to do all or any of the following:

- [a]** To subject the effluent before it is discharged into the sewer, to such pre-treatment as will ensure that it will at all times conform in all respects with the requirements of Section 27[1] or to modify the effluent cycle of the industrial process to such an extent and in such a manner as in the opinion of the Council is necessary to enable any water care works receiving the said effluent, whether under the control of the Council or not, to produce treated effluent complying with any standards which may be laid down in respect of such works in terms of the Water Act, 1956 [Act 54 of 1956], as amended;
 - [b]** to restrict the discharge of effluents to certain specifies hours and the rate of discharge to a specified maximum and to install, at the expense of the owner or occupier such tanks, appliances and other equipment as in the opinion of the Council may be necessary or adequate for compliance with the said restrictions;
 - [c]** to install a separate drainage installation for the conveyance of industrial effluent and to discharge the same into the sewer through a separate connection, as directed by the Council, and to refrain from discharging the said effluent through any drainage installation intended or used for the conveyance of domestic sewage or from discharging any domestic sewage through the said separate installation for industrial effluent;
 - [d]** to construct at his/her own expense in any drainage installation conveying industrial effluent to the sewer one or more inspection, sampling or metering chambers of such dimensions and materials and in such positions as the Council may prescribe;
 - [e]** to pay, in respect of the industrial effluent discharged from the premises, such charge as may be calculated in terms of the tariff: provided that, where, due to the particular circumstances of any case, the actual chemical oxygen demand [COD] or permanganate value [PV] and the concentration of metals in the effluent cannot be assessed by means of the method of assessment prescribed by the SABS, the Council may use such alternative method of assessment as it may deem expedient and the charge to be levied shall be assessed accordingly;
 - [f]** to provide all such information as may be required by the Council to enable him to assess the charges payable in terms of the tariff; and
 - [g]** for the purposes of subsection [f] to provide and maintain at his/her own expense a meter or meters measuring the total quantity of water drawn from any borehole, spring or other source of water, excluding that of the Council, used on the property and discharged as industrial effluent into the sewer.
- [26] Metering and Assessment of the Volume and Composition of Industrial Effluent**
- [1]** The Council may incorporate, in such position as it shall determine in any

drainage installation conveying industrial effluent to a sewer, any meter or gauge or other device for the purpose of ascertaining the volume or composition of the said effluent, and it shall be an offence for any person to pass, open, break into or otherwise interfere with or do damage to any such meter, gauge or other device: provided that the Council may, at its discretion, enter into an agreement with any person discharging industrial effluent into the sewer, determining an alternative method of assessing the quantity of effluent so discharged.

- [2]** The Council shall be entitled to install and maintain any such meter, gauge or device as aforesaid at the expense of the owner of the premises on which it is installed.
- [3]** The owner of any premises on which is situated any borehole or well used for a water supply for trade or industrial purposes shall:
- [a]** register such borehole or well with the Council;
 - [b]** provide the Council with full particulars of the discharge capacity of the borehole or well; and
 - [c]** if the Council has reason to doubt the reliability of the particulars given, carry out, at the expense of the owner, such tests on the discharge capacity of the borehole or well as may, in the opinion of the Council, be necessary for the purpose of these by-laws.

[27] Prohibited Discharges

- [1]** No person shall discharge or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance which:
- [a]** in the opinion of the Council, may be offensive to or may cause a nuisance to the public;
 - [b]** is in the form of steam or vapour or has a temperature exceeding 44°C at the point where it enters the sewer;
 - [c]** has a pH value less than 6,0 or greater than 10,0;
 - [d]** contains any substance of whatsoever nature likely to produce or emit explosive, flammable, poisonous or offensive gasses or vapours in any sewer;
 - [e]** contains any substance having a flashpoint of less than 90°C or which emits a poisonous vapour at a temperature below 93°C;
 - [f]** contains any material of whatsoever nature, including, oil, grease, fat or detergents capable of causing interference with the proper operation of water care works;

- [g]** shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
- [h]** contains any substance in such concentration as is likely in the final treated effluent from any water care works to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
- [i]** exceeds any of the limits or concentrations of substances specified in Schedule II: provided that the Council may approve such greater limits or concentrations for such period or on such conditions as it may specify on consideration of the effect of dilution in the sewer and of the effect of such substance on the sewer or any sewage treatment process if the Council is satisfied that, in the circumstances, the discharge of such substance will not:
 - [i]** damage any sewer, mechanical appliance, water care works or equipment; or
 - [ii]** prejudice the use of sewage effluent for re-use; or
 - [iii]** adversely affect any waters into which purified sewage effluent is discharged, or any land or crops irrigated with the sewage effluent;
- [j]** contains any substance of whatsoever nature which, in the opinion of the Council:
 - [i]** is not amenable to treatment at the water care works, or which causes or may cause a breakdown or inhibition of the normal sewage treatment processes; or
 - [ii]** is of such nature as is or may be amenable to treatment only to such degree as to prevent the final treated affluent from the water care works from satisfactorily complying in all respects with any requirement imposed in terms of the Water Act, 1956 [Act 54 of 1956]; or
 - [iii]** whether listed in Schedule II or not, either alone or in combination with other matter may:
 - [aa]** generate or constitute a toxic substance detrimental to the health of persons employed at the water care works or entering the Council's sewers or manholes in the course of their duties; or
 - [bb]** be harmful to sewers, water care works or land used for the disposal of purified sewage effluent; or

- [cc] adversely affect any of the processes whereby sewage is purified or any re-use of purified sewage effluent.
- [2] [a] any person receiving from an official duly authorized thereto by the Council a written order instructing him/her to stop the discharge into the sewer of any substance referred to in subsection [1], shall forthwith stop such discharge.
- [b] Any person who contravenes the provisions of subsection [1] or who fails to comply with an order issued in terms of subsection [2][a], shall be guilty of an offence.
- [c] Notwithstanding the provisions of subsection [2][b], should any person have failed to comply with the terms of an order served on him/her in terms of subsection [2][a] and such discharge is likely, in the opinion of the Council, to cause damages to any sewer or mechanical or other appliance or to seriously prejudice the efficient operation of any water care works, the Council may, after further written notice, refuse to permit the discharge of any industrial effluent into the sewer until such time as the industrial effluent complies in all respects with the Council's requirements as prescribed in terms of these by-laws, in which event the person responsible for the discharge shall forthwith stop it, or if he/she fails to do so, the Council may prevent him/her from proceeding with the discharge.

SCHEDULE II LIMITS OF CONCENTRATION OF CERTAIN SUBSTANCES

- [1] Subject to the provisions of Section 27[1] of these by-laws:
- [1] The limits of the PV, pH and electrical conductivity of sewage are as follows:
- [a] PH-within the range 6,0-10,0;
- [b] Electrical conductivity not greater than 300m/Sm at 20°C.
- [2] The maximum permissible concentrations of pollution expressed in milligrams per liter [mg/l] are as follows:
- [a] **GENERAL:**
- [i] PV-not to exceed: 1 400mg/l;
- [ii] Caustic alkalinity [expresses as CaCO₃]: 2 000 mg/l;

- [iii] Substances in suspension [including fat, oil, grease, waxes and like substance]; 2 000mg/l;
- [iv] Substances soluble in petroleum ether: 500mg/l;
- [v] Sulphides, hydro-sulphides and polysulphides [expressed as S]: 50mg/l;
- [vi] Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or water care works [expressed as HCN]: 20mg/l;
- [vii] Formaldehyde [expressed as HCHO]: 50mg/l;
- [viii] Phenolic compounds: 1,0mg/l;
- [ix] Non-organic solids in suspension: 100mg/l;
- [x] Chemical oxygen demand [COD]: 5 000mg/l;
- [xi] All sugars and/or starches [expressed as glucose]: 1 500mg/l;
- [xii] Available chlorine [expressed as Cl]: 100mg/l;
- [xiii] Sulphates and sulphites [expressed as SO₄]: 1 800mg/l;
- [xiv] Fluorine-containing compounds [expressed as F]: 5mg/l;
- [xv] Anionic surface activators: 500mg/l;
- [xvi] Orthophosphate [expressed as P]: 10mg/l.

[b] METALS

- [i] Group 1:
 - [aa] Chromium [expressed as Cr];
 - [bb] Copper [expressed as Cu];
 - [cc] Nickel [expressed as Ni];
 - [dd] Zinc [expressed as Zn];
 - [ee] Silver [expressed as Ag];
 - [ff] Cobalt [expressed as Co];

[gg] Cadmium [expressed as Cd];

[hh] Manganese [expressed as Mn].

The total collective concentration of all metals in Group 1 [expressed as indicated above] in any sample of the effluent, shall not exceed 20mg/l, nor shall the concentration of any individual metal in any sample exceed 5mg/l.

[ii] Group 2:

[aa] Lead [expressed as Pb];

[bb] Selenium [expressed as Se];

[cc] Mercury [expresses as Hg].

The total collective concentration of all metals in Group 2 [expressed as indicated above], in any sample of the effluent shall not exceed 50mg/l, nor shall the concentration of any individual metal in any sample exceed 20mg/l.

[iii] Group 3:

[aa] Arsenic [expressed as As];

[bb] Boron [expresses as B].

The total collective concentration of the metals in Group 3 [expresses as indicated above] in any sample of the effluent shall not exceed 20mg/l.

[c] RADIO-ACTIVE WASTE:

[i] Radio-active waste or isotopes: such concentration as may be laid down by the Atomic Energy Corporation or any State Department:

provided that, notwithstanding the requirements set out above in this Schedule, the Council reserves the right to limit the total mass of any substance or impurity discharges per 24 hours into the sewers from any premises.

provided further that the method of testing in order to ascertain the concentration of any substance mentioned above shall be the test normally used by the Council for this purpose. Any person discharging into a sewer any substance referred to in the Schedule, may ascertain the details of the appropriate test from the Council.

**PART E
WATER**

[28] Connection from mains

- [1] All communication pipes which are intended for preventive or automatic use in case of fire shall be laid by the Council as far as the boundary of the consumer's property
- [2] Such communication pipes shall be used only for fire extinguishing purposes.
- [3] No take-off of any kind shall be made, other than those in connection with automatic sprinklers and drenchers, hydrant connections or necessary for a pressure tank upon the top of a building, which tank shall be controlled by a suitable ball tap.

[29] Valves in Communication Pipes

- [1] Every communication pipe shall be fitted with a proper stop valve, which said valve shall be -
 - [a] supplied by the Council at the expense of the consumer;
 - [b] installed between the consumer's property and the main;
 - [c] of the same diameter as the communication pipe;
 - [d] in such position as may be determined by the Council.

[30] Additions to System

- [1] No further sprinkler shall be added or connected to any existing fire extinguishing system after such system has been connected to the mains without the prior written consent of the Council.

[31] Extension of System to other premises

- [1] No extension or connection from any fire extinguishing system to other premises shall be made, and in the event of any such connection or extension being made, the Council shall be entitled to enter upon any premises and to take all steps necessary to disconnect such connection or extension at the cost of the persons responsible for such extension or connection.

[32] Inspection and approval of Fire Extinguishing Service

- [1] No supply of water shall be made or given until the fire extinguishing system has been inspected and the Council has certified in writing that such service is in accordance with these by-laws and the work has been carried out to the Council's satisfaction

[33] Connection to be at pleasure of the Council

- [1] Connection to the mains shall be at the pleasure of the Council, which shall be entitled to disconnect any fire extinguishing services at any time.

[34] Installation of Reflux Valve

- [1] In all private installations where a fire pump connection is installed, a reflux valve to close off the supply from the Council's mains when the fire pump connection is being used shall be installed between the boundary of the property and the fire pump connection.

[35] Sprinkler system

- [1] A sprinkler system may be installed in direct communication with the main, but the Council shall not be deemed to guarantee any specified pressure of water at any time.
- [2] When an automatic sprinkler system has been installed and completed, the owner shall advise the Council in writing within 14 days of the date of completion of the installation of such sprinkler system.

[36] Header tank or duplicate supply from mains

- [1] In the event of a header tank being installed above ground level, it must be provided with an overflow pipe, which shall discharge in such a position as to be readily observable, and shall not be led away by any down-pipe to any drain.

**PART F
NOTICES****[37] Notices**

- [1] Every notice, order or other document issued or served by the Council in terms of these by-laws shall be valid if signed by the Municipal Manager or an official of the Council duly authorized thereto by the said Municipal Manager.
- [2] If a notice is to be served on a person in terms of these by-laws, such service shall be effected by:
- [a] Delivering the notice to him personally or to his duly authorized agent or:
 - [b] By delivering the notice at his residence or place of employment to a person apparently not less than sixteen years of age and apparently residing or employed there;
 - [c] If he has nominated an address for legal purposes, by delivering the notice to such an address; or

- [d] By registered or certified post addressed to his last known address.
 - [e] In the case of a body corporate, by delivering it to the registered office or the business premises of such a body corporate;
 - [f] If service cannot be effected in terms of the aforesaid subsections by affixing it to the principal door of entry to the premises, or displaying it on a conspicuous place on the land to which it relates.
- [2] Any notice, order or other document served in terms of these by-laws on any person shall be so served by delivering it or a true copy thereof, to the person to whom it is addressed personally or at his last known residence or place of business or by posting it to him by registered post.
- [3] In every notice, order or other document issued or served in terms of these by-laws, the premises to which it relates shall be specified but the person for whom it is intended may be referred to as “the owner” or “the occupier” if his name is not known.

PART G PENALTY CLAUSE

[38] Penalty Clause

Any person who contravenes or fails to comply with any provision of these by-laws shall be guilty of an offence and liable upon conviction to –

- [a] a fine or imprisonment for a period not exceeding six months or either such fine or such imprisonment or both such fine and such imprisonment;
- [b] in the case of a continuing offence, an additional fine or an additional period of imprisonment of 10 days or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and
- [c] 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.

LOCAL AUTHORITY NOTICE 104 OF 2015
RAMOTSHERE MOILOA LOCAL MUNICIPALITY



CEMETERIES, CREMATORIA AND FUNERAL PARLOURS
BY-LAW, 2010 (NO.3 OF 2015)
To regulate cemeteries, crematoria and funeral parlours
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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1. Definitions

(1) In these by-laws, unless the context otherwise indicates –

“adult” means a deceased person over the age of 12 years and where the word is used to define a corpse, a deceased person whose coffin will fit into the grave opening prescribed for adults in section 18; where a coffin cannot be accommodated in an excavation of 1,40m in length and 400mm in width.

“after hour fee” means a fee over and above the prescribed norm of tariff or interment or cremations or burials which because of religious belief are undertaken after such hours or in the case of burial that the community close the grave.

“anatomy subject” means a body delivered to an authorised school of anatomy in term of the Anatomy Act, 1959 [Act 20 of 1959].

“aesthetic section” means a cemetery or section of a cemetery which has been set aside by the Council wherein a headstone may only be erected and strips of garden will be provided by the Council;

“approved” means approved by the Council;

“ashes” means the cremated remains of a corpse;

“berm” means a concrete base laid at the head of a grave and on which a memorial is erected;

“burial” means burial in earth, a sepulchre or tomb;

“burial order” means an order issued in terms of the Births and Deaths Registration Act, 1992 (Act 51 of 1992);

“cadaver” means a dead human body.

“caretaker” means the official whom the Council appoints from time to time in a supervisory capacity with regard to a cemetery;

“officer-in-charge” means the registrar of a crematorium appointed in terms of Regulation 21 of the Regulations Relating to Crematoria and Cremations, made in terms of Ordinance No. 18 of 1965, and includes a person authorized by the Council to be in control of any cemetery;

“cemetery” means a land or part of a land within the municipal area set aside by the Council as a cemetery;

“certificate of competence” means a document contemplated in section 6;

“child” means a person who is not an adult, and where the word is used to define a corpse, means a deceased person whose coffin will fit into the grave opening prescribed for children in section 18, and includes the corpse of a stillborn child;

“code of practice” means the obligations and responsibilities of the cremation authority to the dignified handling and disposal of the deceased.

"columbarium" means a the place set aside in the basement of a crematorium or chapel containing rows of niches for the purpose of placing receptacles containing the ashes of cremated corpses therein;

"contractor" means the person who has paid or caused any of the charges prescribed in the tariff to be paid or who has obtained any of the rights set out in these By-laws or who has obtained the right to have a memorial work erected or constructed or who has obtained any other rights or interests referred to or mentioned in these by-laws;

"corpse" means the remains of a deceased person and includes a still-born child;

"Council" means –

- (a) the Ramotshere Moiloa Local Municipal Council; or
- (b) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
- (c) a service provider fulfilling a responsibility under these by- laws, assigned to it in terms of section 8(2) of the Local Government: Municipal Systems Act, or any other law, as the case may be;

"cremation" means the process whereby a corpse is disposed of by fire;

"crematorium" means a crematorium as defined in section 1 of the Ordinance and includes the buildings in which a ceremony is conducted and the cremation carried out;

"crematorium section" means a section of a cemetery or crematorium set aside by the Council for the burial of ashes;

"cremated remains" means all recoverable ashes after the cremation process;

"crematory" means the room in the crematorium which houses the cremation refractory.

"cremator" means the refractory in which the process of cremation of the coffined body is carried out.

"declaration of indigence" means an affidavit of declare investigated and authorised by a Social Worker.

"exhumation" means the removal of a corpse from its grave;

"existing funeral undertaker's premises" means existing funeral undertaker's premises which are legally used as such on the date of commencement of these By-laws;

"funeral undertaker's premises" means premises that are used or will be used for the preparation of corpses;

"garden of remembrance" means a section of a cemetery or crematorium set aside for the erection of memorial work;

"grave" means a piece of land excavated for the burial of a corpse within a cemetery or heritage site and includes the headstone, number or marker of and a structure on or associated therewith;

"heroes acre" means an area of land set aside for the burial of a hero;

"holder" means the person in whose name a certificate of competence has been issued;

"indigent person" includes a pauper; means a destitute person who has died in indigent circumstances, or if no relative or other person, welfare organisation or NGO can be found to bear the burial or cremation costs of such deceased person.

"indigent relief" means an Indigent person who has received assistance for burial or cremation from another person, Welfare organisation or NGO.

"inhumation" means the burial of human remains.

"interment" means to inter / commit the human remains into its final place, see burial.

"landscape section" means a cemetery or section therein set aside by the Council where memorial work is restricted to a plaque or memorial slab (500 mm) provided that such plaque or memorial slab is placed horizontal at 30 mm below grass level.

"lawn section" means a cemetery or section therein set aside by the Council where memorial work is restricted to a headstone only.

"Local authority" means the area under the control and jurisdiction of the Council.

"mausoleum" means an above ground burial vault

"environmental health practitioner" means the officer appointed by Council or any other person acting in the capacity of the environmental health practitioner;

"medical referee" shall mean the officer/s or deputy thereto appointed by Council with approval of legislature in terms of the Crematorium Ordinance 1965.

"memorial section" means a section of a cemetery set aside for the erection of memorials;

"memorial wall" means a wall in a cemetery or crematorium section provided for the placement of inscribed tablets commemorating deceased persons.

"memorial work" means any headstone, monument, plaque, or other work, or object, erected or intended to be erected in any cemetery or crematorium to commemorate a deceased person, and includes a kerb demarcating a grave, and a slab covering a grave;

"name" shall be the name of the deceased and include any identifying description of a deceased human being who possessed no name or whose name is unknown at the time of death.

"new funeral undertaker's premises" means funeral undertaker's premises that are put into use as such after the date of commencement of these By-laws;

"niche" means a compartment in a columbarium or garden of remembrance for the placing of ashes;

"non-resident" means a person at the time of death was not a resident under the control of Local Council.

"normal operational hours" means Monday to Friday 09h00 to 15h00 excluding Saturdays, Sundays and Public holidays.

"office hours" means Monday to Friday 07h30 to 16h00 excluding Saturdays, Sundays and Public holidays.

"Officer in charge" means a person authorised by Council to be in control of any cemetery and in the case of a crematorium.

"ordinance" means the Crematorium Ordinance, 1965 (Ordinance No. 18 Of 1965);

"open section" means a section in a cemetery set aside by the council where memorial work may be erected at a later stage subjected to the relevant private rights fees have been paid

"panoramic section" means a section in a cemetery set aside by the Council where memorial work is restricted to a plaque or memorial slab;

"plot" means any area laid out in a cemetery for not less than two and not more than three graves adjoining each other in any direction, in respect of which the exclusive right to inter has been acquired in terms of these by-laws.

"preparation" means any action aimed at the preparation of a corpse for a funeral or for cremation, export or other disposal and includes the embalming of such corpse for the said purposes, and "prepare" and any word derived therefrom has a corresponding meaning; preparation shall not include the embalming of or incisions into a corpse.

"prescribed" means prescribed by the Council;

"prescribed fee" means a fee determined by the Council by resolution in terms of section 106(7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;

"promission" means the process whereby a corpse is disposed of by dry freezing

"refugee" means any person given legal refugee status.

"registrar of deaths" means any person appointed as registrar or assistant registrar of deaths in terms of the Births, Marriages and Deaths Registration Act, 1963 [Act 81 of 1963]

"regulation" means a person, who at the time of death, ordinarily resided in the municipal area or who has been given refugee status and is residing in municipal area or who for at least six months immediately prior to such date was the owner of fixed property **in the memorial work**.

"South African Heritage Resources Agency" means the South African Heritage Resources Agency, established in terms of section 11 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)

"stone mason" means a person carrying on business as a stone mason;

"strewn" means the dignified scattering of ash in a garden of remembrance.

"tomb" means an above ground burial vault;

"undertaker" means a person registered to undertake the dignified preparation of a human body for burial or cremation and is in possession of the Councils and Legislatures certificate of competence.

"pauper" means a person who has died as an unknown person or if no relative or other person, welfare organisation or NGO can be found to bear the burial or cremation costs of such deceased person.

"victim of conflict" means a person defined in section 1 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999). (1) If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 8(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), or any other law been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

2. Principles and objectives

The Council, acting under the powers granted to it by national and provincial legislation, including the Regulations relating to Funeral Undertakers' Premises, made by the Minister of Health and Welfare in terms

of section 90 the National Health Act, 2003 (Act 61 of 2003), and published as Government Notice No. 26595 of 23 July 2004, and aware of the dignity of its residents and the need to preserve that dignity, and aware that a corpse is to be granted respect, and that all its residents have the right to inter a corpse in a cemetery or to cremate a corpse in a crematorium, hereby adopts these by-laws to control funeral undertaker's premises, to make provision for the allocation of land for the purposes of the burial of human remains, to develop and maintain existing cemeteries, to permit its residents to dispose of a corpse by cremation and to provide space allowing the preservation of the remains of a cremation in a dignified manner.

3. Application of By-laws

These by-laws apply to all funeral undertakers' premises, cemeteries and crematoria within the Ramotshere Moiloa Local Municipal area, but do not apply to –

- (a) mortuaries and hospitals under the control of the State or a provincial administration;
- (b) any natural person who is not in the service of a funeral undertaker and who does not, either directly or indirectly, undertake or arrange funerals but only prepares corpses, if such preparation does not take place on fixed premises that are used by such person specifically for such purpose.

4. Legislative framework

These By-laws fall within the legislative framework of the:

- (a) Inquests Act, 1959 (Act No. 58 of 1959);
- (b) National Health Act, 2003 (Act No. 61 of 2003);
- (c) Human Tissue Act, 1983 (Act No. 65 of 1983);
- (d) Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);
- (e) Constitution of the Republic of South Africa, 1996 (Act NO.108 of 1996);
- (f) Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000); and
- (g) Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)

CHAPTER 1

FUNERAL UNDERTAKERS' PREMISES

THE REGULATIONS RELATING TO FUNERAL UNDERTAKERS' PREMISES KEEP ON TALKING ABOUT THE OFFICER IN CHARGE AND THAT THE "DIRECTOR-GENERAL'S" APPROVAL MUST BE ASCERTAINED. ARE THESE STILL RELEVANT?

5. Interpretation

In this Chapter Act means the National Health Act, 2003 (Act 61 of 2003), and unless the context otherwise indicates, any expression to which a meaning has been assigned in the Act has such meaning.

6. Corpses to be prepared only at funeral undertaker's premises in respect of which certificate of competence have been issued

- (1) Subject to the provisions of these by-laws, no person may prepare any corpse except on funeral undertaker's premises in respect of which a certificate of competence has been issued and is in effect.
- (2) The Council may, if there is a nuisance present on funeral undertaker's premises situated in its area of jurisdiction, issue a written order to the enterprise in question to stop all activities connected with the preparation of corpses until such time as the nuisance referred to in the order has been eliminated.

7. Exemptions

- (1) The Council may in writing exempt any person from compliance with all or any of these regulations where non-compliance does not or will not create a nuisance.
- (2) Such exemption is subject to such conditions and valid for such period as the Council may lay down and stipulate in the certificate of exemption.

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

- (1) (a) A person wishing to apply for a certificate of competence in respect of new funeral undertaker's premises must, not less than 21 days before submitting his or her application to the Council, cause a notice to be published in two of the official languages in newspapers that appears mainly in those languages, where each of the said newspapers circulates in the area in which such premises are situated, or must, where separate newspapers in an official language do not so circulate, cause such notice to be published in two official languages in a newspaper that so circulates.
 - (b) Such notice must contain information to the effect that an application for the issue of a certificate of competence in terms of these Bylaws is to be submitted to the Council as mentioned in the notice and that any person who will be affected by the use of such funeral undertaker's premises and wishes to object to such use may lodge his objection, together with substantiated representations, with the Council in writing within 21 days of the date of publication of such notice.
- (2) (a) An application for the issue or transfer of a certificate of competence must be made in writing by the applicant or his or her authorised representative to the Council on such form as the Council may require.
 - (b) An application for the issue of a certificate of competence must be accompanied by –
 - (i) a description of the premises and the location thereof;
 - (ii) a complete groundplan of the proposed construction or of existing buildings on a scale of 1:100;
 - (iii) a block plan of the premises on which north is shown indicating which adjacent premises are already occupied by the applicant or other persons and for what purpose such premises are being utilised or are to be utilised; and
 - (iv) particulars of any person other than the holder or any of his employees who prepares or will prepare corpses on the premises.
- (3) The Council, when considering issuing or transferring a certificate of competence, may request from the applicant or any other person any such further information as it may deem necessary to enable it to consider the application concerned.

- (4) Council shall not consider any application for the issue or transfer of a certificate of competence unless a complete inspection of the premises concerned has been carried out by the environmental health practitioner and his or her report on such inspection, including his or her recommendation on such issue or transfer, is in the possession of the Council.

9. Issue or transfer of certificate of competence

Where the Council, after consideration of an application for the issue or transfer of a certificate of competence, the report concerned by the environmental health practitioner or, including his or her recommendation, and any objections to the use of funeral undertaker's premises, is satisfied that the premises concerned –

- (a) comply with all requirements laid down in these By-laws;
- (b) are in all respect suitable for the preparation of corpses; and
- (c) will not be offensive to any occupant of premises in the immediate vicinity of such premises, the Council shall, such as it may determine in respect of the funeral undertaker's premises concerned, issue a certificate of competence in the name of the holder in such form as it may determine or shall by endorsement transfer an existing certificate of competence to a new holder, as the case may be.

10. Validity and transfer of certificate of competence

A certificate of competence, excluding a provisional certificate of competence, is, on endorsement by the issuing authority, be transferable from one holder to a new holder and such certificate is valid from the date on which it was issued until it is revoked or suspended in terms of these regulations.

11. Issue of provisional certificate of competence

Notwithstanding the fact that the Council is not satisfied as contemplated in section 9 with regard to funeral undertaker's premises in respect of which a certificate of competence has been applied for, it –

- (a) shall, in the case of existing funeral undertaker's premises; and
- (b) may, in all other cases, subject to such conditions as the Council may determine in general or in each specific case, issue a provisional certificate of competence in respect of such premises for a maximum period of 36 months to enable the applicant to alter such premises to comply with the provisions of these regulations, however, the council must satisfy itself that the use of such funeral undertaker's premises does not and will not create a nuisance.

12. Duties of holder

The holder must immediately inform the Council in writing if there are any changes in the particulars supplied to the Council in the application for the certificate of competence concerned.

13. Suspension or revocation of certificate of competence or provisional certificate of competence

- (l) If the Council is of the opinion, on the strength of an inspection report and recommendation by the environmental health practitioner
- (a) in a way that is hazardous to health, or that conditions entailing a hazard to health have been or are being created on such premises; or
- (b) in contravention of the provisions of the Act or the conditions to which such provisional certificate of competence is subject, the Council may, subject to the provisions of subsection (2), serve a written notice on the holder or the person in charge of such premises in which the holder is instructed to furnish reasons, at a place and a time specified in such notice, why such certificate should not be dealt with in terms of subsection (12).
- (2) Notwithstanding the provisions of subsection (1), the Council may, pending on inquiry contemplated in sub regulation (1), suspend a certificate of competence or provisional certificate of competence immediately on the strength of a report by the environmental health practitioner in the service of the State or of the Council, stating that the hazard referred to in sub regulation (1)(a) is a nuisance and recommending such suspension.
- (3) A notice referred to in sub regulation (1) must set out such particulars as are reasonably adequate to inform the holder concerned why the withdrawal of the certificate is contemplated and must be served by the Council not less than 21 days prior to the date specified in such note for the holding of an inquiry.
- (4) The holder may appear personally at such inquiry or be represented thereat by any of his employees specially authorised by him or her for such purpose in writing, or by his or her legal representative, or may submit written statements or arguments in the form of an affidavit to the Council for consideration.
- (5) (a) If the holder appears at the inquiry, or if the holder does not appear at the inquiry but the Council is satisfied that the notice referred to in sub regulation (1) has been properly served on the holder, the Council shall inquire into the matter mentioned in such notice.
- (b) For the purpose of such inquiry the Council may call and interrogate or re-interrogate any person present at such inquiry and must hear such evidence as may be adduced by or on behalf of the holder and may cross examine any person giving evidence for or on behalf of the holder.
- (6) The holder, his or her authorised employee or his or her legal representative may interrogate any witness called for or on behalf of the holder at such inquiry and may cross-examine any other witness testifying thereat.
- (7) (a) The Council may instruct any witness at such inquiry to testify on oath or on affirmation.
- (b) The Council may administer an oath to or accept an affirmation from any person appearing before it to testify or to submit a book, document or object.
- (8) In regard to the giving of evidence or the submission of a book, document or object at such inquiry, the right of privilege applies which is applicable to a witness testifying in a criminal case in a magistrate's court or summonsed to submit a book, document or object.

- (9) The Council may, in its discretion, postpone or adjourn such inquiry for such period or periods as it may deem fit, however, where a suspension has been instituted in terms of sub-regulation (2), such postponement or adjournment may be for not more than 14 days.
- (10) (a) The Council must cause a record of the proceedings at such inquiry to be kept in such manner as it may determine.
- (b) Such record must be accessible to and copies thereof may be made by the holder or his or her representative on such conditions regarding time and place as the Council may determine.
- (c) The record of such inquiry must be kept for a period of two years in a place where it is protected against fire and theft, and a clearly legible copy of such record must be submitted to the *Director-General forthwith after the inquiry*.
- (11) Upon conclusion of such inquiry, the Council must deliberate *in camera*.
- (12) If it appears to the Council that –
- (a) the funeral undertaker's premises concerned are being used in such a way as to create a nuisance or that conditions constituting a nuisance have been or are being created on the funeral undertaker's premises concerned; or
- (b) the premises concerned are being used in contravention of the provisions of the Act or any conditions to which the certificate of competence or provisional certificate of competence concerned is subject, the Council may, in order to put an end to the matter about which a complaint has been received, make such order as it may deem fit, namely –
- (i) in relation to conditions referred to in sub-regulation (1)(a) –
- (aa) where in its opinion the health hazard in question is a real hazard, an order withdrawing the certificate of competence or provisional certificate of competence concerned; and,
- (bb) in other cases, an order requiring the future use of such premises to be so regulated so as to correct without delay the matter complained about; or
- (ii) in relation to an irregularity referred to in sub-regulation (1)(b)
- (aa) an order suspending the certificate of competence or provisional certificate of competence concerned for such period as the Council may determine, and informing the holder that, if the conditions complained about as mentioned in such order are not corrected to the Council's satisfaction within such period of suspension, the certificate concerned will be revoked without further notice; or
- (bb) an order requiring the future use of such premises to be so regulated so as to correct without delay the matter complained about.
- (13) (a) An order made in terms of sub-regulation (12) must be issued in writing, signed by the Municipal Manager and then served on the holder, and the person on whom such order has been served must

deal with such order and with the certificate of competence or provisional certificate of competence concerned, in cases where such certificate has been revoked, in the manner laid down in such order.

(b) After making such order, the Council must forthwith send a *copy thereof to the Director-General.*

(14) No decision of the Council in terms of these By-laws –

(a) regarding the revocation of a certificate of competence or provisional certificate of competence; or

(b) which is at variance with a recommendation of the environmental health practitioner as contemplated in sub-regulation (1), shall be effective without the written approval of the *Director-General and no order in terms of subregulation (12) shall be made without the prior approval of the Director-General.*

(15) The suspension or revocation of a certificate of competence or provisional certificate of competence in terms of this section has the effect that, from the date of coming into operation of the order of suspension or revocation –

(a) no preparation of any corpse may be performed on the premises concerned;

(b) no corpse may be received for preparation on the premises concerned; and

(c) to the profession, excluding the preparation and receiving of a corpse.

(16) Where a condition that gave rise to the revocation of a certificate as contemplated in this section was corrected after such revocation, the Council shall, on written application made by or on behalf of the holder, repeal such revocation by endorsement on the certificate concerned.

14. Requirements relating to funeral undertaker's premises

(1) Building standards

(2) Provision for at least the following must be made on funeral undertaker's premises:

(a) A preparation room for the preparation of corpses;

(b) change-rooms, separate for each sex, for the use of the employees employed at such premises;

(c) refrigeration facilities for the refrigeration of corpses;

(d) facilities for the washing and cleansing of utensils and equipment inside the building;

(e) facilities for the cleansing of vehicles on such premises; and

(f) facilities for the loading and unloading of corpses as contemplated in subsection (6).

(3) No room on funeral undertaker's premises may be used for any purpose other than the purpose for which it is intended and no act other than an act related to the said purpose may occur in such room.

(4) Such preparation room must –

(a) be so designed as to –

- (i) be separated from all other rooms on the premises and as not to communicate directly with any office or salesroom, however, where a preparation room on existing funeral undertaker's premises so communicates, the entrance thereto must be so concealed that the interior thereof is completely out of the sight of any person in such office or salesroom;
 - (ii) enable obnoxious odours and vapours to be adequately treated; and
 - (iii) be sufficiently ventilated and lighted;
- (b) have a floor –
- (i) covering an area of not less than 16m^2 for the first table of the kind referred to in paragraph (e) and 8m^2 for each additional such table;
 - (ii) constructed of concrete or similar waterproof material with a smooth non slippery surface that is easy to clean, and sloped at an angle to ensure that any run-off will drain into an approved disposal system; and
 - (iii) which, if it is replaced or laid after the date of commencement of these By-laws, must be provided with half-round filling where it meets the walls;
- (c) have walls the inner surfaces of which have a smooth finish and are covered with a light-coloured washable paint or other approved, suitable, smooth, waterproof, light-coloured and washable material;
- (d) be provided with a ceiling not less than 2,4 m above the floor level, which ceiling must be dust-proof and painted with a light-coloured washable paint;
- (e) contain not less than one table of stainless steel or glazed earthenware or other approved material, equipped with a raised rim on the outside, a tap with cold running water to which a flexible pipe can be connected and a drainage opening connected to an approved disposal system;
- (f) contain not less than one wash-basin for each such table, made of stainless steel or other approved material, with a working surface of the same material, taps with hot and cold running water and a drainage opening permanently connected to an approved disposal system, and provided with disposable towels, a nailbrush and soap;
- (g) have not less than one tap with running water to which a flexible pipe, long enough to reach all corners of such room, can be connected for cleaning the interior surfaces;
- (h) have door openings that are not less than 0,82m in width and 2,00m in height so that corpses can be taken into and out of such room without any difficulty.
- (5) Each such change-room must contain at least the following:
- (a) One hand-basin with hot and cold running water for every six employees or part of this number; and
 - (b) disposable towels, soap, nailbrushes and disinfectant; and
- (6) Refrigeration facilities such as refrigerators or cold chambers must be installed in or within easy reach of such preparation room for the keeping of corpses, and –

- (a) where refrigerators are provided, they must be –
 - (i) made of a material that does not absorb moisture;
 - (ii) provided with removable trays; and
 - (iii) so designed as to drain properly and be easy to clean;
 - (b) the surface temperature of any corpse may be no higher than 5⁰C within three hours of its being received on the premises and no higher than 15⁰C during preparation; and
 - (c) where cold chambers are provided, they must comply with subsection (3)(a)(ii), (b)(ii), (c), (d) and (h) and must be provided with shelves manufactured from a material that does not absorb moisture and that is easy to clean.
- (7) Such cleansing and loading and unloading facilities must consist of a paved area, screened from public view, with a drainage system into a gully connected to an approved disposal system.
- (8) The loading and unloading of corpses and the cleansing of vehicles may not take place anywhere except in the area contemplated in subsection (7).
- (9) The funeral undertaker's premises must be rodent-proof.

15. Hygiene

- (1) All solid refuse on the premises of a funeral undertaking must be kept in corrosion-resistant containers with tight-fitting lids and must be dealt with in accordance with the Integrated Waste Management By-laws, 2010.
- (2) Every holder of a certificate of competence relating to funeral undertaker's premises must –
- (a) provide or cause to be provided clean protective over-clothes consisting of surgical gloves, gumboots, plastic aprons so designed that the front hangs over the top of the gumboots, face masks and linen overcoats to all employees and all other persons involved in post mortems, and each such employee or other person must, at all times when so involved, wear such clothing;
 - (b) keep such premises free of insects or cause them to be so kept;
 - (c) cause all working areas or surfaces at such premises where corpses are prepared to be cleaned immediately after the preparation of any corpse;
 - (d) cause all equipment used for the preparation of corpses to be washed and disinfected immediately after use;
 - (e) daily cause all protective over-clothes that have been used to be washed, cleansed and disinfected on the premises; and
 - (f) if a corpse has been transported without a moisture-proof covering, cause the loading space of the vehicle concerned to be washed and disinfected after such corpse has been removed.

CHAPTER 2**GENERAL PROVISIONS RELATING TO CEMETERIES AND CREMATORIA****16. Appointment of caretaker**

(1) The Council must appoint a caretaker for each facility used to inter corpses **cemetary or crematorium** to control and administer the facility **cemetary or crematorium**.

(2) The caretaker must take into account the customs of the deceased person and the people responsible for the interment and must accommodate these within the framework of these By-laws.

17. Hours of admission for public

(1) Every cemetery is open to the public during the following hours: 08h00 and 17h00, however the Council may close to the public a cemetery or crematorium or part thereof for such periods if it is in the interest of the public.

(2) No person, excluding workers or persons with permission, may be in or remain in a cemetery or crematorium or part thereof before or after the hours mentioned in sub-section (1) or during a period when it is closed to the public.

(3) A person who contravenes subsection (2) commits an offence.

18. Children

(1) No child under 12 years of age may enter a **cemetary or crematorium** unless he or she is under the care of a responsible person.

(2) A person who allows a child to enter a cemetery or crematorium in contravention of subsection (1), commits an offence.

19. Keeping to path

Except for purposes permitted by these by-laws, a person may only use a path provided in the cemetery, and failure to do so constitutes an offence.

20. Prohibited conduct within places of interment cemetery and crematorium

(1) No person may -

- (a) commit or cause a nuisance within a cemetery or crematorium;
- (b) ride an animal or cycle within a cemetery or crematorium;
- (c) bring or allow an animal to wander inside a cemetery or crematorium;
- (d) plant, cut, pick or remove a tree, plant, shrub or flower without the permission of the caretaker;
- (e) hold or take part in a demonstration in a **cemetary or crematorium**;
- (f) interrupt during the performance of his or her duties an official, workman or
- (g) obstruct, resist or oppose the caretaker in the course of his or her duty or refuse to comply with an order or request which the caretaker is entitled under these By-laws to make;
- (h) use a **cemetary or crematorium** for an immoral purpose;
- (i) mark, draw, scribble, erect an advertisement or object on a wall, building, fence, gate, memorial work or

- other erection within a **cemetery or crematorium**;
- (j) use water for any form of gardening without the permission of the caretaker;
- (k) plant trees, flowers or shrubs on or between graves;
- (l) leave any rubbish, soil, stone, debris or litter within the **cemetery or crematorium**;
- (m) in any way damage or deface any part of a **cemetery or crematorium** or anything therein contained;
- (n) enter or leave a **cemetery or crematorium**, except by an entrance provided for the purpose;
- (o) solicit any business, order or exhibit, or distribute or leave a tract, business card or advertisement within a **cemetery or crematorium**;
- (p) treat a grave or memorial work with disrespect, such as climbing or sitting on a grave or memorial work;
- (q) enter an office, building or fenced place in a **cemetery or crematorium**, except in connection with lawful business;
- (r) with the exception of a blind person, bring an animal into a **cemetery or crematorium**; and
- (s) expose a corpse or a part thereof in a cemetery or crematorium.
- (2) An animal found in a **cemetery or crematoria** may be destroyed by the Council without paying any compensation to the owner thereof.
- (3) A person who contravenes a provision of subsection (l) commits an offence.

21. Right of interest in ground

- (1) No person shall acquire any right to or interest in any ground or grave in a cemetery, other than such rights or interests as may be obtainable under these by-laws.
- (2) The Council may on payment of the applicable charges prescribed in the tariff sell to a person the use of a grave in a section of a cemetery.
- (3) (a) The Council may set aside different areas in a cemetery for exclusive use by different religious or cultural groups, taking into consideration the customs or religious conventions of such groups.
- (b) The Council may launch an awareness campaign regarding the use of land for burial purposes, whereby the environmental advantages of cremation **and/or promission** as an alternative to burial is stressed.
- (c) The Council may, if compelled to do so by environmental considerations, such as shortage of land for burial, subject to the provisions of any other law regarding the rights of a person, request that a corpse be cremated instead of interred.**

CHAPTER 3

GENERAL PROVISIONS RELATING TO INTERNMENT, CREMATION AND PROMISSION

22. Consent required for disposal of a corpse

- (1) No person may dispose of a corpse in any other manner than those approved by Council **by interring it in a cemetery or having it cremated in an approved crematorium**, and a person who wishes to dispose of a corpse must obtain the written consent of the caretaker before he or she disposes of the corpse.

- (2) A person who wishes to obtain the consent as contemplated in subsection (1) must submit to the caretaker an application in writing in a form similar to the form in Schedule A together with –
- (a) the fee prescribed in Schedule B;
 - (b) death certificate;
 - (c) a burial order issued in terms of the Births and Deaths Registration Act, 1992 (Act No.51 of 1992), and the caretaker may not approve the application unless all of the above requirements are met.
- (3) An application must be submitted to the caretaker, in respect of –
- (a) a burial, not later than 15:00 on the day before the intended interment or, where the grave exceeds the standard size, not later than 15:00 two days before the intended interment; and
 - (b) a cremation, not later than 15:00 on the day before the intended cremation.
 - (c) a promission, not later than 15:00 on the day before the intended promission.
- (4) Should any alteration be made in the day or hour previously fixed for an interment, or an interment be cancelled, notice of the alteration must be given to the caretaker at the cemetery at least six hours before the time fixed for the interment, and no refund will be made on monies paid in respect of the opening of an existing grave.
- (5) The application contemplated in subsection (2) must be signed by the nearest surviving relative of the person whose corpse will be buried in the grave or cremated or such other person as the nearest surviving relative may authorise to sign the application on his or her behalf, however, if the caretaker is satisfied that the signature of the nearest surviving relative cannot be obtained timeously, or for another valid reason, he or she may in his or her discretion grant an application signed by any other interested person.
- (6) In the instance where a person –
- (a) who at the time of his or her death was suffering from a communicable disease, this must be indicated; or
 - (b) in whom was inserted radioactive material or a pacemaker, it must be indicated if the said material or pacemaker was removed from the corpse.
- (7) A person who contravenes subsection (5) or subsection (6) commits an offence.

23. Interment times

- (1) An interment may take place between 09:00 and 15:00 daily.
- (2) Notwithstanding the provisions of subsection (1), the caretaker to whom an application is made may, if he or she is satisfied that the case is one of emergency, permit interment outside the times contemplated in subsection (1) in which case an additional fee as prescribed in Schedule of tariffs is payable.

24. Register

The caretaker must keep a record of all interments, and the record must contain:

- (a) The particulars of the person who requested the interment;
- (b) the particulars of the corpse to be interred, such as the name, address, and identification number;

- (c) the date of the interment; and
- (d) in the instance of an interment, the number of the grave in which the corpse is interred.

25. Indigent and destitute persons

- (1) A person may apply to the Council for the burial of the corpse of an indigent person and must provide proof that the deceased was granted the status as indigent person in terms of Council's financial standing orders
- (2) Subject to the provisions of section 48 of the Health Act, 1977 (Act No. 63 of 1977), and section 10 of the Human Tissue Act, 1983 (Act No. 65 of 1983), the corpse of a destitute person or an unclaimed corpse may be interred according to conditions determined by the Council.
- (3) Where a corpse contemplated in subsection (1) or (2) is cremated, the caretaker of the crematorium where the corpse was cremated must retain the ashes, and should the ashes not be claimed within a period of one year, bury the ashes in a grave.

26. Corpse to be sealed in body bag

- (1) Unless contrary to the tradition, customs or religious beliefs of the deceased person or the applicant, a corpse intended for interment must be sealed in a body bag inside a coffin.
- (2) A person who fails to ensure that the provisions of subsection (1) is met, commits an offence.

27. Number of corpses in one coffin

- (1) Subject to the provisions of subsection (2), only one corpse may be contained in a coffin.
- (2) More than one corpse may be contained in one coffin on the consent of the caretaker first having been obtained and the prescribed fee having been paid, in the case of –
 - (a) a mother and child who died during childbirth; or
 - (b) family members who –
 - (i) died together; or
 - (ii) died a short while after each other, and the burial or cremation of the first dying member has not yet taken place, and each corpse must be contained in a separate body bag.

CHAPTER 4

INTERMENT

- 28.** Subject to the provisions of these by-laws, no interment shall take place in any grave not allotted by the officer-in-charge

29. Dimensions of grave openings

- (1) The standard dimensions of graves are as follows:
 - (a) Adult:
 - (i) Single grave: Length: 2200 mm; Width: 900 mm.
 - (ii) Double grave: Length: 2200 mm; Width: 2700 mm.
 - (b) Child:
- (2) Any person requiring an aperture for an interment in an adult's grave of a size larger than the standard

dimensions must, when submitting an application in terms of section 16, specify the measurements of the coffin, and pay the charges prescribed in the tariff for enlarging the aperture.

30. Depth of grave

- (1) An adult's grave is 1900 mm in depth and that of a child 1500 mm in depth.
- (2) The lid of the coffin, or where one coffin has been buried on top of another coffin, the lid of the top coffin may not be less than 1200 mm from the surface.

31. Reserving of grave

- (1) A person desiring to reserve the use of a grave must apply therefore to the caretaker and must pay the prescribed fee.
- (2) A restriction is placed on the reserving of graves, and reservations shall only be accepted for adult graves in the monumental section as stated in subsection (3), upon payment of the charges prescribed in the tariff.
- (3) In the event of an interment of a husband or wife in the monumental section, only one additional adjoining grave may be reserved for the survivor.
- (4) In the event of an interment of a husband or wife in the aesthetic section, an additional adjoining grave may not be reserved for the survivor, however, subject to the provisions of section (29), the interment of the survivor may be permitted in the same grave.
- (5) Where another person, other than the applicant, has mistakenly used a grave, the caretaker must allocate another grave within the cemetery to the applicant..
- (6) A certificate of reservation in respect of any grave may be transferred, assigned or alienated with written consent of the local authority on the prescribed form.

32. Child's coffin too large

Should a child's coffin be too large for the dimensions of a child's grave, it must be placed in an adult grave and the usual fee for an adult's interment must be paid by the person submitting an application in terms of section (28), and in the instance where a child is interred in a section intended for adults the tariff applicable to adults applies.

33. Construction material of coffin

- (1) A coffin interred in a grave must be constructed of **wood or** bio-degradable material.
- (2) A person who interrs a coffin in contravention of subsection (1) commits an offence.

34. Number of bodies in one grave

- (1) Only where consent has been granted in terms of section (22)(**Consent required for interment and cremation**), and subject to section 24, 31 and 49, may more than one corpse be interred in a single grave.

35. Coffin to be covered with earth

Every coffin must, upon being placed in a grave, be covered without delay with at least 300 mm of earth, and failure to do so constitutes an offence.

36. Religious ceremony

The members of a religious denomination may conduct a religious ceremony in connection with an interment or memorial service.

37. Hearse and vehicle at cemetery

- (1) No hearse or other vehicle may enter a cemetery without the permission of the caretaker.
- (2) No hearse or other vehicle may use any other route to enter a cemetery than the routes set aside for that purpose.
- (3) A person who contravenes subsections (1) or (2) commits an offence.

38. Instruction of caretaker

A person taking part in a funeral procession or ceremony in a cemetery must follow instructions by the caretaker, and failure to do so constitutes an offence.

39. Music inside cemetery

- (1) Only sacred singing is allowed in a cemetery, except in the case of police or military funerals.
- (2) A person who contravenes subsection (1) commits an offence.

40. Interment attended by more than fifty people

In any instance where it is probable that more than 50 people will be present at an interment, the person submitting an application in terms of section 16, must notify the fact to the caretaker the day before the funeral, and failure to do so constitutes an offence.

41. Occupation of chapel or shelter

- (1) No person may for the purpose of a funeral occupy a chapel or shelter in a cemetery for more than 45 minutes.
- (2) A person who contravenes subsection (1) commits an offence.

42. Number on grave

- (1) No person may inter a corpse in a grave on which a peg marked with the number of the grave has not been fixed.
- (2) A person who contravenes subsection (1) commits an offence.

CHAPTER 5**EXHUMATION OF CORPSE AND RE-OPENING OF GRAVE****43. Disturbance of mortal remains**

- (1) Subject to the provisions of an exhumation order given in terms of section 3(4) of the Inquests Act, 1959 (Act 58 of 1959) or any other provision of any Act relating to the exhumation of corpses, no corpse or mortal remains or ground surrounding it in a cemetery may be disturbed, no grave may be opened, and no corpse may be removed from a grave without the written consent of the Council and the medical officer of

health.

- (2) The charges for exhumation prescribed in the tariff must be submitted to the caretaker at least two days before the date fixed for the exhumation or removal of the corpse.
- (3) A person who contravenes subsections (1) or (2) commits an offence.

44. Time of exhumation

- (1) **No person may exhume or cause a corpse to be exhumed during such time as the cemetery is open to the public.**
- (2) A person who contravenes subsection (1) commits an offence.

45. Re-opening of grave

- (1) No person may re-open a grave for the purpose of interring a second corpse in the same grave unless –
- (a) the grave was initially made deeper for this purpose;
 - (b) if not made deeper, then only after 10 years have passed since the interment of the first corpse; and
 - (c) for purposes of burial of a receptacle containing ashes, the depth does not exceed 300 mm.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

CHAPTER 6

CARE OF GRAVE

46. Shrubs and flowers

The Council may at any time prune, cut down, dig up or remove any shrub, plant, flower, foliage, wreath or adornment if it becomes unsightly, is damaged or wilted.

47. Care of graves

The Council may at its discretion undertake to keep any grave in order for any period.

CHAPTER 7

CREMATION

48. Receptacles and ashes

- (1) Unless the ashes are to be buried by the Council, the person who applied for the cremation must provide a receptacle, on which the full name of the deceased person is indicated, for receiving the ashes.
- (2) The quantity of ashes to be kept, as indicated on the application form by the person contemplated in subsection (1) must, after the cremation, be collected by him or her, and should he or she fail to collect the ashes, the caretaker must keep the ashes.
- (3) Where a receptacle is intended to be placed in a niche in the columbarium –
- (a) it must –
 - (i) be made of wood or stone; and
 - (ii) be of a size and design as to fit into the niche; and

(b) if the niche is not meant to be sealed, have affixed to it a plate on which the full name of the deceased person is inscribed.

49. Burial and exhumation of ashes

(1) In the absence of an arrangement between the caretaker and the person contemplated in section X (**Receptacles and ashes**) regarding the ashes, the caretaker may bury or scatter the ashes in a garden of remembrance.

(2) A person may deposit ashes in a –

- (a) grave; or
- (b) niche in a –
 - (i) columbarium;
 - (ii) wall of remembrance;
 - (ii) memorial work; or
 - (iv) garden of remembrance.

(3) A person must obtain the consent of the caretaker if he or she wishes to –

- (a) bury ashes in a grave;
- (b) exhume ashes from a grave; or
- (c) scatter ashes, and the caretaker must, on receiving payment of the prescribed fee –
 - (i) give written consent to the applicant to bury, exhume or scatter the ashes; and
 - (ii) in the instance of burial or exhumation, prepare the grave for burial or exhumation.

(4) A grave for the burial of ashes or a niche in a columbarium must measure 610 mm in length and 610 mm in width.

50. Cremation certificate

(1) On completion of a cremation, the caretaker must supply a cremation certificate to the person who applied for the cremation.

(2) The caretaker may, on application and after receipt of the prescribed fee, issue a duplicate cremation certificate to a person.

CHAPTER 8

ERECTION AND MAINTENANCE OF MEMORIAL WORK

51. Consent of Council

(1) No person may bring into a cemetery, erect, alter, paint, clean, renovate, decorate, remove or otherwise interfere with any memorial work or cut any inscription thereon in a cemetery without the written consent of the Council and of the contractor of a grave.

(2) When erecting a memorial work, the following must be submitted:

- (a) a sketch which gives an indication of the measurements and the position;

- (b) specification of the material of which the memorial work is to be constructed; and
- (c) the wording of the epitaph.
- (3) The sketch must be submitted 30 days before the erection commences, and must be accompanied by the charges prescribed in the tariff.
- (4) A person who contravenes subsection (1) commits an offence.

52. Position of memorial work

- (1) No person may erect a memorial work on a grave before the position in which such memorial work is to be placed has been indicated by the Council.
- (2) Should the condition of subsection (1) not be complied with the Council has the right to alter the position of the memorial work and to recover the costs of the alteration from the contractor.

53. Repairs to memorial work

- (1) Should the contractor of a grave allow a memorial work to fall into such a state of disrepair that it may cause danger or deface the cemetery, the Council may cause a Notice of Compliance, as contemplated in section 61, be served on the contractor.

54. Supervision of work

A person engaged upon any work in a cemetery must effect the work under the supervision of the Council, and failure to do so constitutes an offence.

55. Damaging of memorial work

The Council under no circumstances accepts responsibility for any damage which may at any time occur to a memorial work, and which is not due to the negligence of the Council's employees.

56. Moving of memorial work

The Council may, after due notice, at any time change or alter the position of a memorial work in a cemetery and recover the cost thereof from the owner of the memorial work, however in an instance where a memorial work has originally been placed in a certain position with the express consent of the Council or its employee, any alteration of the position in terms of the provisions of this section is executed at the expense of the Council.

57. Bringing material into cemetery

- (1) No person may bring into the cemetery any material for the purpose of constructing therewith any memorial work on any grave unless and until -
 - (a) the provisions of section 40 have been complied with;
 - (b) all charges due in respect such grave have been duly paid; and
 - (c) the Council's written approval of the proposed work has been given to the applicant, which approval is only valid for six months, and in the event of the memorial work not being erected within the prescribed time a new application must be submitted.
- (2) The grave number must be neatly indicated in figures 30 mm in size, and failure to do so constitutes

an offence.

- (3) A person who contravenes subsection (1) commits an offence

58. Cleaning of memorial work by Council

A memorial work placed, built, altered, decorated, painted or otherwise dealt with in a cemetery in such manner that any provisions of these by-laws are contravened thereby, may be removed by the Council at the cost of the contractor after due notice, without payment of any compensation.

59. Requirements for erection of memorial work

- (1) A person erecting a memorial work must comply with the following:
- (a) He or she must be in possession of a plan approved by the Council;
 - (b) all work must be effected according to the provisions laid down by the Council;
 - (c) proceedings must be of such a nature that no damage be caused to any structure or offence given;
 - (d) where a memorial has a pedestal on ground level or on the berm, the pedestal may not be more than 900 mm in length, 250 mm in width and 250 mm in height for a single grave, and not more than 2700 mm in length, 250 mm in width, and 250 mm in height for a double grave;
 - (e) with the contractor's permission, the name of the maker can be displayed on a memorial work, but no address or any other particulars may be added thereto, and the space utilized for it may not be larger than 40 x 100 mm; and
 - (f) tiles in the Garden of Remembrance must be 240 mm x 300 mm large and must be manufactured out of non-corrosive metal.
- (2) A person who does not comply with a provision in subsection (1) commits an offence.

60. Conveying of memorial work

- (1) No person may convey any stone, brick or memorial work or a portion thereof within a cemetery upon a vehicle or truck which may cause damage to the paths or grounds or structures of the cemetery.
- (2) A person who contravenes subsection (1) commits an offence.

61. Vehicle and tools

Every person engaged with work upon a grave or plot must ensure that the vehicles, tools or appliances be of such a kind as not to contravene these by-laws and by no means block any road or roads, and failure to do so constitutes an offence.

62. Complying with Council's directions

A person carrying on work within a cemetery must in all respects comply with the directions of the Council, and failure to do so constitutes an offence.

63. Times for bringing in material and doing work

- (1) No person may bring memorial work or material into or do any work, other than the dismantling of memorial work for burial purposes, within a cemetery except during the following hours: Mondays to Fridays: From

08h00 to 16h00.

- (2) No person may engage in work which may be disturbing when a funeral takes place and for the duration of the funeral.
- (3) A person who contravenes subsections (1) or (2) commits an offence.

64. Inclement Weather

- (1) No person may fix or place any memorial work during inclement weather or while the soil is in an unsuitable condition.
- (2) A person who contravenes subsection (1) commits an offence.

65. Production of written permission

A person charged with a work or on his or her way to or from work within the cemetery, must upon demand from the Council or its authorized official, produce the written consent issued to him or her in terms of section 40, and failure to do so constitutes an offence.

66. Memorial work in crematorium

- (1) Unless a corpse was cremated in the crematorium, or a cremation certificate issued by another crematorium is submitted, no person may, without the consent of the caretaker first having been obtained, erect a memorial work in a crematorium.
- (2) A memorial work –
- (a) if erected in a garden of remembrance –
 - (i) must be made of marble or granite; and
 - (ii) may not exceed a size of 250 mm in width, 305 mm in length, and 25 mm in thickness;
 - (b) if intended to seal a niche, must conform in size and material to the memorial work next to it and may have a photograph of the deceased person affixed to it; or
 - (c) erected on a grave, may not exceed 1,2 m in height, 610 mm in length, and 610 mm in width.

CHAPTER 9

SECTIONS IN CEMETERY

67. Council to determine sections

The Council has determined the following sections in a cemetery in which memorial work as contemplated in section X, X, X, X and X may be erected:

- (a) Monumental section;
- (b) garden of remembrance;
- (c) heroes' acre;
- (d) aesthetic section; and
- (e) panoramic section.
- (f) Memorial section
- (g) Open section

- (h) Berm section

68. Monumental section

- (l) Memorial work may be erected upon the whole surface of the grave subject thereto that the provisions of section 48 must be complied with and that the following measurements may not be exceeded:
- (a) Height: 2000 mm.
 - (b) Width: 900 mm in case of a single grave, and 700 mm in case of a double grave.
 - (c) Thickness: 250 mm.
- (2) The Council may in the course of time level all graves and plant grass thereon.
- (3) Flowers, foliage, wreaths or any adornment may be placed upon the berm only of graves, except in the case of graves which have not yet been levelled.
- (4) A person commits an offence of he or she –
- (a) exceeds the measurements stipulated in subsection (l); or
 - (b) contravenes section (3).

69. Garden of Remembrance

- (l) This section contains only the wall of remembrance with niches, and the containers may not exceed 300 mm x 150 mm x 150 mm.
- (2) Monuments must be of non-corrodible metal or masonry only and must be 240 mm by 300 mm in size.
- (3) Flowers and wreaths may be placed on the places provided therefore only.
- (4) Failure to comply with the requirements of this subsection constitutes an offence.

70. Heroes' Acre

- (l) An heroes' acre consists of a structure erected for the purpose and contains no corpse but is only a memorial.
- (2) No person may erect such memorial without the written approval of the Council and the Council decides upon the merits of such matters.
- (3) The size of the memorial work must be 500 mm x 350 mm and must be manufactured from a non-corrodible metal or masonry upon which inter alia, the contribution made by the person in question is mentioned.
- (4) A person who inter a corpse in contravention of subsection (l) or contravenes subsection (2) or who fails to comply with the requirements of subsection (3) commits an offence.

71. Aesthetic section

- (l) A headstone only may be erected, and a slab may not be erected on and a kerb may not be erected around a grave.
- (2) The dimensions of a headstone are as follows:
- (a) Adult's grave:
- (i) Single grave: 900 mm in length by 260 mm in width;

- (ii) Double grave: 2200 mm in length by 260 mm in width;
- (b) Child's grave:
 - (i) Single grave: 610 mm in length by 260 mm in width; and
 - (ii) Double grave: 1200 mm in length by 260 mm in width.
- (3) No headstone may exceed a height of 1500 mm above the berm.

72. Panoramic section (*landscape definition*)

Only a plaque may be embedded, which plaque must be –

- (a) made of marble, granite or stainless steel;
- (b) 500 mm in length, 500 in width, and 30 mm thick.
- (c) embedded –
 - (i) 30 mm below the level of the grass;
 - (ii) horizontally on ground level; and
 - (iii) on a concrete foundation.

CHAPTER 10: PRIVATE CEMETERIES

73. By-laws apply

The provisions of these By-laws apply mutatis mutandis to private cemeteries.

74. Establishment and continued use of Cemeteries (cemeteries ordinance)

- (1) No person may, without the Council's consent first having been obtained, establish a private cemetery, and no proprietor of a private cemetery already in existence may, if the use of the cemetery was not previously authorised by the Council, continue to use the existing cemetery for burial purposes.
- (2) A person who wishes to apply for the Council's consent to establish a cemetery or use as cemetery as contemplated in subsection (1), must submit to the Municipal Manager an application in writing together with –
 - (a) a locality plan to a scale of not less than 1: 10 000 which shows –
 - (i) the position of the proposed cemetery or existing cemetery in relation to the boundaries of the land on which it is proposed to establish it or upon which it is situated as the case may be;
 - (ii) the registered description of the site;
 - (iii) all streets, public places and privately-owned property within a distance of 100 metres of the site;
 - (b) a "block" plan to a scale of not less than 1: 500 showing the position of external boundaries, internal roads and paths, sub-divisions, grave sites, drainage and any buildings existing or proposed to be erected;
 - (c) a plan and sections to a scale of not less than 1: 100 of any building existing or proposed to be erected, and which must in this case conform with the National Building Regulations and the **Water and Sanitation** By-laws of the Ramotshere Moiloa Local Municipality;
 - (d) a list of registers or records kept or proposed to be kept with reference to –
 - (i) identification of graves;
 - (ii) sale of grave sites transfer of grave sites; and

- (iii) interments;
- (e) the full name and address of the proprietor;
- (f) particulars regarding the nature of the title under which the proprietor will hold or holds the land on which the cemetery is to be established or which is being used as a cemetery and whether such land is subject to any mortgage or trust; and
- (g) a schedule of the burial fees proposed to be charged or actually in force.
- (3) On receipt of an application the Municipal Manager must cause to be inserted in one or more newspapers circulating in the municipal area a notice stating the nature of the application and specifying the date being not less than 14 days after the date of publication of such notice by which objections to the granting of an application may be lodged with the Council.
- (4) The Council, if satisfied after consideration of the application and any objections which may have been lodged that no interference with any public amenity, or nuisance or danger to the public health is likely to take place or arise as a result, may in writing grant consent for the establishment of the proposed private cemetery or the continued use of the private cemetery as the case may be, referred to in the application, in accordance with the plans submitted and to any variation or amendment which it may require and to any conditions which it may prescribe.
- (5) No departure from the plans as approved are permitted without the prior approval of the Council.

75. Duties of Proprietors

- (l) The proprietor of a private cemetery for which the consent of the Council has been obtained must –
 - (a) comply with –
 - (i) any special conditions prescribed by the Council; and
 - (ii) the relevant provisions of these By-laws and any other applicable law;
 - (b) keep a record which shows –
 - (i) the number of each grave site and the ownership of the site; and
 - (ii) the number of interments in each grave site and the name, age, sex, race, last known address, date and cause of death of the deceased;
 - (d) maintain the grounds, fences, gates, roads, paths and drains in good order and condition and clear of weeds and overgrowth;
 - (e) provide for the identification of grave sites by subdividing the cemetery into blocks each containing a number of graves or grave sites, and –
 - (i) each block must be demarcated by means of signs showing the number and situation of each block;
 - (iii) the graves or grave sites in each block must be separately numbered by means of durable number plates; and
 - (iii) all signs and number plates must be maintained in a neat and legible condition;
 - (f) allow an official to enter or inspect the cemetery and all records kept in connection therewith;

- (g) render a monthly return to the municipal manager on or before the 7th day in each month of all burials, which sets out the –
- (i) name, last known address, age, sex, race, date and cause of death of each deceased person interred in the cemetery;
 - (ii) name of the medical practitioner who issued the death certificate;
 - (iii) the authority who issued the burial order;
 - (iv) the block and grave site number;
 - (v) date of burial; and
 - (vi) particulars of a change in the identity of the caretaker or of a person newly appointment;
- (h) render an annual return to the municipal manager on or before the 31st day of March each year which contains a detailed list of the names and addresses of all trustees, committee members or persons controlling the cemetery; and
- (i) appoint a caretaker to manage the cemetery and to keep the records.
- (2) A person who contravenes a provision of subsection (1) commits an offence.

CHAPTER II

MISCELLANEOUS

76. Authentication and service of order, notice or other document

- (1) An order, notice or other document requiring authentication by the Council must be sufficiently signed by the Municipal Manager or by a duly authorised officer of the Council, such authority being conferred by resolution of the Council or by a by-law or regulation, and when issued by the Council in terms of these by-laws shall be deemed to be duly issued if it is signed by an officer authorised by the Council.
- (2) Any notice or other document that is served on a person in terms of these by-laws, is regarded as having been served –
- (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgment of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates; or
 - (f) in the event of a body corporate, when it has been delivered at the registered office of the business

premises of such body corporate.

- (4) Service of a copy shall be deemed to be service of the original.
- (5) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

77. Complaint

A person wishing to lodge a complaint must lodge the complaint, in writing, with the Municipal Manager.

78. Notice of compliance and representations

- (1) A notice of compliance must state -
 - (a) the name and residential and postal address, if either or both of these be known, of the affected person;
 - (b) the nature of the state of disrepair;
 - (c) in sufficient detail to enable compliance with the notice, the measures required to remedy the memorial work;
 - (d) that the person must within a specified time period take the measures to comply with the notice, to diligently continue with the measures, and to complete the measures before a specific date;
 - (e) that failure to comply with the requirements of the notice within the period contemplated in paragraph (d) is an offence;
 - (f) that written representations, as contemplated in subsection (3) may, within the time period stipulated under paragraph (d) above, be made to Council at a specified place.
- (2) Council, when considering any measure or time period envisaged in subsections (1)(d) and (e), must have regard to -
 - (a) the principles and objectives of these By-laws;
 - (b) the state of disrepair;
 - (c) any measures proposed by the person on whom measures are to be imposed; and
 - (d) any other relevant factors.
- 3) A person may within the time period contemplated in paragraph (1)(f) make representations, in the form of a sworn statement or affirmation to Council at the place specified in the notice.
- (4) Representations not lodged within the time period will not be considered, except where the person has shown good cause and Council condones the late lodging of the representations.
- (5) Council must consider the representations and any response thereto by an authorised official or any other person, if there be such a response.
- (6) Council may, on its own volition, conduct any further investigations to verify the facts if necessary, and the results of the investigation must be made available to the person, who must be given an opportunity of making a further response if he or she so wishes, and Council must also consider the further response.

- (7) Council must, after consideration of the representations and response, if there be such a response, make an order in writing and serve a copy of it on the person.
- (8) The order must -
- (a) set out the findings of Council;
 - (b) confirm, alter or set aside in whole or in part, the notice of compliance; and
 - (c) specify a period within which the person must comply with the order made by Council.
- (9) If the notice of compliance is confirmed, in whole or in part, or is altered but not set aside, Council will inform the person that he or she -
- (a) must discharge the obligations set out in the notice; or
 - (b) may elect to be tried in court.
- (10) If the person elects to be tried in court he or she must, within seven calendar days, notify Council of his or her intention to be so tried.
- (11) If the person does not elect to be tried in court, he or she must, within the prescribed manner and time discharge his or her obligations under the order.
- (12) Where there has been no compliance with the requirements of a notice, the Council may take such steps as it deems necessary to repair the monumental work and the cost thereof must be paid to the Council in accordance with section 62 (*Costs*).

79. Costs

Should a person fail to take the measures required of him or her by notice, Council may, subject to subsection (3) recover all costs incurred as a result of it acting in terms of paragraph 61(12) (*Notice of compliance and representations*) from the contractor.

80. Appeal

- (1) A person whose rights are affected by a decision of an official, may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- (2) The municipal manager must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (3) The municipal manager must commence with an appeal within six weeks and decide the appeal within a reasonable time

81. Charges

- (1) The charges set forth in the tariff (as contained in Schedule B) in respect of the various items therein contained, must be paid to the Council.

- (2) Should a person fail to pay a tariff as prescribed in these by-laws, Council may act in accordance with the provisions of section **XXX of the Tariff By-laws, 2010.**

82. Penalties

- (1) A person who has committed an offence in terms of these by-laws is, on conviction, liable to a fine not exceeding R2000,00 or in default of payment, to imprisonment for a period not exceeding 6 months, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

83. Limitation of liability

The Council is not liable for any damage or loss caused by –

- (a) the exercise of any power or the performance of any duty in good faith under these By-laws; or
(b) the failure to exercise any power, or perform any function or duty in good faith under these By-laws.

84. Revocation of by-laws

Any by-laws relating to cemeteries, crematoria and funeral parlours 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

SCHEDULE

SCHEDULE A

APPLICATION FORM

Name of applicant

Address of applicant

Name of diseased person to be interred

Particulars of diseased person

SCHEDULE B**TARIFF OF CHARGES**

1. Section 6(2): RXXX
2. Section 19(4): RXXX
3. Section 19(5): RXXX
4. Section 21(2): RXXX
5. Section 22 (2): RXXX
6. Section 22(4): RXXX
7. Section 23: RXXX
8. Section 37(2): RXXX
9. Section 42(3): RXXX

FUNERAL UNDERTAKERS**37. Enforcement officials**

(1) The Council, in order to reduce a public health hazard or eliminate a public health hazard, may issue such order or notice or undertake such remedial work as the Council may deem necessary.

(2) The Environmental Health Practitioner and such other person as the Council may or must appoint in accordance with, or who is empowered to act by any other law, are the officials responsible for the implementation of these By-laws, and have such powers as granted in such law, and the Council may furthermore grant other powers to an official as the Council may deem necessary from time to time.

39. Costs

(1) Should a person fail to take the measures required of him or her by a notice of compliance contemplated in section 38, the Council may, subject to subsection (3) recover, as a debt, and in accordance with **section 15 of the Customer Care and Revenue Management By-laws, 2004**, all costs incurred as a result of it acting in terms of section 38(5) from that person and any or all of the following persons:

- (a) the owner of the land, building or premises; or
- (b) the person or occupier in control of the land, building or premises or any person who has or had a right to use the land at the time when the situation came about.

(2) The costs recovered must be reasonable and may include, without being limited to, costs relating to labour, water, equipment, administrative and overhead costs incurred by the Council under section 38(5).

(3) If more than one person is liable for costs incurred, the liability must be apportioned as agreed among the persons concerned according to the degree to which each was responsible for the emergency resulting from their respective failures to take the required measures.

43. Penalties

A person who has committed an offence in terms of these by-laws is, on conviction, and subject to penalties prescribed in any other law, liable to a fine not exceeding R2000, or in default of payment, to imprisonment for a period not exceeding six(6) months, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine not exceeding R1000 for every day such offence continues, or in default of payment thereof, to imprisonment for a period not exceeding six(6) months.

44. Authentication and service of notices and other documents

- (1) A notice issued by the Council in terms of these By-laws is deemed to be duly issued if it is signed by an authorised official.
- (2) Any notice or other document that is served on a person in terms of these By-laws is regarded as having been duly served –
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;
 - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of the body corporate; or
 - (g) when it has been delivered, at the request of that person, to his or her e-mail address.
- (3) Service of a copy is deemed to be service of the original.
- (4) When any notice or other document is served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, or holder of the property or right in question, and it is not necessary to name that person.

45. Appeal

- (1) A person whose rights are affected by a decision of an official of the Council acting in terms of these By-laws may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.

(2) The appeal authority contemplated in subsection (3) must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

(3) When the appeal is against a decision taken by –

- (a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
- (b) the Municipal Manager, the Mayor is the appeal authority; or
- (c) a political structure or political officer bearer, or a Councillor the Council is the appeal authority.

(4) The appeal authority must commence with an appeal within six weeks of receipt of the notice of appeal and decide the appeal within a reasonable time.

46. Saving and transitional provisions

A person who uses or owns, or on whose land is erected any building, structure, enclosure or runway is allowed a period of six calendar months from the date of commencement of these By-laws, to make the necessary structural arrangements to comply with these by-laws.

47. Revocation of by-laws

Any by-laws relating to Funeral Undertakers premises 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

48. Short title and commencement

These By-laws may be cited as the Funeral Undertakers' Premises By-laws, 2015, and commence on a date as determined by the Council and published in the Provincial Gazette.

LOCAL AUTHORITY NOTICE 105 OF 2015**MUNICIPALITY OF RAMOTSHERE MOILOA****BY-LAW RELATING TO DERELICT AND UNSIGHTLY BUILDINGS, 2015 (NO. 10 OF 2015)**

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 Unsightly and Neglected Buildings and Premises which shall come into operation on the date of publication thereof.

**BY-LAWS RELATING TO UNSIGHTLY AND
NEGLECTED BUILDINGS AND PREMISES**

[1] In these by-laws

“**building**” has the meaning assigned thereto in section 1 of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), as amended;

“**Council**” means the Municipal Council of **Ramotshere Moiloa** and includes any employee to whom the Council has delegated powers to enforce and/or perform duties in terms of these by-laws;

“**municipal area**” means the area under the jurisdiction and control of the Council;

“**owner**” means

[a] The person in whom from time to time is vested the legal title to premises;

[b] In a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative.

[c] In a case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of such premises with a building thereon;

- [d]** In the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof
- [e]** In relation to –
 - [i]** A piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act 1986, (Act 95 of 1986), and without restricting the above, the developer or the body corporate in respect of the common property, or
 - [ii]** A section as defined in such Act, the person in whose name such a section is registered under a sectional title deed and includes the lawfully appointed agent of such a person
- [f]** any legal person including but not limited to:
 - [i]** A company registered in terms of the Companies Act, 1973 (Act 61 of 1973), a Trust, a Closed Corporation registered in terms of the Closed Corporations Act, 1984 (Act 69 of 1984) and a Voluntary Association.
 - [ii]** Any Department of State.
 - [iii]** Any Council of Board established in terms of any legislation applicable to the Republic of South Africa.
 - [iv]** Any Embassy or other foreign entity.

“**premises**” means any land, whether vacant, occupied or with buildings thereon, situated within the municipal area.

- [2]** Where upon any premises there is, in the opinion of the Council-
 - [a]** a building which is unsightly, neglected or offensive and which causes the value of surrounding properties to be detrimentally affected;
 - [b]** a growth of neglected lawns, trees shrubs or other cultivated vegetation.
 - [c]** An unsightly accumulation of papers, cartons, garden refuse, rubble and/or other waste material;
 - [d]** An accumulation of motor wrecks or used motor parts, which -
 - [i]** detracts from the appearance of surrounding properties, or
 - [ii]** is offensive to the owners or occupiers of adjacent premises-

the Council shall serve a notice in writing on the owner or occupier of such

premises requiring him or her or it to improve such building or the condition of such premises to a standard acceptable to the Council which standard shall be stated in the notice within a specified period which shall not exceed ninety (90) days from the date of the notice.

- [3] If the owner fails to comply with the requirements of the notice served on him or her or it in terms of Section 2 of these by-laws within the period specified in such notice, such owner shall be guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months.
- [4] Alternatively and instead of instituting legal action against the owner in terms of Section 3 of these by-laws and provided no written objections from such owner have been received before the expiry date of the period specified in the notice served on him, her or it, the Council shall assume that such owner has no objection and tacitly agrees that the Council may, without any further notice to him or her or it, enter upon such premises and, at his or her or its cost and through its officials or a contractor appointed by the Council on a tender or quotation basis, execute the work necessary to comply with the requirements of the said notice.
- [5] The Council shall be entitled to recover the cost of the work undertaken in terms of Section 4 in any court of law from the owner so in default.
- [6] A certificate under the hand of the Municipal Manager of the Municipality stating the cost of the work referred to in Section 5 shall be conclusive proof thereof.
- [7] Any by-laws promulgated by the Ramotshere Moiloa Local

Municipality or any Municipal Council of an administrative unit now forming part of the said Municipality and pertaining to any matter regulated in these by-laws shall, from the date of promulgation of these by-laws, be repealed

LOCAL AUTHORITY NOTICE 106 OF 2015

MUNICIPALITY OF RAMOTSHERE MOILOA

**BY-LAW RELATING TO THE DISPOSAL OF CONTAMINATED AND OR INFECTIOUS WASTE, 2015 (NO. 4 OF 2015)**

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 Disposal of Contaminated and or Infectious Waste which shall come into operation on the date of publication thereof.

[1] Definitions

In these by-laws unless the context indicates otherwise:

"Contaminated animal carcasses, body parts and bedding" means contaminated carcasses, body parts and bedding of animals that were intentionally exposed to pathogens in research, in the production of biologicals, or the in vivo testing of pharmaceuticals.

"Contaminated sharps" means discarded sharps (e.g. hypodermic needles, syringes, Pasteur pipettes, broken glass, and scalpel blades) which have come into contact with infectious agents during use in patient care or in medical, research or industrial laboratories.

"Council" means the Council of the Municipality or any duly authorised Committee or official of the Council.

"Cultures and stocks of infectious agents and associated biologicals" means specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals and live or attenuated vaccines and culture dishes and devices used to transfer, inoculate and mix cultures.

"Human blood and blood products" means waste such as serum, plasma and other blood components.

"Infectious waste" means waste capable of producing an infectious disease.

"Isolation waste" means waste generated by hospitalised patients isolated to protect others from communicable diseases.

"Miscellaneous contaminated wastes" means wastes from surgery and autopsy (e.g. soiled dressings, sponges, drapes, lavage tubes, drainage sets, underpads and gloves), contaminated laboratory wastes (e.g. specimen containers, slides and cover slips, disposal gloves, laboratory coats and aprons), dialysis unit waste (e.g. tubing filters, disposable sheets, towels, gloves, aprons and laboratory coats), and contaminated equipment (e.g. equipment used in patient care, medical and industrial laboratories, research and in the production and testing of certain pharmaceuticals).

"Municipality" means the Municipality of Ramotshere Moiloa

"Pathological waste" means waste consisting of tissues, organs, body parts and body fluids that are removed during surgery and autopsy.

[2] Storage of infectious waste

- [a] All infectious waste must be placed at the point of generation into a container approved by the Council.
- [b] The container used for the storage of sharp objects must be constructed of such a material that the object cannot pierce the container. The container must also be fitted with a safe and hygienic lid which must be sealed after use.
- [c] The container used for the disposal of other infectious waste must be constructed of a suitable material preventing the leakage of the contents. The container must also be fitted with a safe and hygienic lid which must be sealed after use.
- [d] All containers must be adequately labelled and marked with the universal biohazardous waste symbol.

[3] Transport of Infectious waste

- [a] All containers of infectious waste must be sealed intact at the point of generation.
- [b] The vehicle transporting infectious waste must be clearly marked indicating infectious waste in transit.
- [c] The vehicle used for the transport of infectious waste must be so designed that the driver's cab is separated from the load area. The load area must be enclosed with suitable sealable, lockable doors.
- [d] All infectious loads being carried or conveyed for disposal must be invoiced by the person or institution from which such waste is generated and the invoice must contain details of the premises from which the infectious waste was generated and the premises where the waste will be disposed of.

[4] Removal and disposal of infectious waste

- [a] The Council may remove infectious waste from the premises of generation and dispose thereof in a safe, sanitary and supervised manner, and the owner of such premises or the owner of the waste as determined by the Council shall be liable to the Council for payment of the tariff charges in respect of the aforesaid removal services.
- [b] Private contractors may, with the written consent of the Council and subject to such terms and conditions as it may determine, remove and dispose of infectious waste.
- [c] Infectious waste may, with the written consent of the Council and subject to compliance with such terms and conditions as it may determine, be disposed of in an approved high temperature pollution free incinerator on the premises of origin of such waste.
- [d] Unless otherwise determined by the Council, the burning temperatures in the primary and secondary chambers of the incinerator shall, at all times, exceed 800 degrees C and 1000 degrees C respectively and also have rapid cooling to prevent carcinogenic chemicals from entering the atmosphere.
- [f] The Council may by resolution determine additional conditions pertaining to the storage, placement, removal and conveyance of contaminated and or infectious waste including conditions pertaining to vehicles used for the removal and transportation of such waste and such additional conditions shall apply in addition to the conditions contained in these by-laws.

[4] Infectious waste

For the purpose of these by-laws, infectious waste shall include all the wastes referred to in section 1 hereof as well as contaminated animal carcasses, body parts, bedding, sharps, cultures and stocks of infectious agents and associated biologicals, human blood and blood products.

[5] Penalties

Any person who contravenes or fails to comply with any provision of these by-laws or any instruction or permit issued thereunder shall be guilty of an offence and be liable on conviction to a fine not exceeding R1000 or such higher amount as is determined from time to time by the Minister of Justice as contemplated in section 1(1)(a) of the Adjustment of Fines Act 1991 (Act No. 101 of 1991) or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[6] Repeal of By-Laws

Any by-law relating to the disposal of contaminated and or infectious waste 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 107 OF 2015**MUNICIPALITY OF RAMOTSHERE MOILOA****BY-LAWS RELATING TO THE KEEPING OF ANIMALS, 2015(NO.1 OF 2015)**

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 Keeping of Animals which shall come into operation on the date of publication thereof.

Purpose of By-Laws

The purposes of these by-laws is to promote the interests of animals and residents by exercising control over the numbers and kinds of animals that may be kept as well as the conditions under which such animals may be kept, sheltered and cared for and to provide for the prevention of nuisances through the keeping of such animals.

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: -

"animals" mean members of the equine family, cattle, sheep, goats, pigs, fowls, dogs, cats, or other domestic animals or birds, or any wild animal, wild bird or reptile which is in captivity or under the control of any person;

"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;

"nuisance" means, any act, omission or condition which is, in the opinion of the municipality, detrimental to health and/or offensive or injurious or which materially interferes with the ordinary comfort and/or convenience of the public and/or adversely affects the safety of the public and/ or which disturbs the quiet of the neighbourhood, and

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

"premises" means any piece of land registered in a deeds registry as an erf, lot, plot, or stand as part of a township, and includes a stand or lot forming part of a piece of land laid out as a township, but not yet registered, or a portion of such erf, stand or lot and includes any residential site outside townships provided by government departments, semi-government institutions or industries and, where the text so requires, buildings on such erf, stand or lot ;

Written permission

- [2] No person shall keep or permit to be kept on any premises or property any animals [excluding pets] without the written permission of the municipality, and such permission may be withdrawn if, at any time, a nuisance is caused or the requirements of these by-law are not complied with; provided that the provisions of this section shall not apply to premises or land which is zoned for agricultural purposes.

Number of animals

- [3] For the purpose of controlling and restricting the keeping of animals within townships, the municipality may from time to time determine the number, kind and sex of animals that may be kept and the areas within which such animals shall be prohibited.

Plans for structures and management

- [4] [1] An application for permission to keep animals shall be accompanied by a detailed site plan indicating all structures and fences, existing and proposed, on the premises.
- [2] Detailed plans and specifications shall be submitted to and be approved by the municipality in respect of all structures where animals are to be accommodated.
- [3] A detailed explanation of the number, kinds, sizes and sex of animals to be accommodated on premises shall accompany the plan.
- [4] Notwithstanding anything to the contrary contained in these by-laws the municipality may refuse to approve the application and

plans if, in its opinion, the premises, owing to its location, siting or geographical features is unsuitable for the keeping of animals thereon.

Structures shall comply with requirements

- [5] [1] All structures housing animals shall be constructed in a workmanlike manner and of materials approved by the municipality.
- [2] No structure shall be sited within a distance of 15 m from any dwelling and staff quarters or the boundary of a residential erf and 8 m from any road boundary. The municipality may however, depending on circumstances and in its sole discretion, allow a relaxation of the said distances.
- [3] Every part of a structure in which animals will be housed shall be properly maintained and painted as often as the municipality may deem necessary.
- [4] No animals shall be kept in a structure or on land which is considered by the municipality to be undesirable or objectionable by reason of its locality, construction or manner of use.

Premises to be kept clean

- [6] [1] All manure from animals shall be stored in a manner approved by the municipality and disposed of on a regular basis at an approved place or disposal site so as to prevent any nuisance from being created.
- [2] All animal feed shall be stored in a rodent-proof receptacle approved by the municipality.
- [3] The premises in which animals are accommodated shall be kept in such condition as not to attract or provide shelter for rodents.

Animals and pets kept in an unsatisfactory manner

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

Stray animals and pets

- [8] [1]** The municipality may seize animals or pets found on any premises, land or a public road and which are not under supervision or control of any person and which are causing a nuisance or danger to the safety and health of persons.
- [2]** Animals or pets seized in terms of sub-section [1] may be destroyed or caused to be destroyed by the municipality with such instruments or appliances and with such precautions and in such a manner as to inflict as little suffering as possible.

DOG KENNELS AND CATTERIES

Requirements for premises

- [9]** No person shall keep a kennel or cattery unless the requirements listed hereunder are complied with:
- [1]** Every dog or cat shall be kept in an enclosure complying with the following requirements:
- [a]** It shall be constructed of durable materials and the access thereto shall be adequate for cleaning purposes.
 - [b]** The floor shall be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending over the full width of the floor and situated within the enclosure, which channel shall be graded and shall drain into a gully connected to the municipality's sewer system by means of an earthenware pipe or a pipe of any other approved material with a minimum diameter of 100 mm, or to another approved disposal system.
 - [c]** A kerb 150 mm high shall be provided along the entire length of the channel referred to in sub-section [b] and on the side thereof adjacent to the surrounding outside area, to prevent storm water from such area from entering the channel.
- [2]** Every enclosure referred to in sub-section [1] shall contain a roofed shelter for the accommodation of dogs and cats and such shelter shall comply with the following requirements:
- [a]** Every wall shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface without cracks or open joints.

- [b] The floor shall be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints and the surface between the floor and the walls of a permanent structure shall be covered.
- [c] Every shelter shall have adequate access thereto for the cleaning thereof and for extermination of vermin.
- [3] In the case of dogs, a dog kennel of moulded asbestos or other similar material, which is movable and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter contemplated in sub-section [2], and if the base of such kennel is not rendered waterproof, a sleeping board which will enable the dog to keep dry shall be provided in every such kennel.
- [4] A concrete apron at least 1 m wide shall be provided at the entrance of the enclosure over its full width and the apron shall be graded for the drainage of water away from the enclosure.
- [5] A supply of potable water, adequate for drinking and cleaning purposes, shall be provided in or adjacent to the enclosure.
- [6] All food shall be stored in a rodent-proof store-room, and all loose food shall be stored in rodent-proof receptacles with closefitting lids in such store-room.
- [7] At least 5 m of clear, unobstructed space shall be provided between any shelter or enclosure and the nearest point of any dwelling, other building or structure used for human habitation or any place where food is stored or prepared for human consumption.
- [8] Isolation facilities for sick dogs and cats shall be provided to the satisfaction of the municipality.
- [9] If cages are provided for the keeping of cats, such cages shall be of durable, impervious material and constructed so as to be easily cleaned.

PET SHOPS

Requirements for premises

- [10] No person shall conduct the business of a pet shop upon any premises unless the premises are constructed and equipped in accordance with the following requirements:

- [1] Every wall, including any partition of any premises shall be constructed of brick, concrete or other durable material, shall have a smooth internal surface and shall be painted with a light coloured washable paint or given some other approved finish.
- [2] The floor of any premises shall be constructed of concrete or other durable and impervious material brought to a smooth finish.
- [3] The ceiling of any premises shall be constructed of durable material, have a smooth finish, be dustproof and be painted with a light coloured washable paint.
- [4] Sanitary facilities shall be provided to the premises as required by the National Building Regulations.
- [5] A rodent-proof store-room shall be provided on the premises to the satisfaction of the municipality.
- [6] Facilities for the washing of cages, trays and other equipment shall be provided on the premises to the satisfaction of the municipality.
- [7] If required, change room or locker facilities shall be provided on the premises to the satisfaction of the municipality.
- [8] No door, window or other opening in any wall of premises shall be within 2 m of any other door, window or other opening to any other building in which food is prepared, stored or sold for human consumption or is consumed by humans.
- [9] There shall be no direct access from the premises from which a pet shop is conducted to any habitable room or any room in which clothing or food for human consumption is stored.

Business requirements

- [11] Every person who conducts the business of a pet shop shall:
 - [1] for the separate housing of animals, poultry or birds provide movable cages complying with the following requirements:
 - [a] The cages shall be constructed entirely of metal or other durable, impervious material and shall be fitted with a removable metal tray below the floor thereof to facilitate cleaning.
 - [b] Every cage shall be free from any recess or cavity not readily accessible for cleaning and every tubular or hollow fitting used in connection therewith shall have its

interior cavity sealed.

- [c]** If rabbits are kept in a cage, the metal tray referred to in sub-section [a] shall drain into a removable receptacle.
- [d]** Every cage shall be fitted with a drinking vessel kept filled with water and accessible to pets kept in the cage;
- [2]** provide rodent-proof receptacles of impervious material with close-fitting lids in the store-room of the pet shop in which all pet food shall be stored;
- [3]** maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop in a clean, sanitary condition, free from vermin and in good repair;
- [4]** take effective measures to prevent the harbouring or breeding of, and to destroy, flies, cockroaches, rodents and other vermin, and to prevent offensive odours arising from the keeping of pets on the premises;
- [5]** provide overalls or other protective clothing for use by persons employed in connection with the pet shop and ensure that such apparel is worn by every employee when on duty;
- [6]** at all times keep every pet in or on the premises unless otherwise approved by the Municipality;
- [7]** provide isolation facilities in which every pet which is or appears to be sick shall be kept whilst on the premises;
- [8]** ensure that there is a constant supply of potable water in the premises for drinking and cleaning purposes;
- [9]** ensure that the premises are at all times so ventilated as to ensure sufficient movement of air for the comfort and survival of the pets, and
- [10]** ensure that the number of pets per cage is not such that the free movement of such pets is impeded.

PET SALONS

Requirements for premises

- [12]** No person shall conduct the business of a pet salon in or upon any premises unless the premises are constructed and equipped in

accordance with the following requirements:

- [1] A room shall be provided with a minimum floor area of 6,5 m² for the washing, drying and clipping of dogs or cats.
- [2] The floor of such room shall be constructed of concrete or other durable, impervious material brought to a smooth finish and graded to a channel drained in terms of the National Building Regulations.
- [3] The surface between the floor and the wall of such room shall be coved and the covering shall have a minimum radius of 75 mm.
- [4] Every internal wall surface shall be smooth-plastered and be painted with a light-coloured washable paint.
- [5] The room shall be equipped with -
 - [a] a bath or similar facility with a constant supply of hot and cold water drained in terms of the National Building Regulations;
 - [b] an impervious-topped table, and
 - [c] refuse receptacles of impervious, durable material with a close-fitting lid for the storage of cut hair pending removal.
- [6] If cages are provided for the keeping of cats and kennels for the keeping of dogs, such cages and kennels shall be of durable material and be so constructed as to be easily cleaned.

Business requirements

- [12] Every person who conducts the business of a pet salon shall -
 - [1] ensure that every cage, including its base, is of metal construction and movable;
 - [2] ensure that all pesticidal preparations and preparations used for the washing of dogs and cats and the cleaning of equipment and materials are stored in separate metal cupboards;
 - [3] ensure that all tables used for the drying and grooming of dogs and cats are of metal with durable and impervious tops;
 - [4] maintain the premises and every cage, tray, receptacle, basket and all apparatus, equipment and appliances used in connection

with the pet shop in a clean, sanitary condition, in good repair and free of vermin;

- [5] at all times keep every dog or cat inside the building on the premises, unless otherwise approved by the municipality.
- [6] provide portable storage receptacles of impervious material with close-fitting lids for the storage of dog and cat litter, and
- [7] remove all litter and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in sub-section [6].

Penalty

- [13] Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to—
 - [1] 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,
 - [2] 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
 - [3] a further amount equal to any costs and expenses found by the court to have been incurred by the municipality result of such contravention or failure.

Repeal of by-laws

- [14] Any by-laws relating to the keeping of animals 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 108 OF 2015**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 Keeping of Dogs which shall come into operation on the date of publication thereof.

BY-LAW RELATING TO THE KEEPING OF DOGS, 2015 (NO. 5 OF 2015)**Purpose of By-Law**

The purpose of these by-laws is to provide for the control over the amount of dogs that may be kept, the breeding with dogs, control over dogs by their owners, impounding of stray dogs and the prevention of nuisances through the keeping of dogs.

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: -

“dog” for the purpose of sections 3 and 4 means a dog over the age of six months;

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

“owner”, in relation to a dog, means any person who keeps a dog and includes any person to whom a dog has been entrusted or who has control over a dog on any premises within the area of jurisdiction of the Municipality.

“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;

“premises” means any piece of land registered in a deeds registry as an erf, lot, plot, or stand as part of a township or subdivision, or a stand or lot forming part of a piece of land laid out as a township or subdivision, but not yet registered, or a portion of such erf, stand or lot and includes residential sites outside townships provided by government departments, semi-government institutions or industries.

“public place” means any square, park, recreation ground, sports ground, lane, open space or enclosed place vested in the Municipality or other state authority or indicated as such on the Surveyor General’s records or utilised by the public or zoned as such in terms of the applicable zoning scheme or at any time declared or rendered such by the municipality or any other competent authority.

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

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

Application of by-law

- [2] The provisions of sections 4 and 10 of these by-laws shall not apply to premises which are zoned for agricultural purposes, provided that a person keeping dogs on premises so zoned shall not be exempted from compliance with any other provision of these by-laws or any other legislation which may be applicable to such premises.
- [3] The provisions of section 13 shall not apply to a guide dog which is bona fide utilised to accompany a blind person.

Number of dogs

- [4] Subject to the provisions of section 5, no person shall keep more than two dogs on any premises without the prior written consent of the municipality.
- [5] A licensed breeder of dogs who wishes to keep more than two dogs on –
- [a] premises zoned for agricultural purposes, shall be entitled to do so without any restrictions.
 - [b] premises zoned for any purpose other than agricultural purposes, must obtain the prior written consent of the municipality thereto.
- [6] An application for the municipality's consent in terms of section 5 shall not be considered by the municipality unless it is satisfied that the size of the premises on which the dogs are to be kept is not less than 5 000 m².
- [7] The municipality's consent in terms of section 5[b] to keep more than two dogs on a premises, shall be granted subject to such conditions and restrictions as the municipality may deem fit to impose.
- [8] The municipality may at any time revoke a consent granted in terms of section 5[b].

Control of dogs

- [9] No person shall –
- [a] permit any bitch on heat owned or kept by him to be in any public road or public place without supervision;
 - [b] urge any dog to attack, worry or frighten any person or animal, except where reasonably necessary for the defence of such first-mentioned person or his property or the property of any other person;
 - [c] keep any dog which –
 - [i] by barking, yelping, howling or whining;
 - [ii] by having acquired the habit of charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept, or
 - [iii] by behaving in any other manner-interferes materially with the ordinary comfort, convenience, peace or quiet of neighbours, or

- [d] permit any dog owned or kept by such person –
- [i] to be in any public road or public place while suffering from mange or any other infectious or contagious disease;
 - [ii] which is ferocious, vicious or dangerous to be in any public road or public place, unless it is muzzled and held on a leash and under control of himself or some responsible person;
 - [iii] to trespass on private property;
 - [iv] to constitute a hazard to traffic using any public road;
 - [v] to constitute or to his knowledge be likely to constitute a source of danger or injury to any person outside the premises on which such dog is kept, or
 - [vi] to be in any public road or public place except on a leash and under control of some responsible person.

Fencing of property

- [10] No person shall keep a dog if the premises where such a dog is kept, is not properly and adequately fenced to keep such dog inside the confines of such premises when it is not on a leash.

Dogs shall not be a source of danger

- [11] Any person who keeps a dog on any premises shall keep such dog in such manner as not to be a source of danger to employees of the municipality entering upon such premises for the purpose of carrying out their duties. A notice to the effect that a dog is being kept on such premises shall be displayed in a conspicuous place.

Removal of offensive matter

- [12] If any dog defecates in any public road or public place, any person in charge of such dog shall forthwith remove the excrement by placing it in a plastic or paper bag or wrapper and disposing of it in a receptacle provided for the deposit of litter or refuse.

Dogs on premises where food is sold

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

Seizure, impounding and destruction of dogs

- [14] If any dog suffering from mange or any other infectious or contagious disease, or which is ferocious, vicious or dangerous, or which is badly injured is found in any public road or public place, it may be seized and destroyed by the municipality.
- [15] The municipality may seize and impound at a place designated by it any dog which is found in any public road or public place in contravention of the provisions of these by-laws.
- [16] A dog impounded in terms of section 15 may be released to the owner of such dog upon payment of a fee determined by the municipality in addition to any costs, fines or taxes which may be outstanding in respect of such dog.

Liability

- [17] The municipality shall not be liable for any injury suffered or disease contracted by or damage caused to any dog as a result of or during its seizure, impoundment, detention or destruction in terms of these by-laws.

Penalty clause

- [18] Any person who contravenes or fails to comply with any provision of these by-laws shall be guilty of an offence and liable upon conviction to a penalty not exceeding –
- [1] a fine or imprisonment for a period of six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
 - [2] in the case of a continuing offence, to an additional fine or an additional period of imprisonment of ten 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
 - [3] a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

Repeal of By-Laws

- [19] Any by-law relating to the keeping of dogs 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 109 OF 2015

MUNICIPALITY OF RAMOTSHERE MOILOA

**BY-LAWS RELATING TO CHILDCARE SERVICES, 2015 (NO. 6 OF 2015)**

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 Childcare Services which shall come into operation on the date of publication thereof.

[1] Definitions

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 -

"authorised official" means an official of the Council or the official of another municipality or another organ of state with which the Council has concluded an agreement for the rendering of services in terms of these by-laws and to whom the Council has delegated a duty, function or power under these by-laws,

"child" means any person under the age of 18 [eighteen] years who is in the care of a childcare facility;

"childcare service" means any undertaking involving the custody and care of more than six children during the whole or part of the day on all or any days of the week;

"childminder service" means any undertaking involving the custody and care of a maximum of six children during the whole or part of the day on all or any days of the week;

"certificate" means a certificate issued in terms of Section 3 of these by-laws;

"certificate holder" means a person to whom a certificate has been issued in terms of Section 3 of these by-laws;

"communicable disease" means a communicable disease as defined by Section 1 of the Health Act, 1977 [Act No 63 of 1977];

"Council" means the Council of the Municipality or any Committee, Political Office Bearer or official thereof acting by virtue of any power entrusted or delegated to it or him in terms of legislation with regard to the application and implementation of these by-laws;

"facility" means a place where either a childcare or a childminder service is conducted, whichever is applicable, and "service" has a corresponding meaning;

"Health Act" means the Health Act, 1977 [No. 63 of 1977];

"Municipality" means the Municipality of Ramotshere Moiloa and includes the Council thereof;

"National Building Regulations" means the regulations published under the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977];

"occupier" includes any person in actual occupation of land or premises without regard to the title under which he or she occupies, and, in the case of premises sub-divided and let to lodgers or various tenants, includes the person receiving the rent payable to the lodgers or tenants whether for his or her own account or as agent for any person entitled thereto or interested therein;

"owner" includes any person that has title to any premises or land or any person receiving the rent or profits of any land or premises from any tenant or occupier thereof, or who would receive such rents or profits if such land or premises were let, whether for his or her own account or as agent for any person entitled thereto or interested therein: Provided that the "owner" in respect of premises on the Sectional Title Register opened in terms of Section 12 of the Sectional Titles Act, 1986, [Act 95 of 1986] means the body corporate, as defined in that Act, in relation to such premises;

"premises" means the stand, including any buildings or part thereof and outdoor play areas in or upon which a childcare service or a childminder service is conducted;

[2] **Application of by-laws**

[1] These by-laws shall apply to all childcare services and childminder services within the jurisdiction of the municipality.

[2] Subject to the provisions of these by-laws, no person shall conduct a childcare service or a childminder service unless it has been registered as contemplated in section 3 of these by-laws and such service is in possession of a valid certificate issued in terms of that section.

- [3] A person who is, at the date of commencement of these by-laws, conducting a childcare service or a childminder service shall, within one month of that date, or within such extended period as Council may allow, on written application made prior to the expiry of the said period, apply for registration of such service in terms of section 3 of these by-laws. If any person conducting such a service fails to apply as aforesaid or his application is refused, he shall, if he continues to conduct such service after such period or after refusal of his application, be deemed to have contravened section 2[2] of these by-laws.
- [4] A person whose service has been registered in terms of Section 3 of these by-laws shall ensure that the service and the premises comply with the conditions and restrictions imposed upon the operation of the service.

[3] Registration of Childcare Facilities and Childminder Facilities

- [1] Any person wishing to undertake the operation of a childcare or childminder service, must apply in writing, in a manner and form as near as possible to Form 1 of the Schedule, to the Council for such service to be registered for the intended purpose. If the applicant is not the owner of the premises, the written consent of the owner shall accompany the application.
- [2] The Council may, before or during the consideration of the application, request such further information relating to the application as it deems necessary.
- [3] The Council may approve an application and register the service if it is satisfied that the applicant is a fit and proper person to conduct the relevant facility, and that no circumstances exist which are likely to be prejudicial to the health, safety and welfare of the children who are to be cared for at the facility.
- [4] The Council may, at any time before or after approval of an application in terms of this section, require the applicant to submit to the Council a report at his own cost from a registered psychologist pertaining to the applicant's state of mental health as well as a social report on the qualifications and criminal background of such applicant.
- [5] The Council may approve an application and register the facility if it is satisfied that the premises comply with:-
- [a] the National Building Regulations;
 - [b] the Health Act;
 - [c] the Council's Town Planning Scheme or Town Planning Scheme in the course of preparation; and

- [d] requirements relating to the premises on which the childcare or childminder service is to be conducted as contemplated in these by-laws.
 - [e] as far as childcare facilities are concerned, registration with the Department of Social Development in accordance with the Childcare Act, 1983 [Act No 74 of 1983] as amended.
 - [6] When approving an application for registration, the Council may impose such further conditions and restrictions as it deems fit.
 - [7] Once an application for registration has been approved, the Council will issue a certificate which:-
 - [a] states the name of the person to whom it is issued;
 - [b] describes the premises in respect of which the application was approved;
 - [c] specifies any conditions or restrictions imposed in terms of sub-section [6];
 - [d] states the period for which the premises will be so registered.
 - [8] Neither registration nor the certificate is transferable to any other person, heir or successor-in-title to the certificate holder.
 - [9] If the Council does not approve an application for the registration of a childcare or childminder facility, the Council must within 14 [fourteen] days of the decision:-
 - [a] inform the applicant of such a decision;
 - [b] provide written reasons for such refusal if so requested by the applicant; and
 - [c] may give the applicant an opportunity to comply, within a period determined by the Council, with the stated requirements of or any other conditions and/or requirements that the Council may stipulate.
 - [10] A certificate holder shall, at least 30 days before expiry of the period referred to in sub-section [7][d], re-submit an application for registration in terms of this section.
- [4] Cancellation of Registration**
- [1] The authorised official shall, by written notice to the certificate holder where possible, cancel registration of a childcare service if-

- [a] the certificate holder is convicted of an offence under these by-laws or pays an admission of guilt in respect of any such contravention;
 - [b] the certificate holder fails to comply with any condition or restriction imposed in terms of section [3.6] of these by-laws; or
 - [c] the authorised official is of the opinion that the certificate holder is an unsuitable person to conduct a childcare service, or that circumstances exist that are likely to be prejudicial to the health, safety and welfare of children being cared for by the service;
 - [d] if the applicant sell or vacates the premises;
 - [e] upon the applicant or owner's death; and
 - [f] if the certificate holder notifies Council of the permanent termination of the service as contemplated in section 5 of these by-laws.
- [2] Upon cancellation of registration in terms of sub-section [1], the registration certificate shall lapse and the facility shall be closed immediately, provided that, before cancellation of the registration, the authorised official may in his sole discretion, suspend cancellation to afford the certificate holder an opportunity to remedy a defect in the premises or rectify an omission. If the certificate holder complies to his satisfaction, the authorised official may elect not to cancel the registration. During the period of such suspension, the certificate holder shall cease operation of the facility.

[5] Termination of Service

The certificate holder shall immediately notify Council of the temporary or permanent termination or closure of the childcare facility to which the certificate relates.

[6] Right of Entry and Inspection of Premises and Records

An authorised official may, in the enforcement of these by-laws, at any reasonable time and without prior notice, enter any premises upon which a childcare or childminder service is being conducted, or upon which such official has reasonable grounds for suspecting the existence of such service and conduct such examination, enquiry and inspection thereon as he may deem necessary.

[7] Requirements for Childcare Facility

Every childcare facility shall comply with the under-mentioned requirements provided that the authorised official may determine such additional

requirements as he may consider fit to meet any prescribed and/or desirable health and safety considerations:

[1] Office, staff room and sick-bay:

- [a]** If more than 30 children are cared for on the premises, provision should be made for a separate office large enough to be divided into a sick bay to accommodate at least two children, as well as a staff room where staff can rest and safe keep their personal possessions.
- [b]** The office, staff room and sickbay referred to in paragraph [a] may be combined.

[2] Indoor Play Area:

- [a]** Provision should be made for an indoor play area covering a minimum floor space of 1,8m² per child to be used for play, meals and rest.
- [b]** Not more than one third of the compulsory floor space per child may consist of covered veranda.
- [c]** Cots and mattresses utilised for sleeping purposes by children must be arranged so that there shall be a minimum of 50cm space between the cots and or mattresses.

[3] Kitchen:

- [a]** The kitchen must comply with the following requirements:
 - [i]** adequate and suitable cooking and washing facilities must be provided;
 - [ii]** a smoothly finished floor of concrete or any other impervious material;
 - [iii]** adequate natural lighting and ventilation;
 - [iv]** wall surfaces should have a smooth finish and should be painted with a washable paint;
 - [v]** ceilings must be dust-proof;
 - [vi]** all working surfaces must be of stainless steel or other impervious material;
 - [vii]** cooling facilities for the storage of perishable food must be provided;

- [viii] adequate storage space must be provided;
- [ix] adequate number of waste bins with tightly fitting lids;
- [x] adequate supply of potable as well as hot water and cleaning agents for the cleansing of equipment and eating utensils must be provided;
- [xi] the kitchen must be separate from the play area;
- [xii] the kitchen must not be accessible to the children;
- [xiii] all foodstuffs must be protected from contamination by dust, dirt, pests and any contaminating agent;
- [xv] kitchen staff must wear personal protective clothing which must be maintained in a clean and tidy condition at all times.

[4] Sanitary facilities:

- [a] Subject to sub-section [b], provision must be made for -
 - [i] one toilet and one hand washing facility for every 20 or less children under 5 years of age irrespective of sex; and
 - [ii] one toilet and hand washing facility for every 20 or less children above the age of 5 years, separate for each sex.
- [b] One urinal is to be regarded as equal to two toilets, provided that urinals should not replace more than 25% of the total toilet facilities.
- [c] Separate toilet facilities must be provided for the staff as contemplated in the National Building Regulations.
- [d] Walls and floors of the sanitary facilities must be of an impervious material rendered to a smooth surface.
- [e] The following additional toilet and wash facilities for children under the age of 2 years must be provided -
 - [i] facilities for the hygienic handling of nappies and potties;
 - [ii] adequate containers for the storage of clean and soiled napkins;
 - [iii] ready access to a suitable washing facility;

- [iv] suitable and adequate toilet and wash facilities for children who are not toilet trained;
 - [v] a supply of hot and cold running potable water at the wash-hand basins, or if no running water is available, a minimum of 25 litres of potable water, stored in a hygienically clean container.
 - [f] Chamber pots [potties] are to be emptied, cleaned and disinfected with a disinfectant immediately after being used and stored in a suitable place when not in use;
 - [g] All basins must be closely fitted to the walls at the rear of such basins which walls shall be smooth and washable.
- [5] **Outdoor play Area:**
 - [a] An outdoor play area of at least 2 m² per child must be provided.
 - [b] The outdoor play area must -
 - [i] comprise lawns, shady areas or other safe surfaces;
 - [ii] be fenced/walled to a height of 1.8 m;
 - [iii] have approved lockable or child-proof gates; and
 - [iv] shall be free of excavations and dangerous steps and levels.

[8] **Requirements for Child Minder Facility**

The certificate holder shall ensure that a child minder facility complies with the National Building Regulations and that the following minimum accommodation and facility requirements are provided:

- [a] adequate, suitable and unobstructed indoor floor area reserved for the use of the children;
- [b] suitable floor covering for the area referred to in paragraph [a] if required by, and to the satisfaction of the authorised official;
- [c] a kitchen on the premises for the preparation of meals;
- [d] storage facilities for the personal belongings of each child;
- [e] a towel and face cloth for each child, which shall be kept or hung separately;

- [f] a plastic bucket with a close-fitting lid for each child for the storage of soiled napkins, which buckets must be marked to ensure individual use and must be stored in a bathroom or other suitable area, inaccessible to any child;
- [g] separate storage for clean napkins; and
- [h] adequate outdoor play area, comprising lawns or other safe surfaces which is fenced and has approved lockable or child-proof gates, provided that if such an area cannot be provided, the authorised official may, at his sole discretion, approve of the substitution of an indoor area additional to that provided in terms of paragraph [a] above.

[9] **Equipment for children**

The certificate holder shall, to the satisfaction of the authorised official, provide sufficient and suitable equipment in every childcare facility and, except where otherwise provided, such equipment shall comprise as least the under-mentioned items which items shall comply with the minimum requirements listed:

- [a] chairs must be lightweight, washable and of a suitable height, without splinters or rough surfaces;
- [b] tables should be sturdy, washable and without splinters;
- [c] beds and mats for sleeping and resting purposes must in no way be dangerous to the child. Mattresses must be covered with suitable waterproof material;
- [d] sheets, waterproof sheets and blankets must be provided;
- [e] sufficient, safe and adequate indoor as well as outdoor play apparatus and toys must be provided;
- [f] personal toiletries such as face cloth, toothbrush, a comb or brush and items such as soap, paper towels and toilet paper must be supplied. It should be ensured that enough soap, towels or paper towels are available at the washbasins at all times;
- [g] sufficient eating utensils must be provided;
- [h] sand pits should be covered overnight, sprinkled with coarse salt every six weeks and the sand replaced at least once a year.

[10] **General Requirements**

Notwithstanding anything to the contrary contained in these by-laws, every childcare and childminder facility shall comply with the following general requirements:

- [1] All interior walls must have a durable finish that can be cleaned with relative ease.
- [2] All floors must be constructed of a smooth and impervious material that is durable and can be easily cleaned.
- [3] If carpeting is used on the floors, it must be kept clean at all times.
- [4] Any slats or rails forming part of an enclosure, security gate, play pen, bed, cot or any other object or structure whatsoever, must be a minimum of 75 mm apart, must be installed and maintained in a good state of repair, and if painted, only non-toxic paint must be used.
- [5] All windows and doors accessible to children must be constructed of safety glass.
- [6] A separate storage area must be provided for the storage of indoor and outdoor play materials, equipment, stretchers, sleeping mats, bedding and linen.
- [7] Waste bins with tightly fitted lids must be provided.
- [8] Apparatus and equipment used and any structures that may be on the premises must in no way present any danger to the children.
- [9] Provision should be made for the storage of medicines, cleaning materials and other harmful agents in such a way that it is out of the reach of children and kept separate from food.
- [10] Pets may not be kept on the premises without the prior permission of Council.
- [11] All food, eating utensils and equipment used for the preparation, handling or serving of food must be properly protected against dust, dirt, insects or any contaminating agent.
- [12] No children may have free access to living quarters of staff at any time. Adequate measures must be taken to keep such living quarters separate from the facility.
- [13] Insects and vermin must be efficiently combated.
- [14] Where a child stays with the childcare or childminder facility for longer than 4 [four] hours at a time, the person in charge of such facility must provide at least 2 [two] meals per day, which meals must be balanced and meet the child's daily nutritional requirements.
- [15] Children must at all times be under the direct supervision of an adult staff member.

[16] Staff should be trained and skilled in First Aid and Basic Fire Fighting.

[11] **Ratio of Staff to number of children**

[1] The certificate holder shall ensure that the following staff-to-children ratio is adhered to at all times:

Children from birth - 18 months old

1 childcare worker for every 6 or less babies

Children from 18 months to 3 years old

1 childcare worker for every 12 or less babies

Children from 3 to 4 years old

1 childcare worker for every 20 or less children

Children from 4 to 5 years old

1 childcare worker for every 30 or less children

School going children

1 staff member for every 35 or less children

[2] Administrative and domestic staff are not included in the ratio referred to in sub-section [1].

[12] **Health register**

[1] The certificate holder shall maintain a health register reflecting the following details of all children attending the facility:

[a] The child's name and date of birth.

[b] The name of the parents or guardian and their address and telephone number, both at home and at place of employment.

[c] The name and address and telephone number of each child's medical practitioner and dentist, with written authority from the parents or guardian to consult them in emergencies.

[d] Information concerning the child's general state of health and physical condition.

[e] Details of operations which each child has undergone, and any illnesses or communicable diseases from which the child has suffered and the relevant dates.

[f] Details of immunisations against polio, diphtheria, tetanus, whooping cough, measles, mumps, German measles and tuberculosis; and

- [g] Details of allergies and any medical treatment the child may be undergoing.
 - [2] The names of children who are allergic to certain substances or products should be posted prominently in the facility.
 - [3] A proper record of any medicine that is given to a child should be kept.
- [13] Medical Care of Children**
- [1] The certificate holder shall -
 - [a] observe all children for any signs of illness, indisposition, injury or other abnormal condition, including possible child abuse.
 - [b] keep an Incident Register of all injuries and illnesses which occurred or manifested themselves whilst the child was on the premises and keep records of injuries observed on the child which have occurred other than at the premises;
 - [c] immediately notify the parent or guardian of such illness, indisposition, injury or other abnormal condition;
 - [d] if necessary and subject to the prior consent of the parent or guardian, summon the private medical practitioner if any child is suffering or suspected to be suffering from illness or injury or in the event of the unavailability of such medical practitioner, summon a medical practitioner of the certificate holder's choice;
 - [e] immediately isolate the child suffering as contemplated in sub-section [d] and devote all care necessary to the comfort and treatment of the child whilst on the premises;
 - [f] only administer medicine to a child with the written consent of that child's parents or guardian;
 - [g] in the event of a communicable disease or detection of signs of possible child-abuse, notify the authorised official and/or the local social worker immediately;
 - [h] ensure that all children admitted to the facility have completed basic immunisation schedules, provided that if a child is too young, the certificate holder shall ensure that such immunisation be performed soon as the child is old enough;
 - [i] inform the parents or guardian immediately if head or body lice are noticed and the child or children concerned may not be allowed back into the facility before the condition has cleared up.

[14] Health and Safety Measures

- [1]** The certificate holder shall, in the interest of the health and safety of the children -
- [a]** take effective precautions for the protection of the children against fires, hot water installations, electrical fittings and appliances and any other object, condition or thing which may be dangerous or is likely to cause injury to any child;
 - [b]** fence and completely cover any swimming or paddling pool on the premises at all times when not in use. Any children utilising the pools must do so with the parents' consent and must be under adult supervision at all times;
 - [c]** ensure that all gates or doors of outdoor play areas are securely locked or otherwise closed at all times so as to prevent children from entering or leaving the confines of such areas or the premises of their own accord, and to prevent the entrance or presence of unauthorised people and domestic animals in the facility;
 - [d]** equip and maintain first-aid equipment, to the satisfaction of the authorised official, and keep it readily available for use and out of reach of children;
 - [e]** install fire fighting equipment on the premises in accordance with National Building Regulations SABS 0400 and submit an Emergency Procedure to the Fire Brigade Disaster Management Officer or other designated official of the municipality for approval.
 - [f]** store medicines, corrosive and other harmful substances, including cleaning materials and alcoholic beverages, in a safe manner and in a place not accessible to the children;
 - [g]** ensure that no noxious or poisonous plant or shrub grows on the premises;
 - [h]** arrange for the medical examination of employees and other persons involved in the conduct of the childcare service or present on the premises when called upon by the authorised official to do so, and shall not allow any person who is found to be suffering from, or a carrier of, a communicable disease, to remain on the premises.
- [2]** The provisions of the Regulations relating to Communicable Diseases and the Notification of Notifiable Medical Conditions published under Government Notice R. 2438 dated 30 October 1987, as amended, and or any other similar and applicable law shall, mutatis mutandis, apply to

the services as if it falls within the scope of the expression "teaching institution" in Regulation 1 of those Regulations and-

- [a] a breach by a certificate holder of a duty placed upon a principal in terms of the Regulations shall be deemed to be a breach of these by-laws;
- [b] the duties placed upon and the powers vested in a medical official of health under the Regulations shall be placed upon or vested in the authorised official for the purposes of these by-laws.

[15] Management responsibilities

- [1] The certificate holder shall ensure that -
 - [a] no refuse receptacle or any other potentially harmful or hazardous object or material is stored in the outdoor play area used by the children;
 - [b] children are under adult supervision at all times;
 - [c] each child uses his own sleeping equipment, towel and face cloth, clearly marked and kept separately;
 - [d] prepared infant feeds are provided by the parents or guardians of babies, in bottles with covered teats;
 - [e] the facility has access to a telephone at all times;
 - [f] the premises is maintained in a clean, hygienic, safe, sound and pest-and-rodent-free condition at all times;
 - [g] staff are clean, healthy and appropriately dressed at all times;
 - [h] no person smoke or use any tobacco product in the presence of children.

[16] Transport

- [1] The certificate holder shall ensure that -
 - [a] if transport is provided for the children to and from the facility, the staff of the facility are held responsible for the child for the period that he is so transported until he is handed back to his parent or guardian or an authorized person;
 - [b] in addition to the driver, at least one other adult should be in the vehicle with the children;

- [c] all doors are fitted with child locks and said locks are used at all times when transporting children;
- [d] the driver remains in the driving cabin of the vehicle at all times and may not assist in the handing-over of the children;
- [e] no children are transported in the driving cabin;
- [f] the driver of the vehicle is in possession of a special license to transport passengers;
- [g] babies in carrycots are not pushed in underneath the seats;
- [h] the sitting space for each child and the room for carrycots must comply with the prescribed requirements; and
- [i] any other prescribed legislation regulating the transportation of children is adhered to.

[17] Offences and Penalties

- [1] Any person who -
 - [a] contravenes or fails to comply with any provision of these by-laws;
 - [b] contravenes or fails to comply with any notice given or condition imposed in terms of these by-laws;
 - [c] for the purpose of these by-laws, makes a false statement knowing it to be false or deliberately furnishes false or misleading information to an authorized official or official; or
 - [d] threatens, resists, interferes with or obstructs an authorized official or employee of Council in the performance of his/her powers, duties or functions as contemplated in these by-laws, shall be guilty of an offence and upon conviction be liable to a fine or imprisonment for a period not exceeding six months or to both the fine and the imprisonment.

[18] Repeal of By-laws

- [1] Any by-laws adopted by the Council or the Council of a Municipality now forming an administrative unit of the Council and relating Crèches and Crèches-Cum Nursery Schools or any facilities in respect to or with regard to any matter regulated in these by-laws are hereby repealed.
- [2] Anything done under the provisions of the by-laws repealed by subsection [1], shall be deemed to have been done under the corresponding provision of these by-laws and such repeal shall not

affect the validity of any approval, authority, waiver or other act which at the commencement of these by-laws is valid under the by-laws so repealed.

[19] Date of commencement

These by-laws commence on the date of publication thereof in the Provincial Gazette.

SCHEDULE

FORM 1

APPLICATION FOR OPERATION OF A CHILDCARE FACILITY

To be completed by an applicant as contemplated in section 3 of these by-laws.

DETAILS OF APPLICANT FIRST NAMES: _____

SURNAME: _____

GENDER [tick applicable block]

MALE

FEMALE

NATIONALITY: _____

IDENTITY NUMBER [attach certified copy of ID document]: _____

RESIDENTIAL ADDRESS: _____

POSTAL ADDRESS: _____

TELEPHONE NUMBER: _____

DETAILS OF PREMISES INTENDED FOR CHILDCARE FACILITY

ADDRESS: _____

ERF NO [attach certified copy of title deed or owner's consent]: _____

QUALIFICATIONS HIGHEST STANDARD PASSED: _____

LIST ALL OTHER RELEVANT QUALIFICATIONS: _____

HAVE YOU EVER BEEN CONVICTED OF A CRIMINAL OFFENCE
[tick applicable block]

YES

NO

IF YES, PROVIDE DETAILS WITH REGARD TO OFFENCE, INCLUDING DATE OF COMMISSION:

SENTENCE, INCLUDING DATE OF CONVICTION: _____

POLICE STATION WHERE OFFENCE WAS REPORTED INCLUDING CASE NUMBER: _____

MEDICAL HISTORY

DO YOU SUFFER FROM ANY CHRONIC ILLNESS FOR WHICH YOU ARE CURRENTLY RECEIVING MEDICAL TREATMENT? IF YES, STATE THE NATURE OF THE MEDICAL CONDITIONS AND TREATMENT BEING ADMINISTERED AND ATTACH A COPY OF A DOCTOR'S MEDICAL REPORT:

SIGNATURE OF APPLICANT

DATE

LOCAL AUTHORITY NOTICE 110 OF 2015
MUNICIPALITY OF RAMOTSHERE MOILOA



BY-LAWS RELATING TO PARKING METERS, 2015 (NO. 2 OF 2015)

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 Parking Meters which shall come into operation on the date of publication thereof.

[1] Definitions

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 -

“**Act**” means the National Road Traffic Act 1996 as amended and includes any regulation framed under the Act;

“**Council**” means the Municipal Council of Ramotshere Moiloa and includes any duly authorised Committee or employee thereof;

“**demarcated parking place**” means a demarcated parking place on which a parking meter has been installed;

“**parking meter**” means a device for automatically registering and visibly recording the passage of the parking period and operated by the insertion of a coin therein, and includes any post or fixture to which it is attached; or a device for registering and visibly recording the passage of the parking period and operated by inserting a coin therein and turning the handle, which is attached for this purpose, as far as possible;

“**parking period**” means that period of time of parking in a demarcated parking place which is determined by the insertion into a parking meter of the appropriate coin;

“**traffic officer**” means an officer appointed in terms of the Act and includes any peace officer, traffic warden and/or any official authorised by the Council

to implement and enforce compliance with these by-laws and “authorised official” has a corresponding meaning;

“**vehicle**” means a vehicle as defined in Section 1 of the Act but does not include a pedal cycle; and

any other word or expression has the meaning assigned thereto in the Act.

- [2] No person shall park any vehicle in any demarcated parking place within the hours as indicated on the parking meter regulating parking in such parking place, unless immediately after such vehicle has been brought to a standstill in such parking place, he deposits the prescribed fee in such parking meter and causes such parking meter to come into operation in accordance with the directions displayed thereon.
- [3] No person shall park any vehicle, or cause any vehicle to be parked in any demarcated parking place unless at the same time there shall be inserted by him or on his behalf in the parking meter allocated to that space the prescribed coin: provided that it shall be lawful without such payment to park in a vacant demarcated parking place for such part only of any parking period as the parking meter may indicate to be unexpired.
- [4] It shall be unlawful, either with or without the insertion of a fresh coin in the parking meter, to leave any vehicle in a demarcated parking place after the expiration of a parking period as indicated by the parking meter, or to return the vehicle to that space within fifteen minutes of such expiration.
- [5] The insertion of the prescribed coin in a parking meter shall entitle the person inserting it to park a vehicle in the appropriate demarcated parking place for a period corresponding with the payment so made: Provided that notwithstanding the making of a payment as aforesaid, nothing in these by-laws shall entitle any person to contravene any road traffic sign prohibiting the parking of vehicles between specified hours.
- [6] It shall be unlawful -
- [a] to park any vehicle, not being a vehicle as defined in the Act in a demarcated parking place;
 - [b] to insert or attempt to insert into a parking meter any coin other than a coin of South African currency or a denomination as indicated by a legend of the parking meter;
 - [c] to insert or attempt to insert into a parking meter any false or counterfeit coin or any foreign object;
 - [d] To damage or deface, soil or obliterate or otherwise render less visible the face or dial of a parking meter or to write or draw thereon, or to fix any handbill, poster, placard or other article, whether or not of an advertising nature, to a parking meter.

- [e]** In any way whatsoever to cause or attempt to cause a parking meter to record the passage of time otherwise than by the insertion of the coin referred to in subsection [b];
 - [f]** To jerk, knock, shake or in any way interfere with a parking meter which is not working properly or at all, in order to make it do so, or for any other purpose;
 - [g]** To deface, soil, obliterate or otherwise render less visible or interfere with any mark painted on the roadway, or any legend, sign, or notice affixed or erected for the purpose of these by-laws;
 - [h]** To remove or attempt to remove the mechanism of parking meter or any other structure to which it is attached.
- [7] [1]** No driver or other person in charge of a vehicle shall park such vehicle or cause it to be parked —
- [a]** in a demarcated parking place across any painted line marking the confines of the parking place or in such a position that the said vehicle shall not be entirely within the area demarcated;
 - [b]** in a demarcated parking place which is already occupied by another vehicle.
- [2]** The driver or other person in charge of a vehicle shall —
- [a]** if the demarcated parking place is parallel to the kerb or sidewalk of the public road, park such vehicle in such demarcated parking place in such a way that it shall be headed in the general direction of the movement of traffic on the side of the road on which the vehicle is parked and so that the left hand wheels of the vehicle are substantially parallel to and within 45.6cm of the left hand kerb: Provided that, in a one-way street, reference to the demarcated parking of a vehicle in a demarcated parking place applies to the right-hand wheels and the right-hand kerb respectively;
 - [b]** if the demarcated parking place is at an angle to the kerb or side-walk of a public road, park such vehicle in such demarcated parking place in such manner that it is headed substantially in the general direction of the movement of traffic on the side of the road on which such vehicle is parked.
- [8]** Where by reason of the length of any vehicle such vehicle cannot be parked wholly within a demarcated parking place, it shall be lawful to park such vehicle by encroaching upon a demarcated parking place adjoining the first-mentioned parking place, and if such be the case, any person so parking shall

immediately thereafter insert the prescribed coin in the parking meters of both the said places.

- [9]** The Council may whenever it deems it necessary or expedient to do so in the interests of the movements or control of traffic, place or erect a road traffic sign or sign indicating that there shall be no parking at any demarcated parking place or places, and it shall be unlawful for any person to park a vehicle or cause or permit a vehicle to be parked in such demarcated parking place or places during which parking threat is prohibited in accordance with the indications on such sign.
- [10]** It shall be unlawful for any person to cause, allow, permit or suffer any vehicle of which he is the driver or which is under his control to be parked in any demarcated parking place except as permitted by the provisions of these by-laws.
- [11]** The provisions of these by-laws shall not apply in respect of an ambulance, a fire-fighting vehicle, a vehicle used by a police officer, traffic officer or an inspector of licences in the execution of his duty or a vehicle used in connection with the construction or maintenance of a public road or the supply of electricity or water or any other essential public service, if such service cannot be properly performed without contravening such provisions.
- [12]** The provisions of these by-laws shall not be applicable in respect of a vehicle being driven by a medical practitioner who practices in the municipal area in the execution of his duties, if such medical practitioner displays on the vehicle an official token issued by the Council on the conditions and on payment of an amount as determined by the Council from time to time.
- [13]** Any person who contravenes or fails to comply with any provision of these by-laws and/or threatens, resists, interferes with or obstructs a traffic officer in the performance of his powers, duties or functions as contemplated in these by-laws, shall be guilty of an offence and upon conviction be liable to a fine or imprisonment for a period not exceeding six months or to both the fine and the imprisonment.
- [14]** Any by-laws adopted by the Council or the Council of a Municipality now forming an administrative unit of the Council and relating to parking meters are hereby repealed.

LOCAL AUTHORITY NOTICE 111 OF 2015**MUNICIPALITY OF RAMOTSHERE MOILOA****BY-LAW RELATING TO PUBLIC AMENITIES, 2015 (NO. 11 OF 2015)**

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 Public Amenities By-Laws which by-laws shall come into operation on the date of publication thereof.

PUBLIC AMENITIES BY-LAWS

The purpose of these by-laws is to promote the achievement of a safe and peaceful environment and to provide for procedures, methods and practices to regulate the use and management of public amenities.

[1] Definitions

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: -

"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;

"notice" means an official notice displayed at every entrance to or at a conspicuous place at or on a public amenity and in which the municipality shall make known provisions and directions adopted by it in terms of these by-laws;

"public amenity" means –

- [a]** any land, square, camping site, swimming bath, river, public resort, recreation site, nature reserve, zoological, botanical or other garden, park or hiking trail which is the property of the municipality, including any portion thereof and any facility or apparatus therein or thereon;

[b] any building, structure, hall, room, or office including any part thereof and any facility or apparatus therein, which is the property of, or is possessed, controlled or leased by the municipality and to which the general public has access, whether on payment of admission fees or not but excluding:

[i] any public road or street;

[ii] any public amenity contemplated aforesaid if it is lawfully controlled and managed in terms of an agreement concluded by any person with the municipality, and

[iii] any public amenity hired from the municipality;

[2] Maximum number of visitors

[1] The municipality may determine the maximum number of visitors who may be present at a specific time in or at a public amenity;

[2] The number contemplated in subsection [1] shall be made known by the municipality by means of a notice.

[3] Admission to and sojourn in a public amenity

[1] A public amenity is, subject to the provisions of these by-laws, open to the public during the times determined by the municipality and made known in a notice;

[2] No visitor shall enter or leave a public amenity at a place other than that indicated for that purpose.

[4] Entrance fees

[1] A visitor to a public amenity shall pay entrance fees determined from time to time by the municipality and such entrance fees shall be made known by means of a notice.

[2] Different entrance fees may be determined in respect of visitors of different ages and the municipality may exempt certain groups of persons from the payment of an entrance fee.

[5] Nuisances

No person shall perform or permit any of the following acts in or at a public amenity –

[a] the use of language or the performance of any other act which disturbs the good order;

- [b]** the firing of firearms, airguns, air pistols, fireworks or the use of sling-shots or catapults without the municipality's written consent;
- [c]** the burning of rubble or refuse;
- [d]** the causing of unpleasant or offensive smells;
- [e]** the production of smoke nuisances;
- [f]** the causing of disturbances by fighting, shouting, arguing, singing or the playing of musical instruments; or by the use of loudspeakers, radio reception devices, television sets, or similar equipment;
- [g]** the begging for money, food, work or the offering of services, or
- [h]** in any other manner cause a nuisance, obstruction, disturbance or annoyance to the public.

[6] Health matters

No person shall in or at a public amenity-

- [a]** dump, drop or place any refuse, rubble, material or any object or thing or permit it to be done, except in a container provided for that purpose in or at the amenity;
- [b]** pollute or contaminate in any way the water in any bath, swimming-bath, dam, spruit, river or water-course;
- [c]** enter any bath or swimming bath while suffering from an infectious or contagious disease or having an open wound on his body;
- [d]** perform any act that may detrimentally affect the health of any visitor to a public amenity.

[7] Structures

No person shall without the written consent of the municipality having first been obtained, erect or establish in or on a public amenity any structure, shelter or anything similar, except the parking of a caravan or tent erected for camping purposes on a site specifically set aside therefor by notice;

[8] Liquor and food

- [1]** No person shall, contrary to a provision of a notice, bring into a public amenity any alcoholic or any other liquor or any food of whatever nature.
- [2]** No person shall on, in or at a public amenity, contrary to a provision of a notice, cook or prepare food of any kind whatsoever, except at places set aside for such purposes by notice; provided that the preparation and cooking

of food in or at a public amenity shall be done in a clean and hygienic manner so as not to give rise to excessive smoke or other nuisances or entail any danger to health; provided further that no live animals, poultry or fish may be killed or skinned on, in or at a public amenity.

[9] Animals

[1] No person shall bring any live animal, bird, fish or poultry into a public amenity except in accordance with the directions of the municipality.

[2] The directions contemplated in subsection [1] shall be made known by means of a notice.

[10] Use of public amenities

[1] No person shall without the consent of the municipality or contrary to any condition which the municipality may impose when granting such consent –

[a] arrange or present any public entertainment;

[b] collect money or any other goods for charity or any other purpose from the general public;

[c] display or distribute any pamphlet, placard, painting, book, handbill or any other printed, written or painted work;

[d] arrange, hold or address any meeting;

[e] arrange or hold a public gathering or procession, exhibition or performance;

[f] conduct any trade, occupation or business;

[g] display, sell or rent out or present for sale or rent any wares or articles;

[h] hold an auction;

[i] tell fortunes for compensation;

[2] For the purposes of these by-laws “public gathering or procession” shall mean a procession or gathering of 15 or more persons and which is not regulated by national or provincial legislation.

[11] Safety and order

[1] No person shall, subject to subsection [2], in or at a public amenity-

- [a]** damage or disfigure anything within such amenity;
 - [b]** use or try to use anything within such amenity for any purpose other than that for which it is designated or determined by notice;
 - [c]** light a fire or prepare food, except at a place indicated for that purpose by notice;
 - [e]** throw away any burning or smouldering object;
 - [f]** throw or roll down any rock, stone or object from any mountain, koppie, slope or cliff;
 - [g]** pull out, pick or damage any tree, plant, shrub, vegetation or flower;
 - [h]** behave himself in an improper, indecent, unruly, violent or unbecoming manner;
 - [i]** cause a disturbance;
 - [j]** wash, polish or repair a vehicle;
 - [k]** walk, stand, sit or lie in a flower bed;
 - [l]** kill, hurt, follow, disturb, ill-treat or catch any animal, bird or fish or displace, disturb, destroy or remove any bird nests or eggs;
 - [m]** walk, stand sit or lie on grass contrary to the provisions of a notice;
 - [n]** lie on a bench or seating-place or use it in such a manner that other users or potential users find it impossible to make use thereof;
 - [o]** play or sit on play park equipment, except if the person concerned is a child under the age of 13 years;
 - [p]** swim, walk or play, contrary to the provisions of a notice, in a fish-pond, fountain, stream or pond;
- [2]** The municipality may by way of notice and subject to such conditions as the municipality deems necessary and mentioned in a notice, authorise any of the actions contemplated in subsection [1].

[12] Water

No person may misuse, pollute or contaminate any water source or water supply or waste water in or at any public amenity.

[13] Laundry and crockery

No person may in or at a public amenity wash any crockery or laundry or hang out clothes, except at places indicated by notice for that purpose.

[14] Vehicles

- [1] No person may bring into a public amenity any truck, bus, motorcar, motor cycle, motor tricycle, bicycle or any other vehicle, craft or aeroplane, whether driven by mechanical, animal, natural or human power, except in accordance with the directions of the municipality;
- [2] The municipality shall determine the speed limit applicable in a public amenity;
- [3] The directions contemplated in subsection [1] and the speed limit contemplated in subsection [2] shall be made known by the municipality by way of notice.

[15] Games

No game of any nature whatsoever shall be played or conducted in or on a public amenity by any person or persons except at places set aside for that purpose by notice and in accordance with the directions of the municipality and which is made known by way of notice.

[16] Penalties

Any person who contravenes or fails to comply with a provision of these by-law, a notice issued in terms of these by-laws or a condition imposed under these by-laws, irrespective of whether such contravention or failure has been declared as an offence elsewhere in these by-laws, shall be guilty of an offence and liable upon conviction to:

- [1] a fine or imprisonment for a period not exceeding six months or either such fine or such imprisonment or both such fine and such imprisonment;
- [2] in the case of a continuing offence, an additional fine or an additional period of imprisonment of 10 days or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and
- [3] 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.

[17] Repeal of by-laws

Any other by-laws adopted by the municipality or a municipality now comprising an administrative unit of the municipality and relating to public amenities are, from the date of promulgation of these by-laws, repealed.

LOCAL AUTHORITY NOTICE 112 OF 2015**MUNICIPALITY OF RAMOTSHERE MOILOA****BY-LAW RELATING TO RULES OF ORDER, 2015 (NO. 9 OF 2015)**

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 Rules and Procedures of the Council and its Committee and for matters incidental thereto which by-laws shall come into operation on the date of publication thereof.

BY-LAWS RELATING TO THE RULES AND PROCEDURES OF THE COUNCIL**PREAMBLE**

AND WHEREAS the Constitution establishes local government as a distinctive sphere of government;

AND WHEREAS section 160[6] of the said Constitution authorizes a Municipal Council to adopt policies and make by-laws which prescribe Rules and Procedures for:

- [a]** Its internal arrangements
- [b]** Its business and proceedings; and
- [c]** The establishment, composition, procedures, powers and functions of its Committees;

AND WHEREAS the Municipal Structures Act, the Municipal Systems Act, as well as other legislation provides for certain matters which may be included in the Rules and Procedures of a Municipality and be incorporated in the by-laws of a Municipality.

The Council of the Municipality hereby adopts the following by-laws:

[1] Definitions

In these Rules and Procedures, unless the context otherwise indicates -

" Accredited Organisation" means a community organization, excluding political parties, which in the opinion of the Council, has substantial support in the community, has a constitution, and is accredited by the Council;

"Advisory Committee" means a Committee established in terms of Section 17[4] of the Systems Act;

"Code of Conduct for Councillors" means the Code of Conduct for Councillors contained in Schedule 1 of the Systems Act

"Chairperson" means the Chairperson of a Standing or any other Committee established by the Council.

"Chief Whip" means the Whip of the ruling party in the Council who must, together with other Whips ensure the smooth functioning of the Council or the member so designated by the political parties in the Council who do not enjoy an outright majority.

"Committee" means a Committee established in terms of sections 79 or 80 of the Structures Act;

"Community" means that body of persons comprising the residents, the ratepayers, any civic organization, non-governmental, private sector or labour organization or body which is involved in local affairs within the municipality;

"Constitution" means the Constitution of the Republic of South Africa, Act 108 of 1996, as amended;

"Council" means the Municipal Council of the Municipality, as referred to in section 157 of the Constitution;

"Delegation", in relation to a duty, includes an instruction to perform the duty, and "delegate" has a corresponding meaning;

"MEC for local government" means the member of the Executive Council responsible for local government in the Eastern Cape Province;

"Member" means a member of the Council of the Municipality;

"Municipal Manager" means a person appointed by the Council in terms of section 82 of the Municipal Structures Act as Municipal Manager and includes any person acting in this post;

"Municipal Systems Act" means the Local Government: Municipal Systems Act, No 32 of 2000 as amended, herein referred to as the "Systems Act";

"Municipal Structures Act" means the Local Government: Municipal Structures Act, No. 117 of 1998, as amended, herein referred to as the "Structures Act";

"Municipality" means the Municipality of Ramotshere Moiloa

"Party" means a party registered in terms of the Electoral Commission Act, 1996 [Act No 51 of 1996]

"Promotion of Access to Information Act" means Act 2 of 2000 as amended;

"Promotion of Administrative Justice Act" means Act 3 of 2000 as amended;

"Promotion of Equality and Prevention of Unfair Discrimination Act" means Act 4 of 2000;

"Ratepayer" means a person who is liable to the Municipality for the payment of rates on property in the Municipality, any other tax, duty or levy imposed by the Municipality or fees for services provided either by the Municipality or in terms of a services delivery agreement concluded with the Municipality;

"Resident" means a person who is ordinarily resident in the Municipality;

"Speaker" means a member elected in terms of section 36 of the Structures Act to be the Speaker of the Municipal Council and the Acting Speaker where applicable;

"Structure", means the Council of the Municipality or any Committee or other collective structures of the Municipality;

"Ward" means a Ward mentioned in item 2 of Schedule 1 of the Structures Act;

"Whip" means a member of a party in the Council appointed by that party as Whip to ensure, together with the Chief Whip, the smooth functioning of the proceedings of the Council in terms of these By-Laws.

CHAPTER I

ORDER OF BUSINESS AND RELATED MATTERS

COUNCIL MEETINGS

Part 1: Order of business

[2] Commencement of meeting of Council

At each meeting of the Council, the chair shall be taken precisely at the time for which the meeting is convened as stated in the notice of the meeting and the business of the meeting shall be proceeded with immediately.

[3] Order of business

The business at ordinary meetings of the Council shall be disposed of in the following order:

- [a] Opening and Welcoming;
- [b] Election of Speaker if necessary;
- [c] Consideration of applications for leave of absence from Council meetings received from members;
- [d] Confirmation of minutes of previous Council meeting[s];
- [e] Statements or Communications by the Speaker;
- [f] Interviews with deputations;
- [g] Statutory business;
- [h] Consideration of reports by Committees, delegates, deputations and officials of the Council;
- [i] Consideration of reports, communications, petitions and applications dealing with matters of urgency submitted by the Municipal Manager;
- [j] Consideration of notices of motion and notices of questions which shall appear on the agenda in order in which they have been received by the Municipal Manager; and
- [k] Consideration of motions of exigency;
- [l] Closure

provided that the Chief Whip, may, at any time during the proceedings, move as a motion of course that any item appearing on the agenda shall have precedence and may briefly state the reasons for such motion. If such motion is seconded, it shall be put to the vote forthwith without discussion, and if carried, such item shall have precedence accordingly.

[4] Election of Speaker

The Speaker is the Chairperson of all Council meetings. If the Speaker is absent or not available to perform his/her functions, or during a vacancy, the Council must elect another member to act as Speaker.

[5] Statements and communications by Speaker

The Speaker may, without notice, make any statement or read any communication at any meeting.

[6] Attendance at meetings

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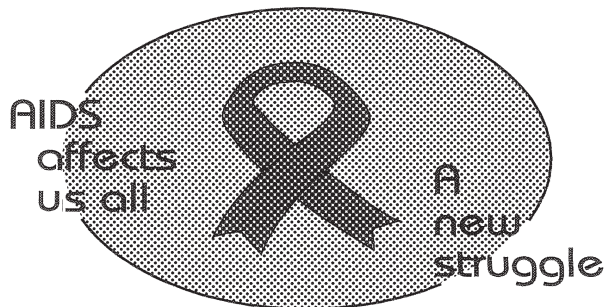
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- [1] Every member present at a meeting of the Council shall sign his/ her name in the attendance register which shall be in bound book form and made available by the Municipal Manager for this purpose.
- [2] The names of all members present at any Council meeting and of all members to whom leave of absence from any such meeting has been granted shall be recorded in the minutes of such meeting.
- [3] All applications for leave of absence from Council meetings must be submitted in writing to the Municipal Manager or his/her nominee, prior to the commencement of the relevant meeting and must be considered by Council.
- [4] If a member is absent from a Council meeting without the permission of the Council or if he/she fails to remain in attendance at such a meeting, the following fines may, subject to the provisions of subsection [6] be imposed and will automatically be deducted from the member's monthly allowance:
- First meeting: R200 fine.
- Second meeting: R500 fine.
- [5] A member who is absent from three or more consecutive meetings of the Council will, subject to compliance with the provisions of subsection [7] and the approval of the MEC for local government, be removed from office as a member.
- [6] Before imposing a fine in terms of subsection [4] above, the Speaker must
- :
- [6.1] inform the relevant member in writing of such member's absence from a specified meeting or of his/her failure to remain in attendance at such meeting;
- [6.2] afford the relevant member the opportunity to submit, within 10 working days from date of such letter, written reasons for his/her failure to attend the meeting in question or remain in attendance thereat and why he/she could not apply for leave of absence, as stipulated in subsection [3], above.
- [6.3] If no response is received from the member within the prescribed period, the fine referred to in subsection [4] will be imposed and will automatically be deducted from the member's allowance.
- [6.4] In the event of a written response being received from the member, such response must be presented to the Speaker who shall decide on good grounds whether or not the fine should be imposed.
- [6.5] In the event of the relevant member not being in agreement with the decision of the Speaker aforesaid, he/she may appeal, within 21 days of being informed of the decision of the Speaker, to the Council which shall make a final and binding decision on the matter.
- [7] Before the Council removes a member in terms of subsection [5] above, the Speaker must inform the relevant member in writing of such member's alleged

breach of subsection [5] and of his/her intention to move that the member be removed from office.

- [7.1] The relevant member must be afforded 10 working days from date of the letter to comment in writing to the Speaker on his/her alleged breach of subsection [5].
- [7.2] The Speaker shall submit a written report on the alleged breach of subsection [5] by the member concerned together with the response, if any, from such member, to the next meeting of the Council or to a Special meeting of the Council which may be called to deal specifically with this matter.
- [7.3] The Council shall, thereafter, deal with the matter in accordance with the rules and procedures pertaining to the enforcement of the Code of Conduct for Councillors.

[7] Agendas and Minutes

- [1] All matters submitted for the consideration of the Council shall be contained in a written agenda signed by the Municipal Manager which agenda shall be circulated to all members by the Municipal Manager at least 7 working days before a meeting. Matters to be considered by the Council in open session shall be contained in an agenda separate to those matters to be considered by the Council in Committee.
- [2] Minutes of the proceedings of every meeting of the Council shall be in writing and shall be submitted for confirmation at the next ordinary meeting of the Council.
- [3] The minutes shall be taken as read for the purpose of confirmation if a copy thereof was sent to each member at least forty-eight hours prior to the meeting.
- [4] Except as to accuracy, no motion or discussion on the minutes shall be permitted.
- [5] A motion of course to correct the minutes shall be permissible and, if carried, the minutes shall be corrected accordingly.
- [6] If there is a dispute about the contents and accuracy of the minutes:
 - [a] the relevant debate, if it had been recorded, must be transcribed; or
 - [b] if the debate had not been recorded, the Municipal Manager must submit a report to the Council setting out his or her recollection of the debate; and
 - [c] after considering the transcription of the relevant minutes or the report by the Municipal Manager as the case may be, the Council may, by vote, decide on the minutes with only those members who were present at the time of the disputed debate being entitled to vote in the event that the disputed debate was not recorded.

[7] Except in respect of confidential minutes, copies of all minutes of the Council must be made available to the public, subject to payment of the prescribed fee for reproduction thereof, if any.

[8] The minutes of all meetings of the Council shall be compiled in book form with the pages numbered consecutively and, after confirmation thereof, they shall be signed by the Speaker on the last page and each other page shall be initialed by the Speaker.

[9] The Municipal Manager shall be responsible for the safekeeping of all the minutes of the Council.

[8] **Deputations**

[1] A deputation wishing to interview the Council shall give the Council at least seven days notice of its intention to do so and shall send a memorandum to the Municipal Manager setting out briefly the representations to be made and the source of the deputation.

[2] The Municipal Manager shall submit the memorandum to the Speaker and, if the Speaker is of the opinion that it should be brought before the Council, the Municipal Manager shall notify the deputation to attend the Council meeting at a specified time. Should the request be refused by the Speaker, reasons for such refusal must be given by the Speaker and conveyed to the deputation by the Municipal Manager.

[3] The Speaker may allow any deputation to address the Council without written notice having been given if, in his/ her opinion, the matter to be presented is of an urgent nature.

[4] A deputation shall not consist of more than ten members.

[5] Except with the consent of the Speaker or in reply to questions from members, only two members of a deputation shall address the Council.

[6] Except with the consent of the Speaker, a member of a deputation shall not address the Council for more than ten minutes.

[9] **Notices of motion and notices of questions**

[1] The Speaker shall not accept any motion except a motion of exigency or a motion of course, unless notice thereof has been given in terms of subsection [3].

[2] The Speaker shall not allow any question to be put except one put in terms of section 15 unless notice thereof has been given in terms of subsection [3].

[3] Every notice of intention to introduce a motion or put a question shall be in writing, signed and dated by the member submitting the same and specifying in full the motion or question, and shall be delivered to the Municipal Manager at

least seven working days before the date of the meeting at which it is intended to be introduced or put.

[10] Absence of mover or questioner

In the event of the mover or questioner not being in attendance at the meeting of the Council when called upon by the Speaker to introduce a motion or put a question standing in his/her name on the agenda, any other member may introduce such motion or put such question in his/her own name, unless the original mover or questioner has notified the Municipal Manager in writing of a substitute member to introduce the relevant motion or put the relevant question.

[11] Motions and questions on matters dealt with by a Committee

[1] A member shall not give notice of a motion in regard to any matter assigned to a Committee, unless such motion has previously been submitted to such Committee or unless it is in the form of a reference to such Committee for consideration and report.

[2] The Chairperson of a Committee may, if he/she is of the opinion that the matter is one of urgency, give notice of his/her intention to introduce a motion or put a question on a matter assigned to such Committee, notwithstanding the fact that such motion or question has not been considered previously by such Committee.

[12] Rescission of resolution

[1] If a member wishes to give notice of his/her intention to move the rescission or alteration of a resolution, or part thereof, of the Council, he/she shall give such notice by delivery to the Municipal Manager of a notice of motion in writing, which notice of motion shall be signed and dated by such member and shall state at which meeting of the Council it will be introduced, and it shall be in the hands of the Municipal Manager at least seven working days before the said meeting. Such notice of motion shall further state that the mover will move that the resolution, which shall be mentioned, be rescinded or altered, as the case may be, and stating, in the case of an alteration, the exact alteration desired.

[2] If a Committee has resolved to recommend to the Council that a resolution, or part thereof, of the Council be rescinded or altered, notice of intention to move such rescission or alteration shall be given by the inclusion of such recommendation in a report of the Committee to the Council, and the Municipal Manager shall send a copy of such report as well as information concerning the meeting at which it will be considered to each member, at the address which each member is required to furnish to the Municipal Manager for the purpose of the delivery of official communications, to reach him/her as least twenty four hours before the meeting at which the recommendation will be considered.

[3] Except upon the recommendation of a Committee, a resolution, or part thereof, shall not be reviewed at any meeting of the Council unless the permission of the majority of the members present at such meeting has been obtained.

[13] Recommendation of Committee

- [1] The adoption of a recommendation contained in a report which is submitted to the Council by a Committee shall be deemed to have been moved pro forma by the Chairperson of such Committee or, in his/her absence or when he/she opposes such recommendation, by a member of such Committee deputed by him/her to act at the time when the Speaker of the meeting intimates that such recommendation is open for discussion, and such pro forma motion need not be seconded, nor shall it preclude the Chairperson of such Committee from exercising his/her right to speak thereon.
- [2] Any matter submitted for decision in terms of subsection [1] may be amended prior to a decision being taken thereon.
- [3] The proposal to amend must be seconded.
- [4] The Council must decide a proposal to amend first, and only thereafter take a decision on the substantive matter before it.
- [5] An amendment may not amount to a negation of the matter submitted for a decision.

[14] Questions

- [1] After any motion or amendment has been moved and seconded, or at the conclusion of every speech thereon, a member may put any question relevant to such motion or amendment.
- [2] No supplementary questions shall be put except by the member who put the original question, and then only in respect of matters arising from the reply to such original question.
- [3] The Speaker shall not disallow any such question; provided that the member to whom such question is directed may either reply thereto forthwith or require that notice thereof be given in terms of section 9.

[15] Motions of exigency

- [1] A member may direct the attention of the Council to any matter which does not appear on the agenda and of which no previous notice has been given, by stating briefly the subject and without comment thereon moving "that the question to which attention has been directed be considered forthwith as a matter of exigency".
- [2] For the purposes of these by-laws, such motion shall be referred to as a motion of exigency.
- [3] If such motion is seconded and carried by a two-thirds majority of the members present at the meeting, the mover shall be permitted, without notice, to have the

matter considered by means of a motion or question; provided that no motion of exigency shall be in order while any other question is being considered.

- [4] No motions of exigency shall be put to any Committee.

Part 2: Related Matters

[16] Motions of course

In addition to the motions provided for elsewhere, the following shall be regarded as motions of course:

- [a] That the consideration of any particular item appearing on the agenda shall have precedence;
- [b] That any report referred to in the agenda be received, adopted, acted upon or referred back;
- [c] That any document before the Council be acted upon in the manner specified in the motion;
- [d] That action be taken in regard to any matter submitted for consideration in the manner specified in the motion;
- [e] That the Council do now resolve itself into Committee;
- [f] That certain persons proposed for appointment be eliminated as provided in section 43 and;
- [g] A motion referred to in section 28.

[17] Recording a protest

- [1] A member may, when he/she is in the minority on a question which has been decided, forthwith request that his/her dissent or protest be entered in the minutes of the meeting in which the decision of the Council is recorded, and such dissent or protest shall be entered accordingly.
- [2] Dissent or protest which casts an improper reflection on or imputes any improper motive to the Council or any member or employee of the Council shall be entered verbatim in the minutes to enable the accused member or employee to respond thereto and, in the event of the accused member or employee being in a position to respond to such accusation at the meeting, such response shall also be included verbatim in the minutes.

- [3] In the event of the accused member or employee not being available at the meeting referred to in subsection [2], the Municipal Manager shall forward a copy of the said verbatim minutes to the accused member or employee for comment and such comment shall be submitted to the next meeting of the Council for consideration.
- [4] The Council shall decide whether or not the allegation is substantiated and, in the event of such substantiation, action shall be taken against the accused member or employee in terms of the Code of Conduct for Councillors or the employee disciplinary code of the Council as the case may be.
- [5] In the event of the Council deciding that the allegation is not or cannot be substantiated, the member making such allegation shall be called upon to apologise to the accused member or employee and such apology shall be entered in the minutes.
- [6] In the event of the member making the accusation refusing to apologise aforesaid, the Council shall take disciplinary action against such member in terms of the Code of Conduct for Councillors on the grounds that such member has brought the Council in disrepute.
- [7] Nothing contained in this section shall prohibit a member or employee from taking legal action on the basis of the infringement of a personal right against the member making the relevant accusation.
- [8] This section shall not be interpreted in a manner which negates any privileges and immunities which members may enjoy in terms of Section 28 of the Structures Act or Section 72 of these by-laws.

[18] Motion or question reintroduced or put again

No motion which has been rejected by the Council or a Committee of the Council and no question put in accordance with the provisions of section 9 and replied to at any meeting of the Council or a Committee of the Council shall again be moved or put within a period of three months of such meeting, except with the consent of the majority of the whole Council.

[19] Member to address Speaker

A member speaking at a meeting of the Council or any person addressing the Council shall address the chair.

[20] Length of speeches

- [1] Except with the consent of the Speaker, a member shall not speak for more than five minutes on any subject.
- [2] The mover of an original motion or of any amendment may, however, speak for ten minutes on such motion or amendment, or for such extended period as the Speaker may permit.

[21] Order of precedence

If two or more members rise to speak at the same time, the Speaker shall determine who shall have precedence.

[22] Precedence of Speaker

Whenever the Speaker wishes to speak during a debate, any member then speaking or offering to speak shall keep quiet and all members shall be silent so that the Speaker can be heard without any interruption.

[23] Relevance

A member who speaks shall confine his/her speech strictly to the motion or question under discussion or to an explanation or a point of order.

[24] Member may speak once only except mover or original motion

[1] A member shall not address the Council more than once on any motion or amendment unless with the consent of the majority of members present at the meeting.

[2] The mover of an original motion may, however, speak to the motion and reply to the debate, but in so replying, he/she shall confine him / herself strictly to replying to the questions of previous speakers and shall not introduce any new points of discussion into the debate.

[3] The right of reply to a debate shall not extend to the mover of an amendment which, having been carried has become the substantive motion.

[25] Point of order and personal explanation

A member or the Municipal Manager may seek the permission of the Speaker to address the meeting -

[a] On a point of order with a view to calling attention to any departure from these by-laws; or

[b] In personal explanation, in order to explain some material part of his/her former speech which may have been misunderstood and any person so asking shall be heard forthwith, unless the Speaker rules the point of order or explanation to be inadmissible.

[26] Speaker's ruling on point of order

[1] The ruling of the Speaker on a point of order or on the admissibility of a personal explanation shall be final and shall not be open to discussion.

[2] The ruling of the Speaker upon any point of order raised as to the interpretation of these by-laws shall be entered in the minutes.

[27] Withdrawal of motion, amendment or question

[1] A motion, amendment or question may, without discussion and with the permission of the seconder, be withdrawn by the mover.

[2] A member shall not speak upon such motion or amendment after the mover has indicated its withdrawal.

Part 3: Order of debate: Motions

[28] Order of debate

When a motion is under discussion at any meeting of the Council no further motion shall be received except the following:

[a] That the motion be amended;

[b] That consideration of the question be postponed;

[c] That the Council do now adjourn;

[d] That the Council do now adjourn for a caucus meeting;

[e] That the debate now be adjourned;

[f] That the question now be put, and;

[g] That the Council proceed to the next business.

[29] That the motion be amended

[1] Every amendment shall be relevant to the motion on which it is moved.

[2] An amendment shall be put in writing, signed by the mover, handed to the Speaker or Municipal Manager and be read out before being moved.

[3] An amendment shall not be discussed or put to the Council until it has been seconded.

[4] If there are any amendments to a motion, the amendment last proposed shall be put to the vote first, and if carried, the question shall be resolved accordingly.

[5] If the amendment last proposed is not carried, the amendment proposed immediately prior to such amendment shall be put to the vote.

[6] No further amendment shall be moved to a motion or amendment after the Speaker has commenced to take a vote on such motion or amendment.

[30] That consideration of the question be postponed

[1] A member may at the conclusion of a speech, move that consideration of the question be postponed to a fixed date.

[2] Such motion shall be seconded but need not be put in writing.

[3] The mover of such motion may speak for not more than ten minutes, but the seconder shall not be permitted to speak beyond formally seconding it.

[4] Upon such motion being moved, the mover of the question under discussion may, without prejudice to his/her ultimate right to reply to the debate if the motion that the question be postponed is not carried, be heard in reply for five minutes, after which the motion shall be put without further discussion.

[5] If postponement to a fixed date is agreed to, the question shall be placed first on the list of points of discussion for the day on which the postponed motion shall be considered.

[31] That the Council do now adjourn

[1] A member may, except during the course of a speech by another member or while a vote is being taken, may move "that the Council or the Committee do now adjourn".

[2] Such motion shall be seconded but need not be put in writing.

[3] The mover may speak to the motion for five minutes, but the seconder shall not speak beyond formally seconding the motion.

[4] If the motion is carried, the Council shall forthwith adjourn; provided that the Speaker may direct that the meeting proceed first to dispose of unopposed business.

[5] If a motion that the Council do now adjourn is not carried, the Speaker shall not accept another such motion until a period of half an hour has elapsed.

[6] A specific member shall not, on the same day, during the course of any one meeting of the Council move or second more than one motion to adjourn.

[7] Save as provided in subsection [3], no discussion on a motion to adjourn shall be permitted, except that the member who first rises for that purpose may speak against such motion for not more than five minutes.

[8] No amendment to such motion shall be moved except in relation to the period of adjournment.

- [9] If a motion to adjourn a meeting of the Council has been carried during a debate and prior to the closure thereof, then upon consideration of the subject of such debate at the adjourned meeting, the member who moved the adjournment shall be entitled to speak first.
- [10] No business shall be transacted at an adjourned meeting except such as is set out on the agenda for the meeting.
- [11] The Speaker has the right to adjourn a meeting at any time after every two hours for a maximum of 10 minutes, but not during the taking of a vote.
- [32] That the Council now adjourn for a caucus meeting**
- [1] A party whip may, at any time, except while a vote is being taken, move "that the Council now adjourn for a caucus meeting".
- [2] Such motion shall be seconded but need not be put in writing.
- [3] The mover may speak to the motion for five minutes, but the seconder shall not speak beyond formally seconding the motion.
- [4] The Speaker shall decide whether or not to allow the request for a caucus meeting. If the request is refused by the Speaker, he/she shall give reasons for refusing such request, which reasons shall be entered into the minutes. The ruling of the Speaker on the request will be final and not be open for discussion. If the request for a caucus meeting is approved by the Speaker, the Council shall forthwith adjourn, provided that the Speaker may direct that the meeting proceed first to dispose of other business.
- [5] The Speaker shall impose a time limit for the proposed caucus meeting.
- [6] The caucus requesting the adjournment, shall gather at another venue.
- [7] If the caucus members have not taken their seats at the time when the Council is required to reconvene, the Council shall proceed with its normal business, provided a quorum of members is present.
- [8] If a quorum of members is not present, the meeting will adjourn for 10 minutes. If the caucus members do not return within 10 minutes, the meeting will be closed by the Speaker and the reasons for such closure will be stated in the minutes.
- [33] That the debate now be adjourned**
- [1] After 30 minutes of debate on a specific matter or matters a member may, at the conclusion of any speech, move that the debate be adjourned.
- [2] Such motion shall be seconded but need not be put in writing.

- [3] The mover of such motion may speak to it for five minutes, but the seconder shall not speak beyond formally seconding it.
- [4] Save as provided in subsection [3] no discussion on such motion shall be permitted except in relation to the period of adjournment, and the member who first rises for that purpose may speak against it for five minutes.
- [5] If such motion is carried, the meeting shall proceed to the next business on the agenda, and the discussion of the adjourned debate, unless otherwise resolved, shall be resumed at the next ordinary meeting.
- [6] On the resumption of the adjourned debate, the member who moved the adjournment shall be entitled to speak first.
- [7] If a motion that a debate be adjourned is not carried, the Speaker shall not accept another such motion until half an hour has elapsed.
- [8] A specific member shall not, during the course of any one debate, move or second more than one motion to adjourn the debate.

[34] That the question now be put

- [1] After 30 minutes of debate on a specific matter, a member may at the conclusion of a speech, move, without discussion, that the question now be put, and the motion, if seconded, shall be put forthwith. If the motion is carried, the motion or amendment under discussion shall be put forthwith.
- [2] A second motion that the question now be put shall not be moved within fifteen minutes.

[35] That the Council proceed to the next business

- [1] After 30 minutes of debate on a specific matter, a member may at the conclusion of a speech on any question move, without discussion, that the Council proceed to the next business, and the motion, if seconded, shall be put forthwith.
- [2] When a motion is carried that the Council proceed to the next business, the question under discussion shall be deemed to have lapsed.
- [3] During a debate on the same question, a second motion that the Council proceed to the next business shall not be moved within fifteen minutes of such first motion.

Part 4: Council in Committee

- [36] Application of these by-laws in the case of special meetings and meetings of the Council in Committee**

These by-laws [excluding the provision that a member may only speak once] shall, insofar as the conduct of meetings is concerned, apply to Special Council meetings and meetings of the Council in Committee.

[37] Committee of the whole Council

- [1]** A member may at any time after the confirmation of the minutes during a meeting of the Council move "that Council/Committee do now resolve itself into Committee", and may briefly state the reasons for such motion. If such motion is seconded, it shall be put to the vote forthwith without discussion.
- [2]** If such motion is carried, the place of meeting shall be cleared of all members of the public and the press.
- [3]** A member may during the course of the discussion in Committee move "that the Council / Committee do now resume" and may briefly state the reasons for such motion. If such motion is seconded, it shall be put to the vote forthwith without discussion.
- [4]** If the Council resumes without the question in Committee having been disposed of, the debate shall resume at the point at which the Council resolved itself into Committee.

Part 5: Unopposed Business

[38] Unopposed business

- [1]** When a meeting of the Council has been in progress for not less than two hours, the Speaker may interrupt the proceedings and direct that the Council proceed forthwith to dispose of unopposed business.
- [2]** After the disposal of such business, the proceedings shall resume at the point at which they were interrupted, unless all other remaining business has been adjourned until a future meeting.
- [3]** For the purposes of these by-laws, an item on the agenda shall be deemed to be opposed business if a member signifies his/her intention to discuss such item immediately after the Speaker has intimated to the meeting that such item is open for discussion; provided that no item shall be deemed to be opposed by reason only of questions being put in connection therewith.

Part 6: Quorum

[39] Quorum

- [1]** A majority of members allocated to the Municipality must be present at a meeting of the Council before a vote may be taken on any matter.
- [2]** All questions concerning matters mentioned in section 160[2] of the Constitution are determined by a decision taken by a Municipal Council with a supporting vote of a majority of the members.

- [3] A resolution to dissolve the Council in terms of Section 34[1] of the Structures Act must be taken by a supporting vote of at least two thirds of the members allocated to the Municipality.
- [4] All other questions before a Council are decided by a majority of the votes cast.
- [5] Whenever during a meeting of the Council there is no quorum, the Speaker shall adjourn the meeting temporarily and, if, within ten minutes thereafter, there is still no quorum, the names of the members present shall be entered in the minutes by the Municipal Manager and the Speaker shall declare the meeting to be closed.

Part 7: Decisions and voting

[40] Decisions by Council

- [1] If, on any question at a Council meeting , except those mentioned in sections 39 [2] and [3] of these by-laws, there is an equality of votes, the Speaker must exercise a casting vote in addition to his/her deliberative vote as a member.
- [2] Before the Council takes a decision on any of the under-mentioned matters, it must first require the responsible Committee or a Special Committee established by the Council for such purposes, to submit to it a report and recommendation on the matter -
 - [a] Any matter mentioned in section 160[2] of the Constitution;
 - [b] The approval of an integrated development plan for the Municipality and any amendment to an approved plan; and
 - [c] The appointment of and conditions of service of the Municipal Manager and a head of a department of the Municipality.

[41] Voting by show of hands

- [1] Except as otherwise provided in any law or resolved by the Council, the decision of the Council on any question before it shall be determined by a show of hands.

[42] Voting by division

- [1] Immediately after a question has been put to a meeting of the Council for the purpose of being voted upon, put to the vote, or immediately after the decision upon a show of hands has been declared by the Speaker, any two members may demand a division, and the Speaker shall, thereupon, request those members who desire to support such demand to rise in their places.
- [2] Upon a division being about to be taken, the Speaker shall request all members who wish to participate in such a voting to remain in the venue of the meeting and those who do not wish to participate in such a voting to leave the venue of

the meeting within two minutes, and thereafter, no member shall enter or leave such venue of the meeting.

- [3] Whenever a division is taken, the Municipal Manager shall call out the names of all members in alphabetical order and shall record the vote of every member present as "for" or "against" and shall record the names of absentee members.
- [4] The Speaker shall, from such record, declare the decision of the Council and the number of members who voted for or against the question.
- [5] All divisions shall be entered in the minutes.

[43] Procedure in conducting a ballot

- [1] Where a question, other than the appointment or election of a person or persons, is to be decided by ballot, a ballot paper containing the question to be decided shall be handed to each member who shall signify his/her vote by means of a cross in the appropriate column according to whether he/she is in favour of or against the proposal.
- [2] Where the appointment or election of one or more persons from among a number of persons proposed is to be decided, each member shall be handed a ballot paper and he or she shall signify his or her vote or votes, as the case may be -
 - [a] In the case where the names of the persons proposed appear on such ballot paper, by means of a cross opposite the name or names of the person or persons whom he or she favours according to the number of vacancies to be filled, or
 - [b] In the case where the names of the persons proposed do not appear on such ballot paper, by writing the name or names of the person or persons whom he/she favours on the ballot paper according to the number of vacancies to be filled.
- [3] After the ballot papers have been marked as provided in subsection [1] or [2], they shall be folded and placed in a ballot box provided by the Municipal Manager.
- [4] The Municipal Manager and two members appointed by the Speaker for this purpose shall act as counters under direction of the Speaker and shall count the votes on a written and signed statement, and the Speaker shall thereafter announce such result.
- [5] Where any ballot is taken in terms of subsection [1], the Speaker shall declare the majority vote to be the decision of the Council on the question in respect of which such ballot has been taken; provided that, in the case of an equality of votes, the question in respect of which the ballot has been taken shall be determined by lot in accordance with the applicable regulations.

- [6]** Where a ballot is taken in terms of subsection [2] and more than one vacancy is to be filled from among a number of persons proposed, the Speaker shall declare those persons appointed or elected to the vacancies, as the case may be, who have received the greatest number of votes; provided that -
- [a]** If all the persons in respect of whom the ballot has been taken have received an equal number of votes, the question shall be determined by lot in the manner prescribed by the applicable regulations, or
 - [b]** If, owing to an equality of votes, all the vacancies have not been filled, the process of balloting shall continue in respect of those persons who remain un-appointed or unelected, and if, after any balloting as aforesaid, only one vacancy still requires to be filled, such vacancy shall be filled in accordance with the provisions of subsection [7].
- [7]** Where a ballot is taken in terms of subsection [2] for the filling of one vacancy only and -
- [a]** There are only two persons to fill the vacancy, the person who receives the votes of the majority of the members present shall be declared by the Speaker to have been duly appointed or elected, as the case may be; provided that in the case of an equality of votes, the question shall be determined by lot in the manner prescribed by the applicable regulations, or
 - [b]** There are more than two persons to fill such vacancy, the person who receives the votes of the majority of the members present shall be declared by the Speaker to have been duly appointed or elected, as the case may be; provided that -
 - [i]** If no person receives the votes of the majority of the members present, the person who has received the smallest number of votes shall be eliminated and a fresh ballot shall be taken in respect of the remaining persons, unless the Council has by resolution determined that the names of all persons but the person who has received the largest number of votes be eliminated and, in such event, such person shall be declared by the Speaker to have been duly appointed or elected, as the case may be;
 - [ii]** Unless the Council has in terms of paragraph [i] of this proviso determined by resolution to eliminate all but the person who received the largest number of votes, the process of elimination as provided therein shall be repeated as often as is necessary until only two persons remain to fill the vacancy, and in such event the vacancy shall be filled in accordance with the provisions of subsection [7][a];
 - [iii]** If, as a result of a ballot taken in respect of those persons who have not been eliminated in accordance with paragraphs [i] and [ii] of this proviso, two or more persons receiving the smallest number of

votes in such ballot have received an equal number of votes, a separate ballot shall be taken in respect of such persons, and the person or persons, as the Council may decide, receiving the smallest number of votes in such separate ballot shall be eliminated and thereafter the process of balloting as hereinbefore provided shall, if necessary, be proceeded with, or

- [iv]** Notwithstanding the provisions of paragraphs [i], [ii] and [iii] of this proviso, if all the persons in respect of whom any ballot is taken in terms of subsection [7][b] have received an equal number of votes in such ballot, the question shall be determined by lot in the manner prescribed by the applicable regulations.
- [8]** If any ballot paper contains votes in favour of a larger number of persons than the number of vacancies to be filled, such ballot paper shall be rejected, and the votes appearing thereon shall not be counted.
- [9]** A member may register one vote only in favour of a person, and if any ballot paper contains more than one vote in favour of any person, only one of such votes shall be counted.
- [10]** All ballot papers issued to members shall be of equal size and of the same colour, and any ballot paper placed in the ballot box, not being a ballot paper handed to a member as hereinbefore provided, shall be rejected, and the votes appearing thereon shall not be counted.

CHAPTER 2

DELEGATIONS

[44] Delegation to Committees and other functionaries

- [1]** The Council must develop a system of delegation that will maximize administrative and operational efficiency and provide for adequate checks and balances, and, in according with that system may -
- [a]** delegate appropriate powers, excluding a power mentioned in section 160[2] of the Constitution, the power to set tariffs, the power to enter into a service delivery agreement in terms of Section 76[b] of the Systems Act, and the power to approve or amend its integrated development plan which powers are herein referred to as reserved powers to its:

Standing Committees

Other Committees or elected office bearers; and

Municipal Manager or, with the consent of the Municipal Manager, any of its other officials;

- [b]** instruct any such Committee or functionary to perform any of the Council's duties except in respect of reserved powers; and
 - [c]** withdraw any delegation or instruction.
- [2]** A delegation or instruction in terms of subsection [1] -
 - [a]** must be in accordance with the Constitution; the Structures Act and the Systems Act;
 - [b]** must be in writing;
 - [c]** is subject to any limitations, conditions and directions the Municipal Council may impose;
 - [d]** may include the power to sub-delegate a delegated power;
 - [e]** does not divest the Council of the responsibility concerning the exercise of the power or the performance of the duty; and
- [3]** The Council -
 - [a]** Must –
 - [i]** at the request in writing of at least one quarter of the members; or
 - [ii]** at the request in writing of the Chairperson of a Committee; or
 - [iii]** at the request in writing of the Municipal Manager on the grounds that a decision of the Council was administratively unfair, ultra vires, or has adversely affected the rights of the public; or
 - [iv]** at the request in writing of a Whip; or
 - [v]** at the request in writing of at least 300 ratepayers on the grounds that their rights have been adversely affected; or
 - [vi]** when an appeal in terms of section 62 of the Systems Act is received in writing from a person, stating that his/her rights or legitimate expectations has been materially and adversely affected by a decision taken by a political structure, political office bearer or member in terms of a delegated authority –

review any decision taken by such political structure, political office bearer or member in consequence of a delegation or instruction, and either confirm, vary or revoke same without prejudice to any vested rights which will or have accrued to a person or persons in whose favour such decision was made or who will benefit from such decision.

[45] Duty to report to delegating authorities

- [45.1]** A political structure, political office bearer, member or official of a Municipality to whom a delegating authority has delegated or sub-delegated a power or duty, must report to the delegating authority at such intervals as the delegating authority may require, on decisions taken in terms of that delegated or sub-delegated power or duty. If no such intervals are specifically determined by the delegating authority, such reports shall be made at least bi-annually.
- [45.2]** The Municipal Manager shall report to the Council on any power delegated to him/her and which he sub-delegates to another official of the Council.

[46] Review of delegations

- [1]** On the election of a new Council, the delegations of the Municipality must be reviewed in terms of Section 59[2][f] of the Systems Act; and to this end-
- [2]** The Municipal Manager must submit a report to the Council on existing delegations issued by the Council and other delegating authorities and recommendations on any changes thereto.

CHAPTER 3

INTERNAL STRUCTURES AND COMMITTEES

Part 1: Criteria for establishment of Committees

[47] Criteria for establishment of Committees

The Municipality may establish Committees in terms of the Structures Act if the establishment of such Committees are necessary, taking into account:

- [a]** The extent of the functions and powers of the Municipality;
- [b]** The need for the delegation of those functions and powers in order to ensure efficiency and effectiveness in their performance;
- [c]** The financial and administrative resources of the Municipality available to support the proposed Committees;
- [d]** The need to develop a culture of Municipal governance that compliments formal representative government with a system of participatory government; and
- [e]** The right of communities to participate in the decision making process of the Municipality.

Part 2: Ward Committees

If the municipality is a type that must have Ward Committees, then the following rules and procedures will apply to such Committees:

[48] Object of Ward Committees

The object of a Ward Committee is to enhance participatory democracy at local level.

[49] Establishment of Ward Committees

- [1]** The Council must establish Ward Committee for each of its Wards;
- [2]** A Ward Committee consists of the member representing a Ward in the Council who shall be Chairperson of the Committee and not more than 10 persons;
- [3]** The Council must make rules regulating the procedure to elect the 10 members of a Ward Committee taking into account the need for women to be equitably represented thereon and for the Committee to reflect a diversity of interests in each Ward;
- [4]** The Council must, further, make rules regulating the circumstances under which members of Ward Committees vacate office and the frequency of Ward Committee meetings.
- [5]** The Council must make administrative arrangements to enable Ward Committees to perform their functions and exercise their powers effectively and, to this end, shall make adequate provision in its operating budget for such expenditure;

[50] Functions and powers of Ward Committees

- [1]** A Ward Committee may make recommendations on any matter affecting its Ward to the Ward member or through the Ward member to the Council as the case may be;
- [2]** The Council shall determine the method of communication between Ward Committees and the Council itself;

[51] Term of office of members

Members of Ward Committees, excepting the Chairperson, are elected for a term of office determined by the Council.

[52] Vacancies

If a vacancy occurs among the members of a Ward Committee, the vacancy must be filled in accordance with a procedure determined by the Council.

[53] Remuneration of members

- [1] With the exception of the Chairperson of a Ward Committee who is a member of the municipality, no remuneration is payable to members of Ward Committees;
- [2] Subject to national legislation, the Council may pay to members of Ward Committees excepting its Chairperson out of revenue reasonable out-of-pocket expenses associated with their duties as members of Ward Committees.

[54] Dissolution of Ward Committees

The Council may dissolve a Ward Committee if the Committee fails to fulfill its object.

Part 3: Other Committees

[55] Establishment of other Committees

[1] The Council may -

- [a] establish one or more Committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers;
- [b] appoint the members of such a Committee from among its members; and
- [c] dissolve a Committee at any time.

[2] The Council -

- [a] must determine the functions of a Committee;
- [b] may delegate duties and powers to a Committee;
- [c] must appoint the Chairperson of a Committee;
- [d] may authorize a Committee to co-opt advisory members who are not members of the Council within the limits determined by the Council;
- [e] may remove a member of a Committee at any time; and
- [f] may determine a Committee's procedures provided that, unless where specifically otherwise indicated, the rules and procedures pertaining to Council meetings as set out in these by-laws shall, with the necessary adjustments apply to meetings of committees of the Council and any reference to the Speaker must be read as being a reference to the Chairperson of a Committee.

Part 4: Advisory Committees

[56] Establishment of advisory Committees

The Council may establish one or more advisory Committees consisting of persons who are not members to advise Council on any matter within the Council's competence.

Part 5: Incidental Matters

[57] Incidental matters: Committees

- [1]** The members of a Standing Committee shall hold office until their successors have been appointed or until such Committee is dissolved, except as hereinafter provided.
- [2]** The Council may at any time withdraw, extend or modify any reference to a Committee but any proposal to do so shall first be referred to that Committee for consideration and report.
- [3]** A Committee may at any meeting grant leave of absence to any member; provided that leave of absence shall not be granted in respect of a period prior to such meeting, and
 - [a]** A member who, without leave of absence, fails to attend three consecutive meetings of such Committee shall cease to be a member thereof provided that the provisions of section [7] of these by-laws shall, with the necessary adjustments, be applied prior to the removal of a member of a committee in terms of this subsection.
 - [b]** Such a leave of absence must be in writing and submitted to the Municipal Manager before the commencement of the relevant meeting.
- [4]** A member of a Committee may resign from such Committee by notice in writing, signed by him/ her and submitted to the Municipal Manager and such resignation shall take effect upon receipt thereof in the office of the Municipal Manager.
- [5]** The Municipal Manager shall notify Council of a vacancy on a Committee at the first ordinary meeting of the Council after it has arisen and such vacancy shall, unless otherwise decided, be filled by the Council.
- [6]** During the absence on leave granted to any member by the Council, any other member may be appointed to act in his/her place on any Committee of which he/she is a member.
- [7]** Except in the case of any emergency, members of a Committee shall be given notice of every meeting of such Committee by the Municipal Manager who shall send an agenda to each member so that the same may in the ordinary course of events be delivered at his/her address at least twenty-four hours before the hour of the meeting.
- [8]** Failure to give notice of a Committee meeting shall not affect the validity of such meeting.

- [9] A member may attend any Committee meeting, and the Speaker may with the consent of such Committee permit such member to address such Committee.
- [10] The Chairperson of a Committee shall have a casting vote in addition to his/her deliberative vote.
- [11] The majority vote of the members of a Committee present and voting by show of hands shall constitute a decision of the Committee; provided that any two members present and voting may require the names of the persons voting and the votes cast to be minuted.
- [12] Every Committee shall submit a report or reports of its proceedings to the Council for consideration or noting, as the case may be.
- [13] The reports of a Committee shall be drawn up in consecutively numbered sections and shall contain the recommendations or decisions, as the case may be, on the matters reported upon by a Committee.

CHAPTER 4

OFFICE BEARERS

Speaker

[58] Election of Speaker

- [1] At its first sitting after its election, or when necessary to fill a vacancy, the Municipal Council must elect its Speaker from among the members.
- [2] The Municipal Manager of the Municipality or, if the Municipal Manager is not available, a person designated by the MEC for local government presides over the election of a Speaker.
- [3] The election of the Speaker shall take place in accordance with the procedures contained in Schedule 3 of the Structures Act
- [4] A member must hold office as Speaker and Mayor at the same time.

[59] Functions of Speaker

The Speaker -

- [a] presides at meetings of the Council;
- [b] performs the duties and exercises the powers delegated to the Speaker in terms of section 32 of the Structures Act;
- [c] must ensure that the Council meets at least quarterly;
- [d] must maintain order during meetings;

- [e] must ensure compliance in the Council and Council Committees with the Code of Conduct for Councillors.
- [f] Must ensure that Council meetings are conducted in accordance with these By-Laws and any other relevant rules and procedures which the Council, by resolution, may adopt.

[60] Term of office of Speakers

The Speaker is elected for a term ending, subject to section 39 of the Structures Act, when the next Council is declared elected.

[61] Vacation of office

The Speaker vacates office during a term if that person -

- [a] resigns as Speaker;
- [b] is removed from office; or
- [c] ceases to be a Member.

[62] Removal from office

[62.1] The Municipal Council by resolution may remove its Speaker from office.

[62.2] Prior notice of an intention to remove the Speaker shall be contained in a notice of motion to this effect signed by a majority of the members of the Council and be lodged with the Municipal Manager at least 21 days before the meeting at which it will be introduced.

[62.3] The aforesaid notice of motion shall contain the grounds on which it is intended to remove the Speaker from office.

[62.4] Upon receipt of the notice of motion referred to in subsection [62.2] the Municipal Manager shall forward a copy thereof to the Speaker and request the Speaker to comment on the contents thereof and advance written reasons with the Municipal Manager within a period of 7 days from the date of receipt of the said notice of motion by him/her, as to why he/she should not be removed from office

[62.5] The notice of motion together with the comments of the Speaker shall be tabled at the meeting referred to in subsection [62.2].

[62.6] Prior to the adoption of a resolution to remove the Speaker, the Council shall afford the Speaker if he/she so desires an opportunity to be heard on the matter and to make verbal representations on his/her submission submitted in terms of subsection [62.4].

[62.7] At the same meeting that the Council resolves to remove its Speaker, it shall appoint a new Speaker or an acting Speaker provided that a new Speaker shall be elected at a Special Council meeting called specifically for this purpose no later than 30 days from the date the Speaker is removed from office in terms of this section.

[63] Acting Speakers

If the Speaker of a Municipal Council is absent or not available to perform the functions of Speaker the Council must elect another member to act as Speaker.

CHAPTER 5

COUNCIL AND COMMITTEE MEETINGS

[64] Maintenance of order at Council and Committee meetings

[1] Any person other than a member who behaves in a disorderly or unseemly manner or interrupts the proceedings at any meeting shall, if the Speaker or Chairperson so directs, be removed from the place where the meeting is held.

[2] If a member behaves in a disorderly or an unseemly manner, or obstructs the business of any meeting of the Council or any Committee thereof, or challenges the ruling of the Speaker or Chairperson on any point of order, or declines to withdraw any expression when required to do so by the Speaker or Chairperson, or indulges in tedious repetition or unbecoming language, or contravenes any provision of these by-laws the Speaker or Chairperson shall direct such member to behave properly, and, if speaking, to discontinue his/her speech and resume his seat.

[3] In the event of a persistent disregard of the directions of the Speaker or Chairperson, the Speaker or Chairperson shall direct such member to retire from the place of meeting for the remainder of the meeting and may, if necessary, cause him/ her to be ejected therefrom.

[4] Any such person or member who -

[a] refuses or fails to comply with a direction of the Speaker or Chairperson given in terms of these by-laws;

[b] returns to the place of meeting prior to the conclusion of the meeting from which he/she was directed to retire, or

[c] offers resistance whilst being ejected from the place of meeting:

shall be guilty of an offence.

CHAPTER 6

MISCELLANEOUS MATTERS

[65] Frequency of meetings of Council and Committees

- [1]** The Council must meet at least quarterly
- [2]** Other Committees and Advisory Committees must meet regularly , depending on the matters to be considered.

[66] Speaker to call Council meetings

- [1]** The Speaker of the Council decides when and where the Council meets, subject to the provision that a Council must at least meet once per quarter, but if a majority of the members requests the Speaker in writing to convene a meeting, the Speaker shall convene such meeting at a time set out in the request.
- [2]** The Speaker of the Council who fails or refuses to call a meeting at the request of the members in terms of subsection [1] shall be guilty of an offence;
- [3]** The Municipal Manager or, in the absence of a Municipal Manager, a person designated by the Provincial Minister, must call the first meeting of Council within 14 days after the Council has been declared elected.
- [4]** Notwithstanding the provisions of subsection [1], the Municipal Manager may, in a case of an emergency, having obtained the consent of the Speaker, call a special meeting of Council. No business other than specified in the notice shall be transacted at such a special meeting and such a meeting may from time to time be adjourned; provided that if the total number of serving members is present at a special Council meeting and no objections are raised, an urgent matter not specified in such notice may be dealt with after disposal of the business of which notice has been given. The Municipal Manager shall give notice in writing to every member of the day and hour of every special or adjourned Council meeting, unless adjourned to any time on the same day, not less than 12 hours, or in an urgent case such short shorter period as may be agreed to by the Speaker. The notice shall specify the business to be transacted at the meeting.
- [4]** The Municipal Manager may, in a case of an emergency, having obtained the consent of the relevant Chairperson, or in his/her absence, the consent of the majority of the relevant Committee, call a special meeting of a Standing Committee. No business other than specified in the notice shall be transacted at such a special meeting. The Municipal Manager shall give notice in writing to every member of the respective Standing Committee of the day and hour of every such special Committee meeting not being less than 12 hours, or such shorter period as may be agreed to by the Chairperson of the said Committee. The notice shall specify the business to be transacted at such meeting.

[67] Admission of public to meetings

- [1]** Subject to subsection [2], members of the public have the right to attend all Council meetings and Committee meetings.
- [2]** Subject to the provisions of section 20 [2] of the Systems Act, the Speaker, in the case of the Council or the Chairperson, in the case of any other Committee, may close a meeting or part of the proceedings of a meeting of the relevant body to the public if, in the opinion of the Speaker or Chairperson, as the case may be:
- [a]** sensitive and personal staff matters are to be discussed at a meeting;
 - [b]** sensitive land matters are to be discussed at a meeting the disclosure of which would be prejudicial to the interests of the Council;
 - [c]** there might otherwise be unreasonable disclosure to the public of personal information regarding any person;
 - [d]** trade secrets of any person might otherwise be disclosed;
 - [e]** financial, commercial, scientific or technical information, other than trade secrets, of any person might otherwise be disclosed, and such disclosure would be likely to cause harm to the commercial or financial interests of such person;
 - [f]** information which had been supplied in confidence by any person might be disclosed, and such disclosure could reasonably be expected to put such person at a disadvantage in contractual or other negotiations or to prejudice such person in commercial competition;
 - [g]** information might be disclosed and such disclosure would give rise to an action for breach of a duty of confidence owed to any person in terms of an agreement;
 - [h]** information might be disclosed and such disclosure could reasonably be expected to endanger the life or physical safety of any person, or would be likely to prejudice or impair the security of a building, structure or system, means of transport or any other property;
 - [i]** information might be disclosed which is privileged from production in legal proceedings;
 - [j]** information might be disclosed which contains trade secrets of the Municipality or financial, commercial, scientific or technical information, other than trade secrets, the disclosure of which would be likely to cause harm to the commercial or financial interests of the Municipality; or the disclosure of which could reasonably be expected to put the Municipality at a disadvantage in contractual and other negotiations or to prejudice it in commercial competition; or
 - [k]** information might be disclosed about research being or to be carried out by or on behalf of any person or the Municipality and the disclosure of

such information would be likely to expose any person or the Municipality or the subject-matter of the research to serious disadvantage.

[68] Public notice of meetings

The Municipal Manager must give public notice of the time, date and venue of every -

- [a]** ordinary meeting of the Council;
- [b]** standing Committee meeting of the Council; and
- [c]** special or urgent meeting of the Council, except when time constraints make this impossible, by -
 - [i]** annually publishing the program of Council and Standing Committee meetings for that year in the local press; and
 - [ii]** publishing any amendments to the program referred to in subsection [i]
 - [ii]** advertising special or urgent meetings on the official notice board[s] of the Municipality; and
 - [ii]** if the Council so directs advertising such meetings in the press at least 7 days before a meeting is to be held.

[69] Attendance at Committee meetings

- [1]** The Speaker and members have the right to attend meetings of any Committees of which they are not members.
- [2]** Such persons may only address the Committee with the leave of the Chairperson and have no right to vote.

[70] Legislative procedure

- [1]** Only a member or Committee of a Municipal Council may introduce a draft by-law in the Council.
- [2]** A by-law must be made by a decision taken by the Council with a supporting vote of a majority of its members.
- [3]** No by-law may be passed by the Council unless -
 - [a]** all the members of the Council have been given reasonable notice t hereof;
 - [b]** the intention of Council to draft a by-law dealing with a specific issue has been advertised and the public, Ward Committees and Accredited

Organisations have been invited to make representations thereon, and Council has indeed considered such representations when drafting the draft by-law; and

- [c] the draft by-law has been published for public comment in a manner that allows the public, Ward Committees and Accredited Organisations an opportunity to make representations with regard to the draft by-law.
- [4] Subsections [1] to [3], with the exception of section 3[b], also apply when the Council incorporates by reference, as a by-law, the provisions of
- [a] Legislation passed another legislative organ of state; or
 - [b] Standard draft by-laws made for local government by any organ of state, body or person.

[71] Procedurally fair administrative action

Any administrative action which is taken by Council or any of its structures including political office bearers and officials acting under delegated power, or any decision adopted by the aforementioned which results in administrative action which materially and adversely affects the rights or legitimate expectations of the public or any person, must be procedurally fair.

[72] Reasons for administrative action

Any person whose rights have been materially and adversely affected by administrative action and who has not been given reasons for such action, and who has applied in writing for such reasons, must be given adequate reasons for same, unless it is reasonable and justifiable in the circumstances not to give reasons. In such an instance, the applicant must be informed of such circumstances.

[73] Privileges and immunities

- [1] Subject to the conditions as set out in subsection [2] and further subject to provincial legislation to be promulgated in terms of Section 28[1] of the Structures Act, members are not liable to civil or criminal proceedings, arrest or imprisonment or damages for -
- [a] Anything that they have said in, produced before or submitted to the Council or any of its Committees; or
 - [b] Anything revealed as a result of anything that they have said in, produced before or submitted to the Council or any of its Committees, subject to the conditions set out in subsection [2];
- [2] The above-mentioned privileges and immunities are subject to the following:

- [a] anything that has been said in, produced before or submitted to the Council or any of its Committees by a member being the truth;
- [b] adherence by members to the provisions of the Promotion of Access to Information Act, and particularly the provisions relating to the mandatory protection of -
- Privacy of a third party who is a natural person;
 - Safety of individuals, and protection of property;
 - Police dockets in bail proceedings, and protection of law enforcement and legal proceedings;
 - The economic interests and the financial welfare of the Republic and commercial activities of public bodies;
- [c] adherence by members to provisions of the Promotion of Equality and Prevention of Unfair Discrimination Act and particularly the requirement that no member may unfairly discriminate against any person on the grounds of -
- Race
 - Gender
 - Disability
- [d] no member may propagate, advocate or communicate words against any person that could reasonably be construed to demonstrate a clear intention to -
- Be harmful;
 - Incite harm;
 - Promote or propagate hatred.
- [e] no member may subject any person to harassment.
- [f] adherence to the provisions of the Code of Conduct for Councillors.

[74] Use of Language at Council and Committee meetings

- [1] Any member, official or member of the public may address Council in any of the languages determined by the Council in its language policy.

[75] Every Member to be in possession of a copy of these Rules and Procedures

- [1] The Municipal Manager shall supply a copy of these by-laws to every member upon election to the Council.
- [2] A member shall acknowledge receipt of these by-laws in writing and shall undertake to bind him/herself to the provisions contained therein, including the Code of Conduct for Councillors

[76] Penalties

Any person or member who contravenes a provision of these by-laws shall be guilty of an offence and be liable on conviction to a fine or imprisonment for a period of six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment, and, in the event of such person being a member, the Council shall taken disciplinary action against him/her for a contravention of the Code of Conduct for Councillors.

[77] Repeal of By-Laws

Any by-laws relating to the rules and procedures of the Council and its Committees or any by-laws relating to the maintenance of order at meeting 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 113 OF 2015

RMLM CREDIT CONTROL & DEBT COLLECTION BY-LAW

Approved per Council Resolution No:
01/05/2015

RMLM CREDIT CONTROL & DEBT COLLECTION BY-LAW



**CREDIT CONTROL & DEBT
COLLECTION BY-LAW**

RMLM CREDIT CONTROL & DEBT COLLECTION BY-LAW

23 MAY 2013



- (1) In order to comply with and execute the provisions of sections 95, 96 and 97 of the Local Government: Municipal Systems Act, Act 32 of 2000 (hereinafter referred to as “the Systems Act”), the Ramotshere Moiloa Local Municipality (hereinafter referred to as “the Municipality”) has adopted a Credit Control & Debt Collection Policy (also hereafter referred to as “the Policy”).
- (2) In terms of section 62(1)(f)(iii) of the Local Government: Municipal Finance Management Act, Act 56 of 2003, the Municipal Manager of the Municipality, appointed in terms of section 54A of Systems Act must, in his capacity as the accounting officer of the Municipality, ensure that the Municipality has and implements a credit control and debt collection policy and further gives effect to such policy by adopting a by-law in terms of the provisions of section 98(1) of the Systems Act.
- (3) In terms of the provisions of section 98(1) of the Systems Act the Municipality must adopt a by-law in order to give effect to the implementation and enforcement of the policy.
- (4) Therefore this by-law is adopted in order to give effect to the implementation and enforcement of the policy and to provide for ancillary matters and procedures related to credit control and debt collection.

RMLM CREDIT CONTROL & DEBT COLLECTION BY-LAW

23 MAY 2013

THE RAMOTSHERE MOILOA LOCAL MUNICIPALITY: CREDIT CONTROL & DEBT COLLECTION BY-LAW

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23 MAY 2013

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1. DEFINITIONS

The words and expressions used in this by-law shall have the respective meanings assigned to them in the Credit Control & Debt Collection Policy of the Municipality, and words or expressions to which a meaning has been assigned in terms of the provisions of section 1 of the Systems Act will have the meaning assigned thereto by the said act. All headings are included for convenience only and shall not be used in the interpretation of any of the provisions of this by-law.

2. THE CREDIT CONTROL & DEBT COLLECTION POLICY ADOPTED BY THE MUNICIPALITY

This Municipality has prepared and adopted a policy, known as the Credit Control & Debt Collection Policy of the Municipality (also referred to as “the policy”), as contemplated in terms of the provisions of section 96(b) of the Systems Act. The policy comprehensively and in detail deals with and regulates the matters as prescribed in the provisions of sections 97 and 98(2) of the Systems Act and therefore it is not necessary for this by-law to restate and repeat same. Therefore and without repeating the contents of the policy, the contents of the policy are hereby incorporated into this by-law by reference and *mutatis mutandis* assigned the status of a by-law in as far as it is required for its implementation, enforcement and to be given effect to, as referred to in terms of the provisions of section 98(1) of the Systems Act.

3. OBJECTIVE OF THE BY-LAW

RMLM CREDIT CONTROL & DEBT COLLECTION BY-LAW

23 MAY 2013

The objective of this by-law is to give effect to the implementation and enforcement of the policy of the Municipality as required in terms of the provisions of section 98(1) of the Systems Act.

4. TITLE AND APPLICATION OF THE BY-LAW

- (1) This by-law is known as the Credit Control & Debt Collection By-Law of the Municipality.
- (2) This by-law revokes all previous by-laws, decisions and/or *ad hoc* clauses within any other by-law, regarding the subject matter of this by-law.

5. RESPONSIBLE AUTHORITY

The responsible authority for the adoption, publication and implementation of this by-law is the Municipality and where applicable the municipal council of the Municipality.

6. COMMENCEMENT AND VALIDITY

This by-law shall come into full force and effect upon publication hereof in accordance with the provisions of section 13 of the Systems Act.

7. ENFORCEMENT AND COMPLIANCE WITH THIS BY-LAW

The Municipality shall enforce compliance with this by-law.

8. POWERS OF THE MUNICIPALITY IN TERMS OF THE SYSTEMS ACT OR THIS BY-LAW

RMLM CREDIT CONTROL & DEBT COLLECTION BY-LAW

23 MAY 2013

- (1) Where the Municipality executes any actions or conducts functions in terms of this by-law the Municipality may in addition to any rights and powers given to the Municipality in terms of the Systems Act or this by-law:
- (a) access any premises and/or execute work on and/or inspect any 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 Municipality 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 may be relevant to any work or inspection;
 - (e) copy any document referred to in sub-section (d) above, 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;
 - (i) do whatsoever is necessary for the execution of work or the conducting of an inspection including removing any object or item from the premises, such as to enable the Municipality to do what is required to give effect to and/or enforce the provisions of this by-law;
 - (j) remove or rectify any unlawful connection, works, material, acts or behaviour.
- (2) Where the Municipality removes anything other than a substance referred to in sub-section (1)(f) above, from premises being worked upon or inspected must:

RMLM CREDIT CONTROL & DEBT COLLECTION BY-LAW

23 MAY 2013

- (a) issue a receipt for anything removed from the premises to the owner or any person in control of the premises;
- (b) return the object removed as soon as practically possible after achieving the purpose for which it was removed.

9. OBSERVING FUNDAMENTAL RIGHTS

The Municipality must, when exercising any right in terms of this by-law, do so with strict regard for decency and orderliness and with regard for each person's human rights including the right to dignity, freedom, security and privacy.

10. NON LIABILITY OF THE MUNICIPALITY

Neither the Municipality nor any employee, official, person, body, organisation or corporation acting on behalf of the Municipality shall be liable for any loss or damages of whatsoever nature howsoever arising whether, direct or consequential, suffered or sustained by any person as a result of or arising from the Municipality enforcing, imposing, giving effect to or taking any act or omission in terms of any matter regarding this by-law.

11. CODE OF ETHICS

- (1) All the officials of the Municipality shall embrace the spirit of Batho Pele and treat all rate payers, owners, consumers, customers and debtors with dignity and respect at all times.
- (2) Employees of the Municipality shall execute their duties in terms of this policy in an honest and transparent manner whilst protecting the confidentiality of information of owners, consumers, customers and debtors

RMLM CREDIT CONTROL & DEBT COLLECTION BY-LAW

23 MAY 2013

in accordance with the provisions of the Promotion of Access to Information Act, Act 2 of 2000.

12. AUTHENTICATION OF DOCUMENTS

Any document requiring authentication by the Municipality shall be sufficiently authenticated if signed by the Municipal Manager, or by a person duly authorised to do so, on behalf of the Municipality, by resolution of the Municipality and shall constitute *prime facie* proof of the authenticity, existence and contents of the document.

13. PRIMA FACIE EVIDENCE

In legal proceedings by, or on behalf of the Municipality, a certificate reflecting any information required in terms of this by-law included in such a certificate and which is signed by the Municipal Manager, or by a person dully authorised to do so, on behalf of the Municipality, by resolution of the Municipality, shall subject to the provisions of section 3 of the Law of Evidence Amendment Act, Act 45 of 1988, upon its mere production constitute *prima facie* evidence of the contents of the certificate.

14. PROVISION OF INFORMATION

An owner, consumer, customer and debtor or person within the municipal area the Municipality must provide the Municipality with accurate information requested by the Municipality that is reasonably required by the Municipality for the implementation or enforcement of this by-law.

15. FALSE STATEMENTS OR INFORMATION

RMLM CREDIT CONTROL & DEBT COLLECTION BY-LAW

23 MAY 2013

No person shall make a false statement or furnish false information to the Municipality or falsify a document issued in terms of this by-law.

16. OFFENCES

- (1) It is an offence for any person to:
- (a) unlawfully and intentionally or negligently interfere with any actions taken by the Municipality in terms of this by-law;
 - (b) contravene or fail to comply with any provision of this by-law in as much as this by-law places an obligation or duty on such a person to comply with this by-law;
 - (c) contravene or fail to comply with a condition or prohibition imposed in terms of this by-law;
 - (d) contravene or fail to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption, rebate or authority in terms of this by-law;
 - (e) fail to provide information or provide false or misleading information reasonably requested by the Municipality;
 - (f) fail or refuse to give access required by the Municipality in terms of the provision of this by-law;
 - (g) fail to comply with the terms of a notice served upon him/her in terms of this by-law;
 - (h) fail or refuse to provide the Municipality with a document or information that the Municipality is entitled to in terms of this by-law;
 - (i) disclose any information relating to the financial or business affairs of any person which information was acquired in the performance of any function or exercise of any power in terms of this by-law;
 - (j) fail to comply with any lawful instruction given in terms of this by-law;
or

RMLM CREDIT CONTROL & DEBT COLLECTION BY-LAW

23 MAY 2013

- (k) obstruct or hinder the Municipality in the execution of the Municipality's duties under this by-law.
- (2) Any alleged offence committed in terms of sub-section (1) above, may be referred to the South African Police Services by the Municipality for investigation with a view to possible prosecution.

17. PENALTY

A person who contravenes or fail to comply with a provision of this by-law, or commit an offence as set out in this by-law shall be liable on conviction to a fine or imprisonment, or in the case of any continued offence to a further fine or imprisonment for every day during the continuance of such offence.

18. AVAILABILITY OF BY-LAW

A copy of this by-law shall be included in the Municipality's Municipal Code as required by the provisions of section 15 of the Systems Act and a copy of this by-law shall be available for inspection at the offices of the Municipality at all reasonable times and shall also be available from the Municipality against payment of an amount as determined by the Council.

LOCAL AUTHORITY NOTICE 114 OF 2015

RMLM RATES BY-LAW

Approved per Council
Resolution No: 01/05/2015

RAMOTSHERE MOILOA LOCAL MUNICIPALITY

Notice is hereby given in terms of section 13 of the Local Government:Municipal Systems Act,2000(Act 32 of 2000),read with section 6 of the Local Government:Municipal Property Rates Act,2004(Act 6 of 2004)that Council adopted the Property Rates By-laws as set out hereunder.

C.MAEMA

MUNICIPAL MANAGER

RMLM RATES BY-LAW

Approved per Council
Resolution No: 01/05/2015

**PREAMBLE**

- (1) The Constitution of the Republic of South Africa, 1996, and the Local Government: Municipal Property Rates Act, Act 6 of 2004 (hereinafter referred to as “the MPRA”), empowers the Ramotshere Moiloa Local Municipality (hereinafter referred to as “the Municipality”) to impose rates on property.
- (2) In terms of section 4(1)(c) of the Local Government: Municipal Systems Act, Act 32 of 2000 (hereafter “the Systems Act”), the Municipality may, inter alia, levy rates on property to finance operational expenditure of the Municipality.
- (3) In terms of section 62(1)(f)(ii) of the Local Government: Municipal Finance Management Act, Act 56 of 2003, the Municipal Manager of the Municipality, appointed in terms of section 54A of Systems Act must, in his capacity as the accounting officer of the Municipality, ensure that the Municipality has and implements a rates policy and further gives effect to such policy by adopting a by-law in terms of the provisions of section 6(1) of the MPRA.
- (4) The Municipality has adopted a rates policy and accordingly this by-law is adopted in order to give effect to the implementation of the Rates Policy of the Municipality as envisaged in terms of the provisions of section 6(1) of the MPRA.

RMLM RATES BY-LAW

Approved per Council
Resolution No: 01/05/2015

THE RAMOTSHERE MOILOA

LOCAL MUNICIPALITY:

RATES BY-LAW

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RMLM RATES BY-LAW

Approved per Council
Resolution No: 01/05/2015

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RMLM RATES BY-LAW

Approved per Council
Resolution No: 01/05/2015

CONTENTS

1. DEFINITIONS

The words and expressions used in this by-law shall have the respective meanings assigned to them in the Rates Policy of the Municipality, and words or expressions to which a meaning has been assigned in terms of the provisions of section 1 of the MPRA will have the meaning assigned thereto by the said act. All headings are included for convenience only and shall not be used in the interpretation of any of the provisions of this by-law.

2. THE RATES POLICY ADOPTED BY THE MUNICIPALITY

This Municipality has prepared and adopted a policy, known as the Rates Policy of the Municipality (also referred to as “the policy”), as contemplated in terms of the provisions of section 3(1) of the MPRA. The policy comprehensively and in detail deals with and regulates the matters as prescribed in the provisions of sections 3(3), 3(4), 3(5) and 6(2) of the MPRA and therefore it is not necessary for this by-law to restate and repeat same. Therefore and without repeating the contents of the policy, the contents of the policy are hereby incorporated into this by-law by reference and *mutatis mutandis* assigned the status of a by-law in as far as it is required for its implementation, enforcement and to be given effect to, as referred to in terms of the provisions of section 6(1) of the MPRA.

3. OBJECTIVE OF THE BY-LAW

RMLM RATES BY-LAW

Approved per Council
Resolution No: 01/05/2015

The objective of this by-law is to give effect to the implementation and enforcement of the policy of the Municipality as required in terms of the provisions of section 6(1) of the MPRA.

4. TITLE AND APPLICATION OF THE BY-LAW

- (1) This by-law is known as the Rates By-Law of the Municipality.
- (2) This by-law revokes all previous by-laws, decisions and/or *ad hoc* clauses within any other by-law, regarding the subject matter of this by-law.

5. RESPONSIBLE AUTHORITY

The responsible authority for the adoption, publication and implementation of this by-law is the Municipality and where applicable the municipal council of the Municipality.

6. COMMENCEMENT AND VALIDITY

This by-law shall come into full force and effect upon publication hereof in accordance with the provisions of section 13 of the Systems Act.

7. ENFORCEMENT AND COMPLIANCE WITH THIS BY-LAW

The Municipality shall enforce compliance with this by-law.

RMLM RATES BY-LAW

Approved per Council
Resolution No: 01/05/2015**8. POWERS OF THE MUNICIPALITY IN TERMS OF THE MPRA OR THIS BY-LAW**

- (1) Where the Municipality executes any actions or conducts any inspection in terms of this by-law the Municipality may in addition to any rights and powers given to the Municipality in terms of the MPRA or this by-law:
- (a) access any premises and/or execute work on and/or inspect any 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 Municipality 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 may be relevant to any work or inspection;
 - (e) copy any document referred to in sub-section (d) above, 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;
 - (i) do whatsoever is necessary for the execution of work or the conducting of an inspection including removing any object or item from the premises, such as to enable the Municipality to do what is required to give effect to and/or enforce the provisions of this by-law;
 - (j) remove or rectify any unlawful connection, works, material, acts or behaviour.

RMLM RATES BY-LAW

Approved per Council
Resolution No: 01/05/2015

- (2) Where the Municipality removes anything other than a substance referred to in sub-section (1)(f) above, from premises being worked upon or inspected must:
- (a) issue a receipt for anything removed from the premises to the owner or any person in control of the premises;
 - (b) return the object removed as soon as practically possible after achieving the purpose for which it was removed.

9. OBSERVING FUNDAMENTAL RIGHTS

The Municipality must, when exercising any right in terms of this by-law, do so with strict regard for decency and orderliness and with regard for each person's human rights including the right to dignity, freedom, security and privacy.

10. NON LIABILITY OF THE MUNICIPALITY

Neither the Municipality nor any employee, official, person, body, organisation or corporation acting on behalf of the Municipality shall be liable for any loss or damages of whatsoever nature howsoever arising whether, direct or consequential, suffered or sustained by any person as a result of, or arising from the Municipality enforcing, imposing, giving effect to or taking any act or omission in respect of any matter in terms of this by-law.

11. CODE OF ETHICS

- (1) All the officials of the Municipality shall embrace the spirit of Batho Pele and treat all rate payers, owners, consumers, customers and debtors with dignity and respect at all times.

RMLM RATES BY-LAW

Approved per Council
Resolution No: 01/05/2015

- (2) Employees of the Municipality shall execute their duties in terms of this policy in an honest and transparent manner whilst protecting the confidentiality of information of rate payers, owners, consumers, customers and debtors in accordance with the provisions of the Promotion of Access to Information Act, Act 2 of 2000.

12. AUTHENTICATION OF DOCUMENTS

Any document requiring authentication by the Municipality shall be sufficiently authenticated if signed by the Municipal Manager, or by a person duly authorised to do so, on behalf of the Municipality, by resolution of the Municipality and shall constitute *prime facie* proof of the authenticity, existence and contents of the document.

13. PRIMA FACIE EVIDENCE

In legal proceedings by, or on behalf of the Municipality, a certificate reflecting any information required in terms of this by-law included in such a certificate and which is signed by the Municipal Manager, or by a person duly authorised to do so, on behalf of the Municipality, by resolution of the Municipality, shall subject to the provisions of section 3 of the Law of Evidence Amendment Act, Act 45 of 1988, upon its mere production constitute *prima facie* evidence of the contents of the certificate.

14. PROVISION OF INFORMATION

A rate payer, owner, consumer, customer and debtor or person within the municipal area the Municipality must provide the Municipality with accurate information requested

RMLM RATES BY-LAW

Approved per Council
Resolution No: 01/05/2015

by the Municipality that is reasonably required by the Municipality for the implementation or enforcement of this by-law.

15. FALSE STATEMENTS OR INFORMATION

No person shall make a false statement or furnish false information to the Municipality or falsify a document issued in terms of this by-law.

16. OFFENCES

- (1) It is an offence for any person to:
- (a) unlawfully and intentionally or negligently interfere with any actions taken by the Municipality in terms of this by-law;
 - (b) contravene or fail to comply with any provision of this by-law in as much as this by-law places an obligation or duty on such a person to comply with this by-law;
 - (c) contravene or fail to comply with a condition or prohibition imposed in terms of this by-law;
 - (d) contravene or fail to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption, rebate or authority in terms of this by-law;
 - (e) fail to provide information or provide false or misleading information reasonably requested by the Municipality;
 - (f) fail or refuse to give access required by the Municipality in terms of the provision of this by-law;
 - (g) fail to comply with the terms of a notice served upon him/her in terms of this by-law;

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Resolution No: 01/05/2015

- (h) fail or refuse to provide the Municipality with a document or information that the Municipality is entitled to in terms of this by-law;
 - (i) disclose any information relating to the financial or business affairs of any person which information was acquired in the performance of any function or exercise of any power in terms of this by-law;
 - (j) fail to comply with any lawful instruction given in terms of this by-law; or
 - (k) obstruct or hinder the Municipality in the execution of the Municipality's duties under this by-law.
- (2) Any alleged offence committed in terms of sub-section (1) above, may be referred to the South African Police Services by the Municipality for investigation with a view to possible prosecution.

17. PENALTY

A person who contravenes or fail to comply with a provision of this by-law, or commit an offence as set out in this by-law shall be liable on conviction to a fine or imprisonment, or in the case of any continued offence to a further fine or imprisonment for every day during the continuance of such offence.

18. AVAILABILITY OF BY-LAW

A copy of this by-law shall be included in the Municipality's Municipal Code as required by the provisions of section 15 of the Systems Act and a copy of this by-law shall be available for inspection at the offices of the Municipality at all reasonable times and shall also be available from the Municipality against payment of an amount as determined by the Council.

LOCAL AUTHORITY NOTICE 115 OF 2015

RMLM TARIFF BY-LAW

Approved per Council
Resolution No: 01/05/2015

RMLM TARIFF BY-LAW



TARIFF BY-LAW

RMLM TARIFF BY-LAW

Resolution No: 01/05/2014



PREAMBLE

- (1) In terms of the provisions of the Constitution of the Republic of South Africa, 1996 (hereinafter referred to as “the Constitution”), and section 75A(1) of the Local Government: Municipal Systems Act, Act 32 of 2000 (hereinafter referred to as “the Systems Act”), the Ramotshere Moiloa Local Municipality (hereinafter referred to as “the Municipality”), is entitled to levy and recover fees, charges or tariffs in respect of any function or service of the Municipality.
- (2) In terms of the provisions of section 74(1) of the Systems Act and the provisions of section 62(1)(f)(i) of the Local Government: Municipal Finance Management Act, Act 56 of 2003 (hereinafter referred to as “the MFMA”), the Municipality has adopted a Tariff Policy on the levying of fees, charges or tariffs on municipal services provided by the Municipality itself or by way of service delivery agreements.
- (3) This Tariff Policy adopted by the Municipality reflects the principles referred to in terms of the provisions of section 74(2) of the Systems Act and addresses the matter referred to in terms of the provisions of section 74(3) of the same Act, as well as a schedule containing the municipal tariffs of the Municipality pertaining to the municipal services as set out in the Tariff Policy (also referred to as the “Tariff Schedule”).
- (4) The municipal tariffs as set out in the Tariff Schedule of municipal tariffs annexed to the tariff policy must undergo annual revision and must be tabled

RMLM TARIFF BY-LAW

Approved per Council Resolution No: 01/05/2014

together with the Multi-Year Annual Tabled Budget to the council of the Municipality for consideration and approval thereof, subject to public participation and comments obtained annually before the 31st of March of each year in terms of the provisions of section 17(3)(a)(ii) read with the provisions of section 22 of the MFMA.

- (5) The adopted municipal tariffs apply to the Multi-Year Annual Budget in respect of a specific year during which the income is based on such adopted municipal tariffs, read with the general tariff principles contained in the tariff policy.

- (6) The Municipality adopted a Tariff Policy and a Tariff Schedule as referred to above and this by-law is adopted by the Municipality in terms of the provisions of section 75(1) of the Systems Act in order to give effect to the implementation and enforcement of the Tariff Policy.

RMLM TARIFF BY-LAW

Approved per Council Resolution No: 01/05/2014

THE RAMOTHERE MOILOA

LOCAL MUNICIPALITY:

TARIFF BY-LAW

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CONTENTS

1. DEFINITIONS

The words and expressions used in this by-law shall have the respective meanings assigned to them in the Tariff Policy of the Municipality, and words or expressions to which a meaning has been assigned in terms of the provisions of section 1 of the Systems Act will have the meaning assigned thereto by the said act. All headings are included for convenience only and shall not be used in the interpretation of any of the provisions of this by-law.

2. THE TARIFF POLICY ADOPTED BY THE MUNICIPALITY

This Municipality has prepared and adopted a policy, known as the Tariff Policy of the Municipality (also referred to as “the policy”), as contemplated in terms of the provisions of section 74(1) of the Systems Act. The policy comprehensively and in detail deals with and regulates the matters as prescribed in the provisions of sections 74(2), 74(3) and 75(2) of the Systems Act and therefore it is not necessary for this by-law to restate and repeat same. Therefore and without repeating the contents of the policy, the contents of the policy are hereby incorporated into this by-law by reference and *mutatis mutandis* assigned the status of a by-law in as far as it is required for its implementation, enforcement and to be given effect to, as referred to in terms of the provisions of section 75(1) of the Systems Act.

3. OBJECTIVE OF THE BY-LAW

The objective of this by-law is to give effect to the implementation and enforcement of the policy of the Municipality as required in terms of the provisions of section 75(1) of the Systems Act.

RMLM TARIFF BY-LAW

Approved per Council Resolution No: 01/05/2014

4. TITLE AND APPLICATION OF THE BY-LAW

- (1) This by-law is known as the Tariff By-Law of the Municipality.
- (2) This by-law revokes all previous by-laws, decisions and/or *ad hoc* clauses within any other by-law, regarding the subject matter of this by-law.

5. RESPONSIBLE AUTHORITY

The responsible authority for the adoption, publication and implementation of this by-law is the Municipality and where applicable the municipal council of the Municipality.

6. COMMENCEMENT AND VALIDITY

This by-law shall come into full force and effect upon publication hereof in accordance with the provisions of section 13 of the Systems Act.

7. ENFORCEMENT AND COMPLIANCE WITH THIS BY-LAW

The Municipality shall enforce compliance with this by-law.

8. POWERS OF THE MUNICIPALITY IN TERMS OF THE SYSTEMS ACT OR THIS BY-LAW

Where the Municipality executes any actions or conducts functions in terms of this by-law the Municipality may in addition to any rights and powers given to the Municipality in terms of the Systems Act or this by-law:

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- (1) access any premises and/or execute work on and/or inspect any premises;
- (2) question a person present on any premises in respect of any matter which may be relevant to the work or inspection;
- (3) question a person whom the Municipality believes may have information relevant to the work or inspection;
- (4) inspect any document that a person is required to maintain in terms of any law or may be relevant to any work or inspection;
- (5) copy any document referred to in sub-section (4) above, or if necessary remove the document in order to copy it;
- (6) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises;
- (7) do whatsoever is necessary for the execution of work or the conducting of an inspection including removing any object or item from the premises, such as to enable the Municipality to do what is required to give effect to and/or enforce the provisions of this by-law.

9. OBSERVING FUNDAMENTAL RIGHTS

The Municipality must, when exercising any right in terms of this by-law, do so with strict regard for decency and orderliness and with regard for each person's human rights including the right to dignity, freedom, security and privacy.

RMLM TARIFF BY-LAW

Approved per Council Resolution No: 01/05/2014

10. NON LIABILITY OF THE MUNICIPALITY

Neither the Municipality nor any employee, official, person, body, organisation or corporation acting on behalf of the Municipality shall be liable for any loss or damages of whatsoever nature howsoever arising whether, direct or consequential, suffered or sustained by any person as a result of or arising from the Municipality enforcing, imposing, giving effect to or taking any act or omission in respect of any matter in terms of this by-law.

11. CODE OF ETHICS

- (1) All the officials of the Municipality shall embrace the spirit of Batho Pele and treat all rate payers, owners, consumers, customers and debtors with dignity and respect at all times.
- (2) Employees of the Municipality shall execute their duties in terms of this policy in an honest and transparent manner whilst protecting the confidentiality of information of rate payers, owners, consumers, customers and debtors in accordance with the provisions of the Promotion of Access to Information Act, Act 2 of 2000.

12. AUTHENTICATION OF DOCUMENTS

Any document requiring authentication by the Municipality shall be sufficiently authenticated if signed by the Municipal Manager, or by a person duly authorised to do so, on behalf of the Municipality, by resolution of the Municipality and shall constitute *prime facie* proof of the authenticity, existence and contents of the document.

13. PRIMA FACIE EVIDENCE

RMLM TARIFF BY-LAW

Approved per Council Resolution No: 01/05/2014

In legal proceedings by, or on behalf of the Municipality, a certificate reflecting any information required in terms of this by-law included in such a certificate and which is signed by the Municipal Manager, or by a person dully authorised to do so, on behalf of the Municipality, by resolution of the Municipality, shall subject to the provisions of section 3 of the Law of Evidence Amendment Act, Act 45 of 1988, upon its mere production constitute *prima facie* evidence of the contents of the certificate.

14. PROVISION OF INFORMATION

A rate payer, owner, consumer, customer and debtor or person within the municipal area the Municipality must provide the Municipality with accurate information requested by the Municipality that is reasonably required by the Municipality for the implementation or enforcement of this by-law.

15. FALSE STATEMENTS OR INFORMATION

No person shall make a false statement or furnish false information to the Municipality or falsify a document issued in terms of this by-law.

16. OFFENCES

- (1) It is an offence for any person to:
- (a) unlawfully and intentionally or negligently interfere with any actions taken by the Municipality in terms of this by-law;
 - (b) contravene or fail to comply with any provision of this by-law in as much as this by-law places an obligation or duty on such a person to comply with this by-law;

RMLM TARIFF BY-LAW

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- (c) contravene or fail to comply with a condition or prohibition imposed in terms of this by-law;
 - (d) contravene or fail to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption, rebate or authority in terms of this by-law;
 - (e) fail to provide information or provide false or misleading information reasonably requested by the Municipality;
 - (f) fail or refuse to give access required by the Municipality in terms of the provision of this by-law;
 - (g) fail to comply with the terms of a notice served upon him/her in terms of this by-law;
 - (h) fail or refuse to provide the Municipality with a document or information that the Municipality is entitled to in terms of this by-law;
 - (i) disclose any information relating to the financial or business affairs of any person which information was acquired in the performance of any function or exercise of any power in terms of this by-law;
 - (j) fail to comply with any lawful instruction given in terms of this by-law;
or
 - (k) obstruct or hinder the Municipality in the execution of the Municipality's duties under this by-law.
- (2) Any alleged offence committed in terms of sub-section (1) above, may be referred to the South African Police Services by the Municipality for investigation with a view to possible prosecution.

17. PENALTY

A person who contravenes or fail to comply with a provision of this by-law, or commit an offence as set out in this by-law shall be liable on conviction to a fine or

RMLM TARIFF BY-LAW Approved per Council Resolution No: 01/05/2014

imprisonment, or in the case of any continued offence to a further fine or imprisonment for every day during the continuance of such offence.

18. AVAILABILITY OF BY-LAW

A copy of this by-law shall be included in the Municipality's Municipal Code as required by the provisions of section 15 of the Systems Act and a copy of this by-law shall be available for inspection at the offices of the Municipality at all reasonable times and shall also be available from the Municipality against payment of an amount as determined by the Council.

LOCAL AUTHORITY NOTICE 116 OF 2015

Ramotshere Moiloa Local Municipality

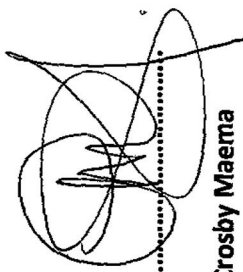
Notice of levying rates

Notice is hereby given in terms of Section 14 (2) of Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004) that Ramotshere Moiloa Local Municipality resolved to levy the following rates and tariffs as captured.

PROPERTY RATES	Residential/Domestic	Business/Commercial	Industrial/Bulk	Agricultural	Institutional	Rural	State owned Property	Municipal Service Infrastructure	Special Category
Basic Charge- (in the Rand value)/All areas	0.015	0.025	0.015	0.003	0.015	0.015	0.015	0.003	
Rebates-%				50%				100%	10%
Retired and disabled persons On residential properties									
Owner with income less than R5000 per month(excludin g Indigents).	50%								

Copies of levying rates and tariffs are available on:

- Corner Coetzee & President Street, Zeerust; Lehurutshe Civic Centre; Corner Boerboon Street, Groot Marico & 367 Meremementsi Street, Ikageleng
- Enquiries can be directed to: Ms Galaletsang Moroane (018 642 1081) during office hours

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Mr Crosby Maema
Municipal Manager

IMPORTANT

Information

from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.

GPW Business Rules

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address submit.egazette@gpw.gov.za. This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za)
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.



eGazette



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 Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
 Also available at the **North-West Province**, Private Bag X2036, Mmabatho, 8681. Tel. (0140) 81-0121.