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MOSEL BAY MUNICIPALITY

BY-LAW RELATING TO THE REGULATING OF THE KEEPING OF DOGS

To provide for the control over the amount of dogs that may be kept, the breeding with dogs, control over dogs by their owners, impoundment of stray dogs and the prevention of nuisances and to provide for incidental matters.

Under the provisions of section 156(2) of the Constitution of the Republic of South Africa, 1996, the Mossel Bay Municipality enacts as follows:-

1. Definitions

(1) In this By-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the English text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates-

“**authorised person**” an employee of the Municipality or any other person who is appointed or authorised thereto to perform any act, function or duty related to the provisions of this By-law, or exercise any power in terms of this By-law; and “**officer**” has a corresponding meaning;

“**dog**” for the purpose of section 2 means a dog aged 4 months and over;

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

“**kennel**” means any establishment that has as its business the breeding, training or boarding of dogs and includes pounds whether operated by the state or otherwise;

“**Municipality**” means the Municipality of Mossel Bay established in terms of section 12 of the Municipal Structures Act, 117 of 1998, and includes duly authorised agent, service provider or any employee thereof acting in connection with this By-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such agent service provider or employee;

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

“**pet parlour**” means an establishment where pets are groomed;

“**pet shop**” means an establishment where pets are kept for trading 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 residential sites outside townships provided by government departments, semi-government institutions or industries;

“**public place**” means any road, street, thoroughfare, bridge, trail, pavement, alley square, open place, garden, park, or open space in the area of jurisdiction of the Municipality to which the public has free access or at any time zoned or been declared or rendered such by any 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 side walk; 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.

Administration and enforcement

- (2) (a) The Director: Community Services is responsible for the administration and enforcement of this By-law.
- (b) The Director may delegate in writing any power or duty granted to him in terms of this By-law to a competent official in his Directorate.

2. Application

- (1) For the purpose of managing, prevention and to reduce the nuisance or negative impacts due to the keeping of dogs, the Municipality may determine the number and sex of dogs that may be kept and the areas within which the keeping of such dogs shall be regulated or prohibited.
- (2) The Municipality may by special resolution determine and impose a tax on the keeping of dogs, and categories of dogs of which no tax shall be payable in its Municipal area.
- (3) The Municipality shall issue a licence upon payment of the tax to the Municipality. The tariff will be determined in accordance to the Municipality's Tariff Policy.

3. Number of dogs

- (1) No person shall keep more than two dogs on any erf or premises and must a person who wishes to keep more than two dogs, obtain the prior written consent of the Municipality.
- (2) A restriction imposed under section 3(1) on the number of animals that may be kept on premises does not apply for a period of 16 weeks after the birth of a litter from an animal kept in terms of a permission.
- (3) The provisions in section 3(1) shall not apply to—
 - (a) premises which is zoned for agricultural purposes and bona-fide agricultural activities, are pursued, provided that a person keeping dogs on premises zoned for agricultural purposes shall not be exempted from compliance with any other provision of this by-law or any other legislation which may be applicable;

- (b) premises that is used as a veterinary clinic or veterinary hospital;
- (c) an organisation whose object is the training of dogs to be guide dogs for blind persons or dogs that are used by a blind person as a guides;
- (d) a security organisation where dogs are kept for security services or for training purposes;
- (e) a person who, at the proclamation of this by-law, already has more than the allowed number of dogs and such person may not replace any dog exceeding the allowed number without the prior written consent of the Municipality in terms of section 3(1), if such dog die or has been disposed of;
- (f) any person, who resides outside the municipal area, who brings in dogs for a temporary visit not exceeding 30 (thirty) days from time of arrival;
- (g) the Society for the Prevention of Cruelty Against Animals and other registered animal welfare organisations;
- (h) entities which are registered at the Municipality as dog kennels, pet shops or pet parlours where dogs are given temporary residence.

4. Control of dogs

4. (1) No person shall—

- (a) permit any bitch on heat owned or kept by him to be in any public road or public place;
- (b) urge any dog to attack, worry, terrify or frighten any person or animal, except where necessary for the defence of such first-mentioned person or his property or of any other person;
- (c) keep any dog which—
 - (i) by barking, yelping, howling, whining persistently or through any other act interfere with the ordinary comfort, convenience, peace or quiet of the neighbours or any other people;
 - (ii) by having acquired the habit of charging any vehicles, animals, birds or persons outside any premises where it is kept;
 - (iii) by behaving in any other manner constitute a nuisance or become a pestilent;
- (d) allow, cause or permit any dog owned, entrusted to, under control or kept by such person—
 - (i) to be in any public road or public place except on a leash and under control of some responsible person;
 - (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 some responsible person;
 - (iii) to trespass on private property;
 - (iv) to constitute a danger or hazard to people and 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;
 - (vi) to be in any public road or public place while suffering from mange or any other infectious or contagious disease;
 - (vii) to be in any public place, public road or sea-shore contrary with any prohibition notice board or sign, or which is defined as an area where dogs are not allowed;
 - (viii) to be a source of danger to employees of the Municipality or prevent them entering upon such premises for the purpose of carrying out their duties. A notice to the effect that a vicious or dangerous dog is being kept on such premises must be displayed in a conspicuous place at the main entrance gate; or
 - (ix) to be tied up with a chain, wire, rope or any other binding material, without reasonable and ample room for movement, shelter, shade and water.

(2) The owner of a dog or the keeper thereof—

- (a) must provide such dog with clean bedding, shelter, water and proper food daily; and
 - (b) must at all times maintain the premises on which the dog is kept, and all appurtenances in good repair and in a hygienic and neat condition.
- (3) Whenever, in the opinion of the Municipality, a dog kept on any premises or the conditions on the premises, itself are a public nuisance or create a dangerous situation, the Municipality may, without prejudice to its powers to take legal action or prosecute, by written notice require the owner or occupier of such premises within a period to be stated in such notice, to remove the dog that cause such nuisance or situation or to take such necessary steps to rectify the public nuisance.

5. Fencing of property

- (1) No person shall keep a dog if the premises where such a dog is kept, is not properly and adequately fenced to keep such dog inside when it is not on a leash.
- (2) All structures in which dogs are kept shall be suitably screened from any street.

6. Removal of offensive matter

- (1) The owner or person in charge of the allowed dog which is taken into a public place or public road, must at all times have the necessary equipment in his possession to forthwith clean up and remove any excretion from the dog.
- (2) If any dog defecates in any public road or public place, any person in charge of such dog shall forthwith remove the excrement, place it in a container, plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse, or to keep it until it can be properly disposed of.

7. Dogs on premises where food is sold

- (1) 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 enter or to be or remain in such shop or place.
- (2) The provisions of this section shall not apply to the South African Police Service or a guide dog which is utilised to accompany a blind person.

8. Dog kennels, pet shops and pet parlours

- (1) No kennel, pet shop or pet parlour may be operated without the permission of the Municipality.
- (2) Application for permission must be done in the manner prescribed by the Municipality.
- (3) The person operating a kennel, pet shop or pet parlour may not conduct the business in such a manner so as to cause any risk, nuisance or annoyance to other people.

9. Hawking of dogs

No person may hawk a dog—

- (a) in a street or public place; or
- (b) in or from a movable structure or vehicle.

10. Seizure, impounding and destruction of dogs

- (1) Any dog, found in any public road or public place suffering from mange or any other infectious or contagious disease, or which is ferocious, vicious or dangerous, or which is badly injured, or stray about may be seized and impounded by the Municipality.
- (2) The Municipality may seize and impound at a place designated by the Municipality, any dog which is found in any public road or public place in contravention with the provisions of this by-law.
- (3) A dog impounded in terms of section 10(2) may be released to the owner of such dog upon payment of a pound fee determined, in addition to any costs incurred, fines charged or taxes which may be outstanding in respect of such dog.
- (4) Any property may be entered to seize a dog where such dog entered such property to avoid seizure. Where seizure is for whatever reason not possible, the Municipality may immediately issue a summons to the owner of the dog or the person keeping the dog.
- (5) Any dog that has been seized and impounded, may be disposed of in terms of the rules and proceedings of the place of impoundment.

11. Breeding of dogs

- (1) A breeder of dogs who wishes to keep more than two dogs must obtain permission from the Municipality, which consent may be granted subject to such conditions and restrictions as the Municipality, or after consultation with another responsible authority, may deem fit to impose.
- (2) An application in terms of sub-section (1) must be submitted—
 - (a) in the prescribed form and must contain an exposition of the race, gender and number of dogs applied for;
 - (b) plans and specifications of structures in which it is proposed to keep the dogs;
 - (c) a site plan indicating all existing or proposed structures and fences on the premises for which the permit is required;
 - (d) and the written consent of the surrounding neighbours;
 - (e) any other information requested.
- (3) Where a person contravenes or fails to adhere to a condition or restriction, the Municipality may, after hearing that person, withdraw its consent and may order the removal of the dogs from the premises for care and safekeeping by an animal welfare organisation, pound or place determined.
- (4) Any costs incurred by the Municipality for the removal and safekeeping of the dogs contemplated in section 11(3) shall be recovered from the owner or keeper of such dogs.
- (5) A dog impounded in terms of section 11(3) 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.
- (6) If a dog is not claimed after 3 (three) days after seizure and impoundment, such dog can be disposed off according to the instructions and rules of the place of impoundment.

12. Exemptions and conditions

- (1) The Municipality may refuse or grant any application for approval and impose conditions, requirement or restrictions it may require or deems appropriate.
- (2) The Municipality may with well-founded reasons exempt any person and/or class of persons from any or all of these requirements, conditions or restrictions it deems appropriate.

13. Liability

The Municipality, authorised official or employee 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, impounding, detention or destruction in terms of this By-Law, or other legal provisions.

14. General provisions

- (1) Right of entry and inspection:
 - (a) Any authorised person is authorised to inspect any premises within the municipal area in order to determine whether there is compliance with the provisions of this By-law.

- (b) When entering premises in terms of sub-section (1), the authorised person must on request by any person, identify him by producing written proof of authorisation.
 - (c) The authorised person may be accompanied by a person reasonably required to assist in conducting the inspection.
- (2) Any person who fails to give or refuse access to any authorised person if he request entrance on any land or premises, or obstructs or hinders him in the execution of his duties under this By-law, or who fails or refuses to give information that he may lawfully be required to give to such employee, or who gives false or misleading information knowing it to be false or misleading, shall be guilty of an offence.

15. Service of documents and process

- (1) Whenever a notice, order, demand, or other document is authorised or required to be served on a person in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such person—
- (a) when it has been delivered to him personally;
 - (b) when it has been left at his 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 his last known residential or businesses address in the Republic and an acknowledgement of the posting thereof is produced;
 - (d) if his address in the Republic is unknown, when it has been served on his agent or representative in the Republic in the manner provided by sub-section (1)(a), (b) or (c); or
 - (e) if his address and agent in the Republic are unknown, when it has been posted in a conspicuous place on the immovable property (if any) to which it relates.
- (2) When any notice, order, demand or other document as aforesaid is authorised or required to be served on a person by reason of his being or having been the owner or occupier of or holding some other right in respect of immovable property, it shall not be necessary to name him but it shall be sufficient if he is therein described as the owner, occupier or holder of such immovable property or other right, as the case may be.

16. Transitional provisions

- (1) A person who, at the commencement of this by-law, owns a larger number of animals than the number contemplated in section 3, or operate a business as contemplated in section 8, may continue to keep such larger number of animals or keep operating the business; but may not replace any animal in excess of that number should one or more of the animals die or be disposed of, or extent, change, move, letting, sub-letting or sell the business, unless permission is obtained from the Municipality for exceeding that number, or inform the Municipality of such extension change, move, letting, sub-letting or selling.
- (2) In the case of such extension, change, moving, letting, sub-letting or selling of the business, the Municipality may impose such conditions and restrictions it deem fit to impose

17. Penalty clause

- (1) Any person who continues to commit an offence after notice has been served on him or fails to cease committing such offence after he has been convicted of such offence, is guilty of a continuing offence.
- (2) Any person who contravenes any provisions or fails to comply with any provisions of this By-law, a notice issued or a condition imposed under this By-law, furnishes a false statement, or false, incorrect or misleading information, shall be guilty of an offence and on conviction to—
- (a) a fine or imprisonment or to both such fine and such imprisonment;
 - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment 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
 - (c) 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.

18. Repeal of By-laws

- (1) The By-laws listed hereunder are hereby repealed:
- (a) Mossel Bay Municipality: By-law relating to the Keeping and Control of Dogs—PN 638/1980 dated 8 August 1980.
 - (b) Great Brak River Municipality: By-law relating to the Keeping and Control of Dogs—PN 160/1983 dated 15 April 1983

19. Short title and commencement

This By-law shall be known as the By-law relating to the Regulating of the Keeping of Dogs of the Mossel Bay Municipality and shall come into operation on the date of publication thereof in the Provincial Gazette.

MOSSELBAAI MUNISIPALITEIT

VERORDENING INSAKE DIE REGULERING VAN DIE AANHOU VAN HONDE

Om voorsiening te maak vir beheer oor die getal honde wat aangehou mag word, die teel met honde, die beheer oor honde deur hulle eienaars, beslaglegging op rondloper honde, voorkoming van oorlaste en om vir bykomstige aangeleenthede voorsiening te maak.

Kragtens die bepalings van artikel 156(2) van die Grondwet van die Republiek van Suid-Afrika, 1996, verorden die Mosselbaai Munisipaliteit soos volg:—

1. Woordbepaling

- (1) In hierdie Verordening sluit woorde wat die manlike geslag aandui, ook die vroulike geslag in, sluit die enkelvoud die meervoud in en omgekeerd, geniet die Engelse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste en tensy dit uit die samehang anders blyk, beteken:

“**aanhou**” met betrekking tot 'n hond, om in besit te wees, toesig of beheer daarvoor te hê of om dit in bewaring te hê of om skuilplek te bied aan sodanige hond;

“**eienaar**” met betrekking tot 'n hond, iemand wat 'n hond aanhou of in besit is van of belas is met die aanhou, sorg, bewaring of beheer van 'n hond en omvat dit enige persoon aan wie 'n hond toevertrou is of wat beheer oor 'n hond het ten opsigte van enige terrein binne die regsgebied van die Mosselbaai Munisipaliteit waar sodanige hond aangehou word of toegelaat word om te lewe of te bly;

“**gemagtigde persoon**” 'n werknemer van die Munisipaliteit of 'n ander persoon wat aangestel of gemagtig is om enige handeling, funksie of taak te verrig wat verband hou met aangeleenthede in hierdie Verordening vervat, of om enige bevoegdheid ingevolge hierdie Verordening uit te voer; en het “**beampte**” 'n ooreenstemmende betekenis;

“**hond**” vir die doeleindes van artikel 2 beteken 'n hond met die ouderdom van 4 maande en ouer;

“**hondeherberg**” enige inrigting waarvan die besigheid die teel, aanhou of afrigting van honde is, insluitend skutte, hetsy dit deur die Staat of andersins bedryf word;

“**Munisipaliteit**” die Munisipaliteit van Mosselbaai gestig in terme van artikel 12 van die Munisipale Strukturewet, 117 van 1998, en sluit in enige behoorlik gevolmagtigde agent of diensverskaffer of werknemer daarvan handelende ingevolge hierdie Verordening uit hoofde van 'n bevoegdheid van die Munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde agent, diensverskaffer of werknemer;

“**openbare plek**” deurgang, brug, voetpad, sypaadjie, steeg, plein, oop ruimte of omheinde plek, tuin, park, strand of enige oop ruimte in die regsgebied van die Munisipaliteit waartoe die publiek vrye toegang het of toepaslik gesoneer is of deur 'n bevoegde owerheid tot sodanig gemaak of verklaar is;

“**openbare pad**” enige pad, straat of deurgang of enige ander plek wat gewoonlik deur die publiek of 'n deel daarvan gebruik word of waartoe die publiek of 'n deel daarvan die reg van toegang het en ook—

- (a) die soom van enige sodanige pad, straat of deurgang;
- (b) enige voetpad, sypaadjie of soortgelyke voetganger gedeelte van 'n padreserwe;
- (c) enige brug, pont of drif waarvoor of waardeur enige sodanige pad, straat of deurgang loop;
- (d) enige ander werk of voorwerp wat 'n deel uitmaak van of verbind is met of behoort tot daardie pad, straat, deurgang, voetpad of sypaadjie; en
- (e) enige perseel, met of sonder geboue of strukture daarop, wat gebruik word of daargestel is as 'n openbare parkeerarea of openbare parkeerplek vir die parkering van motorvoertuie ongeag of toegang tot sodanige parkeerplek of parkeerarea gratis is al dan nie.

“**perseel**” enige stuk grond wat as deel van 'n dorpsuitleg in 'n aktesregistrasie kantoor geregistreer is as 'n erf, perseel, hoewe of standplaas, en ook 'n standplaas of perseel wat deel uitmaak van 'n stuk grond wat uitgelê is as 'n dorp, maar nog nie geregistreer is nie, of 'n deel van sodanige erf, standplaas of perseel en sluit ook in woonpersele buite dorpsgebiede voorsien deur staatsdepartemente, semi-staatsinstellings of nywerhede;

“**troeteldiersalon**” 'n onderneming waar troeteldiere versorg word;

“**troeteldierwinkel**” 'n onderneming waar troeteldiere aangehou word vir handelsdoeleindes.

Administrasie en afdwinging

- (2) (a) Die Direkteur: Gemeenskapsdienste is verantwoordelik vir die administrasie en afdwinging van hierdie Verordening.
- (b) Die Direkteur kan 'n bevoegdheid of plig wat ingevolge hierdie Verordening aan hom verleen is, skriftelik deleger aan 'n bevoegde beampte in sy Direktoraat.

2. Toepassing

- (1) Ten einde die oorlaste en negatiewe impakte wat die aanhou van honde meebring te bestuur, beperk of te voorkom, kan die Munisipaliteit die getal en geslag honde wat aangehou mag word, bepaal, asook die gebiede waar die aanhou van honde beperk of verbied word.
- (2) Die Munisipaliteit kan 'n belasting by spesiale besluit bepaal en oplê vir die aanhou van honde, en kategorieë van honde wat vrygestel is van die betaling van belasting in sy munisipale gebied.
- (3) Die Munisipaliteit reik 'n lisensie uit teen betaling van die belasting aan die Munisipaliteit. Die tarief word ooreenkomstig die Tariefbeleid van die Munisipaliteit bepaal.

3. Getal honde

- (1) Geen persoon mag meer as twee honde op enige erf of perseel aanhou nie en moet 'n persoon wat meer as twee honde wil aanhou op 'n perseel vooraf skriftelike toestemming van die Munisipaliteit verkry.
- (2) 'n beperking wat ingevolge artikel 3(1) opgelê is op die getal honde wat op 'n perseel aangehou mag word, geld nie vir 'n tydperk van 16 weke vanaf die datum van geboorte van 'n werpsel van 'n hond wat met toestemming aangehou word nie.

- (3) Die verbod in artikel 3(1) is nie van toepassing op—
- (a) op persele wat vir landboudoeleindes gesoneer is en bona-fide landbou bedryfswigehede beoefen word, met dien verstande dat 'n persoon wat honde aanhou op 'n perseel wat vir landboudoeleindes soneer is, nie vrygestel word nie van nakoming van enige ander bepaling van hierdie Verordening of enige ander wetgewing wat van toepassing mag wees;
 - (b) 'n perseel wat as 'n veearts kliniek of 'n veeartsenykundige hospitaal gebruik word nie;
 - (c) 'n organisasie waarvan die hoofdoelstelling die afrigting van honde is om as gidshonde vir blinde persone te dien of wat deur 'n blinde persoon as gidse gebruik word nie;
 - (d) 'n sekerheidsorganisasie waar honde aangehou word vir sekerheids-dienste of vir afrigting;
 - (e) 'n persoon wat by afkondiging van hierdie Verordening reeds meer as die toegelate aantal honde aanhou nie; en sodanige persoon mag nie enige hond bo die toegelate getal vervang sonder die Munisipaliteit se vooraf skriftelike toestemming ingevolge artikel 3(1), indien sodanige hond vrek of mee weggedoen word nie;
 - (f) enige persoon wat buite die munisipale gebied woonagtig is, wat honde inbring vir 'n tydelike besoek, vir 'n tydperk van hoogstens 30 (dertig) dae vanaf datum van aankoms nie;
 - (g) die Dierbeskermingsvereniging en ander geregistreerde diere welsynsorganisasies nie;
 - (h) instansies wat by die Munisipaliteit geregistreer is as hondeherberge, troeteldiersalonne en troeteldierwinkels waar diere tydelike verblyf gegee word nie.

4. Beheer oor honde

- (1) Niemand mag—
- (a) toelaat dat enige hitsige teef waarvan hy die eienaar is of wat deur hom aangehou word, in enige openbare pad of openbare plek is of kom nie;
 - (b) enige hond aanspoor om enige persoon of dier aan te val, lastig te val, te verskrik of bang te maak nie, behalwe waar dit nodig is vir die verdediging van sodanige eersgenoemde persoon of sy eiendom of van enige ander persoon;
 - (c) enige hond aanhou wat—
 - (i) deur aanhoudend te blaf, te kef, te tjank, te huil of deur enige ander optrede, die gewone gerief, gemak, vrede en rus van die bure of enige ander mense versteur nie;
 - (ii) deur in die gewoonte geraak het om af te storm op enige voertuie, diere, voëls of persone buite enige perseel waar die hond aangehou word;
 - (iii) deur op enige ander wyse of gedrag 'n oorlas skep of 'n pes word;
 - (d) toelaat, veroorsaak of duld dat enige hond waarvan hy die eienaar is of wat deur sodanige persoon aangehou word of onder sy beheer of toesig is—
 - (i) in enige openbare pad of openbare plek is nie; behalwe as sodanige hond aan 'n leiriem gehou word en onder beheer van 'n verantwoordelike persoon is;
 - (ii) wat wild, kwaai of gevaarlik is, in enige openbare pad of openbare plek is nie; tensy sodanige hond genuilband is en aan 'n leiriem gehou word en onder beheer van 'n verantwoordelike persoon is;
 - (iii) op private eiendom oortree nie;
 - (iv) 'n gevaar of hindernis skep vir mense en verkeer wat enige openbare pad gebruik nie;
 - (v) 'n bron van gevaar of besering uitmaak of na sy wete waarskynlik 'n bron van gevaar of besering sal uitmaak vir enige persoon buite die perseel waarop sodanige hond aangehou word nie;
 - (vi) in enige openbare pad of openbare plek is terwyl sodanige hond aan skurfte of enige ander besmetlike of aansteeklike siekte ly nie;
 - (vii) in enige openbare plek, openbare pad of strandgebied kom, of ingeneem word strydig met 'n verbodskennisgewing of -teken, of wat omskryf is as 'n gebied waar geen honde toegelaat word nie;
 - (viii) 'n bron van gevaar is vir die Munisipaliteit se werknemers of wat hulle verhoed om sodanige perseel betree met die doel om hulle pligte uit te voer nie. 'n Kennisgewing ten effekte dat 'n kwaai of gevaarlike hond op sodanige perseel aangehou word, moet op 'n opvallende plek by die hoof toegangshek vertoon word; of
 - (ix) aan enige ketting, draad, tou of ander bindmateriaal vasgemaak word nie, sonder dat sodanige hond redelike en genoegsame vrye beweging het met toegang tot skuiling, skadu en water.
- (2) Die eienaar of die persoon in die beheer van die hond—
- (a) moet sodanige hond daagliks van skoon slaapplek, skuiling, water en behoorlike kos voorsien; en
 - (b) moet ten alle tye die perseel waarop die hond aangehou word en alle gepaardgaande toebehore in 'n goeie, netjiese en higiëniese toestand hou.
- (3) Wanneer ook al, na die mening van die Munisipaliteit 'n hond wat op enige perseel aangehou word, of die omstandighede op die perseel self, 'n publieke oorlas of gevaarlike toestand veroorsaak, kan die Munisipaliteit, sonder inkorting van sy bevoegdheid om regstappe teen die oortreder of vervolging in te stel, by wyse van 'n skriftelike kennisgewing die eienaar of okkupeerder van sodanige perseel aansê om binne die tydperk wat in sodanige kennisgewing aangedui moet word, die hond wat die sodanige oorlas veroorsaak, te verwyder of om die nodige stappe te doen om die publieke oorlas uit die weg te ruim.

5. Omheining van eiendom

- (1) Niemand mag 'n hond aanhou indien die perseel waarop die hond aangehou word, nie behoorlik en voldoende omhein is om sodanige hond binne te hou wanneer dit nie aan 'n leiband is nie.
- (2) Alle strukture waarin honde aangehou word moet toepaslik afgeskerm word van enige straat.

6. Verwydering van aanstootlike stowwe

- (1) Die eienaar, persoon in beheer of wat toesig hou oor enige hond wat in 'n openbare plek of openbare pad geneem word, moet die nodige hulpmiddels te alle tye byderhand hou ten einde enige uitskeiding van die hond onverwyld op te ruim en te kan verwyder.
- (2) Indien enige hond hom in enige openbare pad of openbare plek ontlaas, moet enige persoon wat in beheer is van sodanige hond, onmiddellik die ontlasting verwyder, dit in 'n houer, plastiek of papiersak plaas of toedraai en dit wegdoen deur dit in 'n houer te plaas wat vir die wegdoen van rommel of vullis voorsien is, of dit in bewaring hou totdat dit gepas weggedoen kan word.

7. Honde op persele waar voedsel verkoop word

- (1) Die eienaar of persoon wat in beheer is van enige winkel of ander plek waar voedsel voorberei, verkoop of te koop uitgestal word, mag nie toelaat dat enige hond in sodanige winkel kom of op sodanige plek is of bly nie.
- (2) Die bepalings van hierdie artikel sal nie van toepassing wees op die Suid-Afrikaanse Polisie diens of 'n gidshond wat aangewend word vir die begeleiding van 'n blinde persoon nie.

8. Hondeherberge, troeteldiersalonne en troeteldierwinkels

- (1) Geen hondeherberg, troeteldiersalon of troeteldierwinkel mag bedryf word sonder die toestemming van die Munisipaliteit nie.
- (2) Aansoek vir goedkeuring moet gedoen word op die wyse deur die Munisipaliteit voorgeskryf.
- (3) 'n Persoon wat 'n hondeherberg, troeteldiersalon of troeteldierwinkel bedryf, mag nie toelaat dat die besigheid op so 'n wyse bedryf word dat dit 'n gevaar, oorlas of ongerief vir ander mense is nie.

9. Smous met honde

Geen persoon mag met 'n hond smous—

- (a) in 'n straat of openbare plek nie; of
- (b) in of vanaf 'n mobiele struktuur of voertuig nie.

10. Inbeslagneming, skut en afmaak van honde

- (1) Enige hond wat in 'n openbare pad of openbare plek aangetref word en wat aan skurft of 'n ander besmetlike of aansteeklike siekte ly, of wat kwaai, wild of gevaarlik is, of ernstig beseer is of los rondloop, kan deur die Munisipaliteit in beslag geneem en na 'n skut verwyder word.
- (2) Die Munisipaliteit kan op enige hond wat in 'n openbare pad of openbare plek gevind word strydig met die bepalings van hierdie Verordening, beslag lê en skut of op 'n plek deur die Munisipaliteit bepaal, aanhou of laat aanhou.
- (3) 'n Hond wat kragtens artikel 10(2) geskut is, kan aan die eienaar van so 'n hond vrygestel word teen betaling van 'n bedrag skutgeld soos bepaal, bykomend tot enige koste aangegaan, boetes gehof of belasting, indien enige, wat ten opsigte van so 'n hond uitstaande mag wees.
- (4) Enige eiendom kan betree word ten einde die beslaglegging uit te voer indien sodanige hond sodanige eiendom binnegaan ten einde beslaglegging te vermy. Waar beslaglegging vir welke rede ook al nie uitvoerbaar is nie, mag die Munisipaliteit summier 'n dagvaarding uitreik aan die eienaar van die hond of die persoon wat die hond aanhou.
- (5) Enige hond waarop beslag gelê en geskut is, word ooreenkomstig die voorskrifte en reëls van die plek van aanhouding oor beskik.

11. Teel van honde

- (1) 'n Teler van honde wat meer as twee honde wil aanhou moet die toestemming van die Munisipaliteit vooraf verkry wat toegestaan kan word onderhewig aan sodanige voorwaardes en beperkings as wat die Munisipaliteit self, of na oorleg met 'n ander verantwoordelike owerheid, mag nodig ag om op te lê.
- (2) 'n Aansoek vir die toestemming van die Munisipaliteit ingevolge sub-artikel 11(1) moet gedoen word—
 - (a) op die wyse voorgeskryf en moet 'n uiteensetting bevat van die ras, geslag en getal honde waarvoor aansoek gedoen word;
 - (b) planne en spesifikasies ten opsigte van alle strukture waarin honde gehuisves gaan word;
 - (c) 'n terreinplan waarop alle bestaande en voorgestelde strukture en heinings op die perseel aangedui word;
 - (d) die skriftelike toestemming van die omringende bure; en
 - (e) enige ander inligting verlang.
- (3) Waar 'n persoon enige voorwaarde of beperking oortree of versuim om daaraan te voldoen, sal die Munisipaliteit geregtig wees om, nadat die persoon aangehoor is, sy toestemming terug te trek en die honde van die perseel te laat verwyder vir veilige bewaring deur 'n diere welsyn-organisasie, skut of plek aangewys.
- (4) Enige koste wat deur die Munisipaliteit aangegaan is vir die verwydering en veilige bewaring van die honde bedoel in artikel 11(3), sal van die eienaar of persoon in beheer van sodanige honde verhaal word.
- (5) 'n Hond wat kragtens artikel 11(3) geskut is, kan aan die eienaar van so 'n hond vrygestel word teen betaling van 'n bedrag soos deur die Munisipaliteit bepaal, bykomend tot enige kostes, boetes of belasting wat ten opsigte van so 'n hond uitstaande mag wees.
- (6) Indien 'n hond vir 'n tydperk van 3 (drie) dae na beslaglegging nie opgeëis word nie, kan ooreenkomstig die voorskrifte en reëls van die plek van bewaring oor sodanige hond beskik word.

12. Vrystelling en voorwaardes

- (1) By die ontvangs van enige aansoek om goedkeuring in terme van hierdie Verordening mag die Munisipaliteit sodanige aansoek goedkeur of weier of onderhewig maak aan vereistes, voorwaardes en beperkings wat dit nodig ag om op te lê.
- (2) Die Munisipaliteit mag om gegronde redes enige persoon en/of klas van persone vrystel van enige of al hierdie vereistes, voorwaardes of beperkings en mag enige ander vereiste, voorwaarde of beperking wat dit as geskik beskou oplê.

13. Aanspreeklikheid

Die Munisipaliteit of 'n gemagtigde beampte of werknemer is nie aanspreeklik vir enige besering of siekte opgedoen deur, of skade aangerig aan enige hond as gevolg van of gedurende die inbeslagneming, skut, aanhouding of afmaak daarvan kragtens hierdie Verordening, of enige ander regsvoorskrif .

14. Algemene bepalings

- (1) Reg van toegang en inspeksie:
 - (a) Enige gemagtigde persoon is gemagtig om enige perseel binne die munisipale gebied te inspekteer ten einde te bepaal of daar aan die bepalings van die Verordening voldoen word.
 - (b) Wanneer 'n perseel ingevolge sub-artikel (1) binnegegaan word, moet die gemagtigde persoon op versoek van enige persoon, hom identifiseer deur 'n geskrewe bewys van magtiging te toon.
 - (c) Die gemagtigde persoon mag vergesel word van 'n persoon van wie dit redelikerwys verwag word om te help in die uitvoer van die inspeksie.
- (2) Iemand wat versuim of weier om toegang te verleen aan 'n gemagtigde persoon indien hy toegang tot grond of 'n perseel versoek, of wat hom dwarsboom of hinder in die uitvoering van sy pligte kragtens hierdie Verordening, of wat versuim of weier om inligting te verstrek wat wettiglik van hom vereis kan word of vals of misleidende inligting aan sodanige behoorlik gemagtigde werknemer van die Munisipaliteit verstrek, welwetende dat dit vals of misleidend is, is skuldig aan 'n misdryf.

15. Bediening van dokumente en geregtelike stappe

- (1) Wanneer enige kennisgewing, bevel, aanskrywing of ander dokument gemagtig is of nodig is om bedien te word op 'n persoon ingevolge hierdie Verordening, word dit geag effektief en na behore aan sodanige persoon beteken te wees—
 - (a) wanneer dit persoonlik aan hom afgelewer is;
 - (b) wanneer dit by sy plek van inwoning of besigheid in die Republiek gelaat is by 'n persoon wat duidelik ouer as sestion jaar is;
 - (c) wanneer dit gepos is per geregistreerde of gesertifiseerde pos aan sy laaste bekende woon- of besigheidsgebied in die Republiek en 'n erkenning van die versending verskaf word;
 - (d) indien sy adres in die Republiek onbekend is, wanneer dit aan sy agent of verteenwoordiger in die Republiek bedien is op so 'n manier soos bepaal deur sub-artikel (1)(a), (b) of (c); of
 - (e) indien sy adres en agent in die Republiek onbekend is, wanneer dit opsigtelik vertoon word op die vaste eiendom, indien enige, waarop dit betrekking het.
- (2) Wanneer enige kennisgewing, bevel, aanskrywing of ander dokument soos die voorgenoemde gemagtig is of bedien moet word aan 'n persoon omdat hy die eienaar of bewoner is of was of 'n ander reg hou met betrekking tot vaste eiendom, sal dit nie nodig wees om hom by name te noem nie, maar sal dit voldoende wees as hy daarin beskryf word as die eienaar, bewoner of houer van sodanige vaste eiendom of ander reg, wat ook al die geval mag wees.

16. Oorgangsbepaling

- (1) 'n Persoon wat tydens die inwerkingtreding van hierdie Verordening meer diere aanhou as wat ingevolge artikel 3 goedgekeur is, of besighede soos bedoel in artikel 8 wat reeds in bedryf is, mag voortgaan om sodanige groter getal diere aan te hou, of in bedryf te bly, maar mag nie, sonder die toestemming van die Munisipaliteit, enige van sodanige groter aantal diere vervang wanneer een of meer daarvan te sterwe kom of wegemaak word nie, of die besigheid uitbrei, verander, verskuif, verhuur, of verkoop nie, sonder om die Munisipaliteit daarvan in kennis te stel nie.
- (2) In die geval waar die besigheid verhuur, onderverhuur of verkoop word, mag die Munisipaliteit bepaalde beperkings of vereistes neerlê ten opsigte van die sodanige besigheid, wat nodig geag mag word.

17. Strafbepaling

- (1) Enige persoon wat voortgaan om 'n oortreding te pleeg nadat kennis aan hom gegee is om voortsetting van die oortreding te staak, of nadat hy skuldig bevind is aan 'n sodanige oortreding en daarmee voortgaan, is skuldig aan 'n voortdurende oortreding.
- (2) Enige persoon wat enige van die bepalings van hierdie Verordening oortree of wat versuim om aan enige bepaling daarvan te voldoen of 'n kennisgewing of voorwaarde in terme van hierdie Verordening oortree of versuim om daaraan te voldoen, 'n valse verklaring maak, of valse, onjuiste of misleidende inligting verstrek, is skuldig aan 'n misdryf en by skuldigbevinding—
 - (a) 'n boete of gevangenisstraf of beide 'n boete en sodanige gevangenisstraf;
 - (b) in die geval van 'n voortdurende misdryf met 'n addisionele boete of 'n addisionele tydperk van gevangenisstraf of sodanige addisionele gevangenisstraf sonder die opsie van 'n boete of beide sodanige addisionele boete en gevangenisstraf vir elke dag wat sodanige misdryf voortduur; en
 - (c) 'n verdere bedrag gelyk aan enige koste en uitgawes wat na bevinding van die hof deur die Munisipaliteit aangegaan is as gevolg van sodanige oortreding of versuim.

18. Herroeping van Verordeninge

- (1) Die Verordeninge hieronder gelys word hiermee herroep:
 - (a) Mosselbaai Munisipaliteit: Verordening insake die Aanhou van en Beheer oor Honde—PK 638/1980 gedateer 8 Augustus 1980.
 - (b) Munisipaliteit Groot Brakrivier: Verordening insake die Aanhou van en Beheer oor Honde—PK 160/1983 gedateer 15 April 1983.

19. Kort titel en inwerkingtreding

Hierdie Verordening heet die Verordening insake die Regulering van die Aanhou van Honde van die Mosselbaai Munisipaliteit en tree in werking op die datum van publikasie daarvan in die Provinsiale Koerant.

MOSSSEL BAY MUNICIPALITY

BY-LAW RELATING TO THE REGULATION OF ELECTRICITY SUPPLY

To provide for procedures, methods and practices to regulate the provision of electricity. To provide for the supply of electricity to the residents within the area of jurisdiction of the Mossel Bay Municipality.

Under the provisions of section 156(2) of the Constitution of the Republic of South Africa, 1996, the Mossel Bay Municipality enacts as follows:—

PART 1: GENERAL

1. Definitions

(1) In this By-law, words used in the masculine gender also include the feminine, the singular includes the plural and vice versa, the English text prevails in the event of an inconsistency between the different texts and unless inconsistent with the context—

“accredited person” means a person registered in terms of the electrical installation regulations of the Occupational Health and Safety Act, 1993, as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

“applicable standard specification” means the standard specifications:

- (a) SANS 1019 Standard voltages, currents and insulation levels for electricity supply;
- (b) SANS 1607 Electromechanical watt-hour meters;
- (c) SANS 1524 Parts 0,1 & 2-Electricity dispensing systems;
- (d) SANS IEC 60211 Maximum demand indicators, Class 1.0;
- (e) SANS IEC 60521 Alternating current electromechanical watt-hour meter (Classes 0.5, 1 & 2);
- (f) SANS 10142-1 Code of practice for the wiring of premises;
- (g) NRS 047 National Rationalised Specification for the Electricity Supply-Quality of Service;
- (h) NRS 048 National Rationalised Specification for the Electricity Supply-Quality of Supply; and
- (i) NRS 057 Electricity Metering: Minimum Requirements;

“authorised agent” means a person authorised by the Municipality to perform any act, function or duty in terms of, or exercise any power under, this By-law;

“certificate of compliance” means a certificate issued in terms of the regulations in respect of an electrical installation or part of an electrical installation by an accredited person;

“consumer” in relation to premises means-

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

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

“electrical contractor” means a person as defined in the Regulations and who undertakes to perform electrical installation work on behalf of any other person, but excludes an employee of such first-mentioned person;

“electrical installation” as defined in the Regulations and any machinery, in or on any premises, used for the transmission of electricity from a point of control to a point of consumption anywhere on the premises, including any article forming part of such an installation irrespective of whether or not it is part of the electrical circuit, but excluding—

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

“high voltage” means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity 1 in the range of 44kv < Un < 220 kV. [SANS 1019]

“installation work” means the installation, extension, modification or repair of an electrical installation, including the connection of machinery at the supply terminals of the machinery;

“low voltage” means the set of nominal voltage levels that are adjusted for the distribution of electricity and whose upper limit generally accepted to be an alternating current voltage of 1 000 V (or direct current voltage of 1 500 V). [SANS 1019];

“medium voltage” means the set of nominal voltage level that lie above low voltage and below high voltage in the range of 1 kV < Un 44 kV. [SANS 1019];

“meter” means a device which records the demand and/or the electrical energy consumed;

“motor rating” means the maximum continuous kW output of a motor as stated on the manufacturer’s rating plate;

“municipal area” means the area of jurisdiction of the Municipality;

“Municipality” means the Municipality of Mossel Bay established in terms of section 12 of the Municipal Structures Act, 117 of 1998, and includes duly authorised agent, service provider or any employee thereof acting in connection with this By-law by virtue of a power vested in the

Municipality and delegated or sub-delegated to such agent service provider or employee;

“**NRS**” means the National Rationalised Specification for the Electricity Supply compiled by the Electricity Supply Liaison Committee and issued by South African Bureau of Standards;

“**Non-Standard Supply of Electricity**” means an electricity supply where the estimated load $SL > 90A$, 3 phase, calculated in terms of the Safety Standard;

“**occupier**” in relation to any premises means—

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

“**owner**” in relation to premises means the person in whom is vested the legal title thereto; provided that—

- (a) in the case of immovable property—
 - (i) leased for a period of not less than 50 years, whether the lease is registered or not, the lessee thereof; or
 - (ii) beneficially occupied under a servitude or right analogous thereto, the occupier thereof;
- (b) if the owner as hereinbefore defined—
 - (i) is deceased or insolvent, has assigned his estate for the benefit of his creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be; or
 - (ii) is absent from the Republic of South Africa, or if his address is unknown to the Service Provider, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property; and
 - (iii) if the Municipality is unable to determine who such person is, the person who is entitled to the beneficial use of such property, shall be deemed to be the owner thereof to the exclusion of the person in whom is vested the legal title thereto;

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

“**point of control**” means the point at which the electrical installation on or in any premises can be switched off by a user or lessor from the electricity supplied from the point of supply;

“**point of metering**” means the point at which the consumer’s consumption of electricity is metered and which may be at the point of supply or at any other point on the distribution system of the Municipality or the electrical installation of the consumer, as specified by the Municipality; provided that it shall meter all of, and only, the consumer’s consumption of electricity;

“**point of outlet**” means any termination of an electrical installation which has been provided for connecting any electrical machinery without the use of tools;

“**point of supply**” means the point determined by the Municipality at which electricity is supplied to any premises by the Municipality;

“**premises**” means any land or any building or structure above or below ground level and includes any vehicle, aircraft or vessel;

“**prepayment meter**” means a meter that can be programmed to allow the flow of pre-purchased amounts of energy in an electrical circuit;

“**regulations**” means Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended;

“**SANS**” means a standard which has been set and issued by the South African Bureau of Standards in terms of the provisions of the Standards Act, No. 29 of 1993;

“**safety standard**” means the Code of Practice for the Wiring of Premises SANS 10142-1 incorporated in the regulations;

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

“**service protective device**” means any fuse or circuit breaker installed for the purpose of protecting the Municipality’s equipment from overloads or faults occurring on the installation or on the internal service connection;

“**standby supply**” means an alternative electricity supply not normally used by the consumer;

“**supply mains**” means any part of the Municipality’s electricity network;

“**supply terminals**” in relation to machinery installed as a complete unit, means the terminals or connection clamps on such machinery where the external conductors supplying the machinery with electricity are terminated or connected;

“**tariff**” means the tariff of charges and fees for the supply of electricity, determined in terms of the Municipality’s Tariff Policy By-law;

“**Tariff Policy By-law**” means the Tariff Policy By-law adopted by the Municipality and published in the Provincial Gazette;

“**token**” means the essential element of a prepayment metering system used to transfer information from a point of sale for electricity credit to a prepayment meter and **vice versa**; and

“**voltage**” means the root-mean-square value of electrical potential between two conductors.

Other terms

- (2) All other terms used in this By-law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Regulation Act, 2006 (Act 4 of 2006), as amended, or the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended, and the Regulations in terms thereof.

Administration and enforcement

- (3) (a) The Director: Financial Services and Director: Electrotechnical Services, where applicable, is responsible for the administration and enforcement of this By-law.
- (b) A Director may delegate any power or duty granted to him in terms of this By-law to a competent official in his Directorate.

PART 2: GENERAL CONDITIONS OF SUPPLY**2. Statutory servitude**

- (1) Subject to the provisions of sub-section (3) the Municipality may within its municipal area—
- (a) provide, establish and maintain electricity services;
 - (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;
 - (c) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the Municipality;
 - (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).
- (2) If the Municipality constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the Municipality or under the control of or management of the Municipality, it may, pay to the owner of such street or property compensation in an amount agreed upon by such owner and the Municipality or in the absence of an agreement, institute expropriation proceedings in accordance with the provisions of Electricity Regulation Act, 2006, or any other relevant Act.
- (3) The Municipality may, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the Municipality or under the control or management of the Municipality, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

3. Supply of Electricity by the Municipality

Only the Municipality may supply or contract for the supply of electricity within the municipal area with the exception of those areas where electricity is supplied by Eskom.

4. Supply by agreement

- (1) No electricity supply will be given to any electrical installation on any premises unless the owner or occupier of the premises has entered into an agreement with the Municipality for such supply.
- (2) No person may use or is entitled to use an electricity supply from the Municipality unless or until such person has entered into an agreement with the Municipality for such supply.
- (3) The agreement referred to in sub-sections (1) and (2) together with the provisions of this By-law, relevant acts and policies governs the supply of electricity to any premises.
- (4) A person who uses an electricity supply without having entered into an agreement with the Municipality is liable for fees, cost and interest regarding the electricity used.
- (5) The consumer is liable for the payment of all fees and monies in respect of the supply of electricity, until the agreement has been terminated in accordance with this By-law.

5. Compliance with notices

Any person on whom a notice duly issued or given under this By-law is served shall, within the time specified in such notice, comply with its terms.

6. Serving of Notice

- (1) Any notice or other document that is served on any person in terms of this By-law 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 acknowledgement of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.
- (2) When any notice or other document must be authorised or 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 on question, and it is not necessary to name that person.
- (3) Any legal process is effectively and sufficiently served on the Service Provider when it is delivered to the Chief Executive Officer of the Service Provider or an employee in attendance at the office of the Chief Executive Officer.

7. Application for supply

- (1) Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Municipality, and the estimated load, in kVA, of the installation, shall be stated therein. Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Municipality.
- (2) Applicants for the supply of electricity shall submit the following documents with their application:
 - (a) A copy of the identity document or passport, and, in the case of a business, a letter of resolution delegating the authority to the applicant.
 - (b) A valid lease agreement, in the case of a tenant, or, in the case of an owner, a deed of sale or other proof of ownership of the premises for which a supply of electricity is required.
- (3) Applications for the supply of electricity may be subject to a credit clearance check as far as debt to a Municipality is concerned.
- (4) An application for an electricity supply for a period of less than one year shall be regarded as an application for a temporary supply of electricity and shall be considered at the discretion of the Municipality or any duly authorized official of the Municipality, who may specify any special conditions to be satisfied in such case.

8. Processing of requests for supply

Applications for the supply of electricity will be processed and the supply made available within the periods stipulated in NRS 047.

9. Way leaves

- (1) The Municipality may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the Municipality or on any private property, unless and until the prospective consumer has provided the Municipality with written permission from the owner of such private property or by the person who has legal title to such land or thoroughfare, as the case may be, authorising the laying or erection of a service connection thereon.
- (2) If such permission is at any time withdrawn or if the private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be continued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply of electricity is required to be continued.

10. Municipality's right of access to premises

- (1) The Municipality shall, through its employees, contractors and their assistants and advisers, have access to or over any property for the purposes of—
 - (a) doing anything authorised or required to be done by the Municipality under this By-law or any other law;
 - (b) inspecting and examining any service mains and anything connected therewith;
 - (c) enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the Municipality and making any necessary survey in connection therewith;
 - (d) ascertaining whether there is or has been a contravention of the provisions of this By-law or any other law; and
 - (e) enforcing compliance with the provisions of this By-law or any other law.
- (2) The Municipality shall pay to any person suffering damage as a result of the exercise of the right of access contemplated by sub-section (1) (a-c) except where the Municipality is authorized to execute on the property concerned any work at the cost of such person or some other person or to execute on such property any work and recover the cost thereof from such person or some other person, compensation in such amount as may be agreed upon by the Municipality and such person or, in the absence of agreement, as may be determined by arbitration or court of law.
- (3) The Municipality may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, to allow access to such property to a person and for a purpose referred to in sub-section (1).
- (4) The Municipality may gain access to or over any property without notice and may take whatever steps or action as may, in its opinion, be necessary or desirable in consequence of the existence of a state of war or the occurrence of any calamity, emergency or disaster, or for the purpose of sub-section (1)(d).

11. Obstruction of employees and refusal or failure to give information

No person may willfully—

- (a) hinder, obstruct or interfere with an employee of the Municipality in the performance of any duty relating to this By-law;
- (b) refuse to furnish such information as the Municipality may reasonably require; or
- (c) give to the Municipality any information which to his knowledge is false or misleading.

12. Improper use

- (1) If the Municipality has reason to believe that a consumer uses electricity for any purpose or deals with the electricity in any manner which interferes or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the Municipality may, with or without notice, disconnect the electricity supply to such consumer.
- (2) The Municipality must restore the electricity supply as soon as the cause for the disconnection has been permanently remedied or removed and the consumer has paid the relevant fee for the disconnection and reconnection, unless it can be shown that the consumer did not use or deal with the electricity in an improper or unsafe manner.

13. Tariffs, fees, charges, availability fees and deposits

- (1) The tariffs, fees, charges, availability fees and deposits in respect of services rendered by the Municipality in terms of this By-law, are determined in terms of the Tariff Policy By-law.
- (2)
 - (i) The tariffs, fees, charges, availability fees and deposits determined by the Municipality, becomes due and payable on or before the due date specified in the Tariff Policy By-law.
 - (ii) The Municipality has the right to require the consumer to deposit a sum of money as security in payment of any charges which are due or may become due to the Municipality. The amount of the deposit in respect of each electricity installation shall be determined by the Municipality, and each such deposit may be increased if the Municipality deems the deposit held to be inadequate. Such deposit shall not be regarded as being in payment of part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this by-law. On cessation of the supply of electricity, the amount of such deposit, free of any interest, less any payments due to the Municipality shall be refunded to the consumer.
- (3) The consumer shall be liable for all charges listed in the prescribed tariff for the electricity service as approved by the Municipality.
- (4) All accounts shall be deemed to be payable when issued by the Municipality.
- (5) An error or omission in any account or failure to render an account shall not relieve the consumer of his obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.
- (6) Where a duly authorized official of the Municipality has visited the premises for the purpose of disconnecting the supply of electricity and he is obstructed or prevented from effecting such disconnection, the prescribed fee shall become payable for each visit necessary for the purpose of such disconnection.
- (7) After disconnection for non-payment of an account, the prescribed fees and any amounts due for electricity consumed shall be paid before the electricity supply is reconnected.

14. Interest on overdue accounts

- (1) The Municipality may levy and recover fees, charges and tariffs in terms of the provisions of section 75A of the Municipal Systems Act, 1997 (Act 109 of 1997).
- (2) Interest on overdue accounts is charged at a rate of interest determined by the Municipality from time to time.

15. Resale of electricity

- (1) Unless otherwise authorized in writing by the Municipality on application, no person may sell or supply electricity, supplied to his premises under an agreement with the Municipality, to any other person or persons for use on any other premises, or permit such resale or supply to take place.
- (2) If electricity is resold for use upon the same premises, the electricity resold must be measured by a sub-meter of a type which has been approved by the South African Bureau Standards and supplied, installed and programmed in accordance with the standards of the Municipality.
- (3) The tariff, rates and charges at which and the conditions of sale under which electricity is thus resold may not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the Municipality.
- (4) A authorized re-seller of electricity must furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the Municipality to electricity consumers.

16. Right to disconnect supply

- (1) Notwithstanding the provisions of this By-law the Municipality shall have the right to disconnect the supply of electricity to any premises—
 - (a) if the person liable to pay for such supply fails to pay an charge due to the Municipality in connection with any supply of electricity which he may at any time have received from the Municipality in respect of such premises; or
 - (b) in the case of a grave risk to person or property;
 - (c) where any of the provisions of this By-law and/or the Regulations are being contravened; or
 - (d) except in terms of other provisions, the Municipality may give the contravener fourteen (14) days notice to remedy a less serious default and the person has failed to remedy such default;
 - (e) after disconnection the fee, penalty or monies as prescribed by the Municipality shall be paid.
- (2) In the case where an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the Municipality, or in the case where the Municipality's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the Municipality may physically remove the electricity supply from those premises.

17. Non-liability of the Municipality

The Municipality shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or any other abnormality in the supply of electricity, unless caused by gross negligence on the part the Municipality.

18. Leakage of electricity

No rebate will be allowed on the account for electricity supplied and metered in respect of electricity wasted owing to leakage or any other fault in the electrical installation.

19. Failure of electrical supply

- (1) The Municipality will not attend to a failure of electricity supply due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the Municipality.

- (2) When any failure of supply of electricity is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the Municipality may charge the consumer the relevant fee for the restoration of the supply of electricity in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation.

20. Sealed and locked apparatus

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

21. Tampering with service connection or supply mains

- (1) No person shall in any manner or for any reason whatsoever tamper with, interfere with, vandalize, affix advertising medium to, or deface any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the Municipality or illegally connect into the electricity wiring of any consumer.
- (2) Where prima facie evidence exists of a consumer and/or any person having contravened sub-section (1), the Municipality shall have the right to disconnect the supply of electricity immediately without prior notice to the consumer. The person shall be liable for all fees, charges and interest levied by the Municipality for such disconnection.
- (3) Where a consumer and/or any person has contravened sub-section (1) and such contravention has resulted in the meter recording less than the true consumption, the Municipality shall have the right to recover from the consumer the full cost of his estimated consumption.

22. Protection of Municipality's supply mains

- (1) No person shall, except with the consent of the Municipality and subject to such conditions as may be imposed—
 - (a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the supply mains;
 - (b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains;
 - (c) damage, endanger, remove or destroy, or undertake do any act likely to damage, endanger or destroy any part of the supply mains;
 - (d) make any unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity therefrom;
 - (e) The owner or occupier shall limit the height of trees or length of projecting branches in the proximity of overhead line or provide a means of protection which in the opinion of the Municipality will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down. Should the owner fail to observe this provision the Municipality shall have the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose.
- (2) The Municipality may—
 - (a) subject to obtaining an order of Court demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with this By-law;
 - (b) fill in and make good any ground excavated or removed in contravention with this By-law;
 - (c) repair and make good any damage done in contravention of this By-law or resulting from a contravention of this By-law; and
 - (d) remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.
- (3) The Municipality may in the case of an emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

23. Prevention of tampering with service connection or supply mains

If the Municipality decides that it is necessary or desirable to take special precautions in order to prevent tampering with any portion of the mains, service connection or service protective device or meter or metering equipment, the consumer must either supply and install the necessary protection or pay the costs involved where such protection is supplied by the Municipality.

24. Unauthorised connections

No person other than a person authorised thereto by the Municipality in writing may connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the supply mains service connection.

25. Unauthorised reconnections

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

26. Temporary disconnection and reconnection

- (1) The Municipality may, at the request of the consumer, temporarily disconnect and reconnect the supply of electricity to the consumer's electrical installation upon payment of the fee as prescribed by the Municipality for each such disconnection and subsequent reconnection.
- (2) In the event of the necessity arising for the Municipality, or when deemed necessary, to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the Municipality shall waive payment of the prescribed fee.

- (3) The Municipality may subject to other provisions, only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose. In all other temporary instances adequate notice shall be given.

27. Temporary supplies

It shall be a condition of the giving of any temporary supply of electricity as defined in this By-law, that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the Municipality shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and, the Municipality shall not be liable for any loss or damage occasioned by the consumer by such termination.

28. Temporary work

Electrical installations requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with the special permission, in writing, of the Municipality. Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid permission, and the Municipality may refuse such permission or may grant the same upon such terms and conditions as it may deem desirable and necessary.

29. Load reduction

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

30. High, medium and low voltage switchgear and equipment

- (1) The consumer must pay for the supply and installation of the switchgear, cables and equipment forming part of the service connection for the supply of electricity at either high, medium or low voltage, unless otherwise approved by the Municipality.
- (2) All such equipment installed on the consumer's premises must be compatible with the Municipality's electrical performance standards.
- (3) No person may open, close, isolate, link or earth high or medium voltage switchgear or equipment without giving reasonable prior notice to the Municipality.
- (4) The consumer, who has high or medium voltage switchgear installed for the supply of electricity at medium or low voltage, must advise the Municipality of the competent person to be appointed by the consumer in terms of the regulations, and of any changes made to such appointments.
- (5) The consumer must provide and install a low voltage main switch and/or any other equipment required by the Municipality for the supply of electricity at low voltage.
- (6) All earthing and testing of medium voltage equipment linked to the Municipality's network, shall be conducted by the Municipality.

31. Substation accommodation

- (1) The Municipality may, on such conditions as may be deemed fit, require the owner to provide and maintain accommodation to be used as a substation, consisting of a separate room or rooms for the purpose of housing medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the owner or consumer.
- (2) The owner or consumer must ensure that accommodation is situated at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.
- (3) The Municipality may supply its own networks from its own equipment installed in such accommodation and if, additional accommodation is required by the Municipality, such additional accommodation shall be provided by the applicant at the cost of the Municipality.

32. Wiring diagram and specification

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

33. Standby supply

No person is entitled to a standby supply of electricity from the Municipality for any premises having a separate source of electricity supply, except with the written consent of the Municipality and subject to such terms and conditions as may be laid down by the Municipality

34. Consumer's emergency standby supply equipment

- (1) No electricity generation equipment provided by a consumer in terms of any Regulations or for his own operational requirements shall be connected to any installation without the prior written approval of the Municipality. Application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram. The electricity generation equipment shall be so designed and installed that it is impossible for the Municipality's supply mains to be energized by means of a back-feed from such equipment. The consumer shall be responsible for providing and installing all such protective equipment. In the event of a general power failure on the

municipality's network, protection equipment shall be installed by the consumer, subject to the Municipality's approval, so as to ensure that the consumer's installation is isolated from the Municipality's network until normal operating conditions are restored. The cost of any specialized metering equipment will be for the consumers' account.

- (2) Where, by special agreement with the Municipality, the consumer's electricity generation equipment is permitted to be electrically coupled to, and run in parallel with the Municipality's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of the Municipality.
- (3) Under normal operating conditions, any export of surplus energy from the consumer to the Municipality's network shall be subject to special agreement with the Municipality.

35. Technical Standards

- (1) The Municipality may from time to time issue Technical Standards detailing the requirements of the Municipality regarding matters not specifically covered in the Regulations or this By-law but which are necessary for the safe, efficient operation and management of the supply of electricity.
- (2) For the implementation of the Technical Standards the provisions of section 21 and 21A of the Local Government: Municipal Systems Act, Act 32 of 2000 must be complied with.

PART 3: RESPONSIBILITIES OF CONSUMERS

36. Consumer to erect and maintain electrical installation

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

37. Fault in electrical installation

- (1) If any fault develops in the electrical installation, which threatens life or property, the consumer must immediately disconnect the electricity supply, inform the Municipality and immediately take steps to remedy the fault.
- (2) The Municipality may require the consumer to reimburse the Municipality for any expense incurred in connection with a fault in the electrical installation.

38. Discontinuance of use of supply

A consumer, who wishes the electricity supply to be discontinued, must give the Municipality 15 (fifteen) days prior written notice of such intended discontinuance, failing which the consumer will remain liable for all payments due for the supply of electricity until the actual date the supply is disconnected.

39. Change of occupier

- (1) A consumer must, on vacating any premises, give the Municipality fifteen (15) days prior written notice of his intention to discontinue using the electricity supply, failing which he shall remain liable for payment of such supply.
- (2) If the new occupier or the premises wishes to continue using the electricity supply, he must, make application in accordance with the provisions of this By-law and must within fifteen (15) days from the date specified in the aforesaid application as the date when such supply is required, comply with the provisions of this By-law, failing which the supply will be disconnected, and the new occupier will be liable for the electricity supply from the said date till such time as the supply is so disconnected.
- (3) Where premises are fitted with pre-payment meters any person occupying the premises at that time shall be deemed to be the consumer. Until such time as an application is made by this person for a supply of electricity, in terms of this By-law, he or she will be liable for all charges and fees owed to the Municipality for that metering point as well as any outstanding charges and fees whether accrued by that person or not.

40. Service apparatus

- (1) The consumer shall be liable for all costs to the Municipality arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been occasioned by an Act of God or an act or omission of an employee of the Municipality or caused by an abnormality in the supply of electricity to the premises.
- (2) If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus, being the property of the Municipality and having been previously used, have been removed without its permission or have been damaged so as to render reconnection dangerous, the owner or occupier of the premises, as the case may be, during such period shall bear the cost of overhauling and/or replacing such equipment.
- (3) Where there is a common metering position, the owner of the premises is responsible for the service equipment of the Municipality referred to in sub-section (1).
- (4) The amount due in terms of sub-section (1) shall be evidenced by a certificate issued by the Accounting Officer or Chief Financial Officer of the Municipality, which shall be final and binding.

PART 4: SPECIFIC CONDITIONS OF SUPPLY

41. Service connection

- (1) The consumer shall bear the cost of the service connection, as approved by the Municipality.
- (2) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection, laid or erected by the Municipality, shall vest in the Municipality, the Municipality shall be responsible for the maintenance of such service connection up to the point of supply. The consumer shall not be entitled to any compensation from the Municipality in respect of such service connection.
- (3) The work to be carried out by the Municipality at the cost of the consumer for a service connection to the consumer's premises shall be determined by the Municipality or any duly authorised official of the Municipality.
- (4) A service connection must be laid underground, whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the Municipality.

- (5) The consumer must provide, fix and/or maintain on his premises such ducts, wireways, trenches, fastenings and clearance to overhead supply mains as may be required by the Municipality for the installation of the service connection.
- (6) The conductor used for the service connection must have a cross-sectional area according to the size of the electrical supply but shall not be less than 10 mm² (copper or copper equivalent), and all conductors shall have the same cross-sectional area, unless otherwise approved by the Municipality.
- (7) Unless otherwise approved by the Municipality, the Municipality will only provide one service connection to each registered erf. In respect of two or more adjacent erven belonging to one owner a single bulk supply of electricity may be made available provided that the erven are consolidated or notarially tied.
- (8) Any covers of a wireway carrying the supply circuit from the point of supply to the metering equipment must be made to accept the seals of the Municipality.
- (9) The service conductor or cable, within the meter box as the case may be, must terminate in an un-obscured position and the conductors must be visible throughout their length when cover plates, if present, are removed.
- (10) In the case of blocks of buildings occupied by a number of individual consumers, separate wireways and conductors or cables must be laid from the common metering room or rooms to each individual consumer in the blocks of buildings. Alternatively, if trunking is used, the conductors of the individual circuits must be clearly identified (tied together every 1.5 m) throughout their length.

42. Metering accommodation

- (1) The consumer must provide accommodation in an approved position for the meter board and adequate conductors for the Municipality's metering equipment, service apparatus and protective devices.
- (2) The accommodation must be provided and maintained, to the satisfaction of the Municipality, at the cost of the consumer or the owner.
- (3) In the case of credit meters the accommodation must be situated at a point to which free and unrestricted access may be had at all reasonable hours for the reading of meters, but at all times for purposes connected with the operation and maintenance of the service equipment.
- (4) The consumer must give officials of the Municipality access at all reasonable hours for the inspection of prepayment meters.
- (5) Where sub-metering equipment is installed, accommodation separate from the Municipality's metering equipment must be provided.
- (6) The consumer or, in the case of a common meter position, the owner of the premises must provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.
- (7) Where in the opinion of the Municipality the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a cause of danger to life or property or in any way becomes unsuitable, the consumer must at own cost and with due dispatch, relocate it to an approved position.
- (8) The accommodation for the Municipality's metering equipment and protective devices may only include the consumer's main switch and main protective devices. No apparatus other than that used in connection with the supply of electricity and use of electricity may be installed or stored in such accommodation unless approved.

PART 5: SYSTEMS OF SUPPLY

43. Load requirements

Alternating current supplies shall be given as prescribed by the Electricity Regulation Act, 2006 (Act 4 of 2006), and in the absence of a quality of supply agreement, supply as set out in the applicable standard specification.

44. Load limitations

- (1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15 kVA, the electrical installation shall be arranged for a two-wire single-phase supply of electricity, unless otherwise approved by the Municipality or any duly authorised official of the Municipality.
- (2) Where a three-phase four-wire supply of electricity is provided, the load shall be approximately balanced over the three phases but the maximum out-of-balance load shall not exceed 15kVA, unless otherwise approved by the Municipality or any duly authorised official.
- (3) No current-consuming appliance, inherently single phase in character, with a rating which exceeds 15kVA shall be connected to the electrical installation without the prior approval of the Municipality.

45. Interference with other persons' electrical equipment

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

46. Supplies to motors

- (1) Unless otherwise approved by the Municipality the rating of motors shall be limited as follows—
 - (a) Limited size for low voltage motors:
 - (i) The rating of a low voltage single-phase motor is limited to 2 kW and/or the starting current shall not exceed 70A. All motors exceeding these limits must be wound for three phases at low voltage or such higher voltage as may be required.
 - (b) Maximum starting and accelerating currents of three-phase alternating current motors:
 - (i) The starting current of three-phase low voltage motors permitted *must* be related to the capacity of the consumer's service connection, as follows:

Insulated service cable, size in mm ² , copper equivalent	Maximum permissible starting current	Maximum motor rating in kW		
		Direct on line (6 x full-load current)	Star/Delta (2,5 x full-load current)	Other means (1,5 x full-load current)
mm ²	A	kW	kW	kW
16	72	6	13.5	23
25	95	7.5	18	30
35	115	9	22	36.5
50	135	10	25	45
70	165	13	31.5	5
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

(c) Consumers supplied at medium voltage—

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

47. Power factor

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

48. Protection

Electrical protective devices for motors must be of such a design to effectively prevent sustained overcurrent and single phasing, where applicable.

PART 6: MEASUREMENT OF ELECTRICITY

49. Metering

- (1) The Municipality must, at the consumer's cost in the form of a direct charge or fee, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.
- (2) Except in the case of prepayment meters, the electricity used by a consumer during any metering period must be ascertained by the reading of the appropriate meter or meters supplied and installed by the Municipality and read at the end of such period, except where the metering equipment is found to be defective, or the Municipality invokes the provisions of section 50(2) of this By-law, in which case the consumption for the period shall be estimated.
- (3) Where the electricity used by a consumer is charged at different tariff rates, the consumption will be metered separately for each rate.
- (4) The Municipality may meter the supply to blocks of shops and flats, tenement- houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.
- (5) No alterations, repairs or additions or electrical connections of any description may be made on the supply side of the point of metering unless specifically approved in writing by the Municipality.

50. Accuracy of metering

- (1) A meter must be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in sub-section (3) hereof, is found to be within the limits of error as provided for in the applicable standard specifications.
- (2) The Municipality may test the Municipality's metering equipment. If it is established by test or otherwise that such metering equipment is defective, the Municipality will—
 - (a) in the case of a credit meter, adjust the account rendered;
 - (b) in the case of prepayment meters—
 - (i) render an account where the meter has been under-registering; or
 - (ii) issue a free token where the meter has been over-registering, in accordance with the provisions of sub-section (6).
- (3) The consumer may request that the metering equipment be tested by the Municipality on payment of the relevant fee. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of sub-sections (2) and (6) will be made and the aforesaid fee shall be refunded.
- (4) In case of a dispute the consumer, may at his own cost request that the metering equipment under dispute be tested by an approved independent testing authority, and the result of such test will be final and binding on both parties.
- (5) Meters must be tested in the manner as provided for in the applicable standard specifications.
- (6) When an adjustment is made to the electricity consumption registered on a meter in terms of sub-section (2) or (3), such adjustment must either be based on the percentage error of the meter as determined by the test referred to in sub-section (5) or upon a calculation by the Municipality from consumption data in its possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.
- (7) When an adjustment is made as contemplated in sub-section (6), the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.

- (8) Where the actual load of a consumer differs from the initial estimated load provided for under section 7(1) to the extent that the Municipality deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement must be borne by the consumer.
- (9) (a) Prior to the Municipality making any upward adjustment to an account in terms of sub-section (6), the Municipality will—
- (i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;
 - (ii) in such notification provide sufficient particulars to enable the consumer to submit representations thereon; and
 - (iii) call upon the consumer in such notice to provide it with reasons in writing, if any, within 21 days or such longer period as the Municipality may permit why his account should not be adjusted as notified.
- (b) Should the consumer fail to make any representations during the period referred to in sub-section 9(a)(iii) the Municipality may adjust the account as notified in sub-section 9(a)(i).
- (c) The Municipality must consider any reasons provided by the consumer in terms of sub-section (9)(a) and must, if satisfied that a case has been made out therefore, adjust the account appropriately.
- (d) If a duly authorized official of the Municipality decides after having considered the representation made by the consumer that such representations do not establish a case warranting an amendment to the monetary value established in terms of sub-section (6), the Municipality may adjust the account as notified in terms of sub-section 9(a)(i), subject to the consumer's right to appeal the decision of the official in terms of section 62 of the Municipal Systems Act, 2000.

51. Reading of credit meters

- (1) Unless otherwise prescribed, credit meters will normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly. The Municipality is not obliged to effect any adjustments to such charges.
- (2) If for any reason the credit meter cannot be read, an estimated account will be rendered and the electrical energy consumed will be adjusted in a subsequent account in accordance with the electrical energy actually consumed.
- (3) When a consumer vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made and the final account rendered accordingly.
- (4) The consumer may, upon payment of the relevant fee, request a special reading of the meter.
- (5) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error will be corrected in subsequent accounts. Any such correction will only apply in respect of accounts for a period of 3 years preceding the date on which the error in the accounts was discovered, and shall be based on the actual tariffs applicable during the period; provided that a consumer may claim back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.

52. Prepayment metering

- (1) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.
- (2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.
- (3) When a consumer vacates any premises where a prepayment meter is installed, the Municipality will not refund the consumer for the credit remaining in the meter.
- (4) The Municipality is not liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of prepayment meters and/or tokens.
- (5) The Municipality appoints vendors for the sale of credit for prepayment meters but does not guarantee the continued operation of any vendor.
- (6) Where a consumer is indebted to the Municipality for electricity consumed or to the Municipality for any other service supplied by the Municipality (including rates) or for any charges previously raised against him/her in connection with any service rendered, the Municipality may deduct a percentage from the amount tendered to offset the amount owing to the Municipality, as set out in the section 4 agreement for the supply of electricity.
- (7) Notwithstanding any payments made by the consumer for the supply and installation of the prepayment meter, ownership of the prepayment meter shall remain vested in the Municipality and shall not be removed from the premises where installed, when this premise is vacated.

PART 7: ELECTRICAL CONTRACTORS

53. Supplementary requirements to those in the Regulations

- (1) In addition to the requirements of the Regulations the provisions of sub-sections (2) and (3) also apply.
- (2) Where an application for a new or increased supply of electricity has been made to the Municipality, the Municipality may, at its discretion accept notification of the completion of any part of an electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of the Municipality, be inspected, tested and connected to the supply main as though it were a complete installation.
- (3) The examination, test and inspection that may be carried out at the discretion of the Municipality in no way relieves the electrical contractor/ accredited person or the user or owner, as the case may be, from his responsibility for any defect in the installation. Such examination, test and inspection shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is in accordance with this By-law or the safety standard, and the Municipality cannot be held responsible for any defect or fault in such electrical installation.

54. Responsibility of Electrical Contractors

The Municipality is not responsible for the work done by the electrical contractor/accredited person on a consumer's premises nor for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

PART 8: GENERAL**55. Recovery of cost**

The Municipality may repair and make good any damage done in contravention of this By-law or resulting from a contravention of this By-law. The cost of any such work carried out by the Municipality which was necessary due to the contravention of this By-law will be for the account of the person who acted in contravention of this By-law.

56. Delegation of powers and duties

- (1) The Municipality may delegate any power or duty that has been conferred on the Municipality in terms of this By-law to any suitably qualified official, agent or service providers of the Municipality.
- (2) The Municipality may amend or withdraw any delegation in terms of sub-section (1), but no such amendment or withdrawal shall invalidate anything done as a consequence of such delegation.

57. Service Delivery Arrangements

- (1) In an effort to achieve optimal service delivery in terms of this By-law, the Municipality may enter into agreements with any organ of state or other institution in respect of the following—
 - (a) the practical arrangements with regard to the execution of the provisions of this By-law;
 - (b) the imposition and enforcement of conditions with regard to any application in terms of this By-law;
 - (c) mechanisms for the settlement of disputes with regard to execution of powers of functions in terms of this By-law or the matters on which have been agreed;
 - (d) any other matter regarded necessary by the parties to achieve optimal service delivery in terms of this By-law or other prescriptions.

58. Right of entry and inspection

- (1) Any duly authorised person is authorised to inspect any premises within the municipal area in order to determine whether there is compliance with the provisions of this By-law.
- (2) When entering premises in terms of sub-section (1), the authorised person must on request by any person, identify himself by producing written proof of authorisation.
- (3) The authorised person may be accompanied by a person reasonably required to assist in conducting the inspection.
- (4) A person commits an offence if he or she—
 - (a) hinders or interferes with an official in the execution of his or her official duties;
 - (b) falsely professes to be an official;
 - (c) furnishes false or misleading information when complying with a request of an official; or
 - (d) fails to comply with a request of an official.

59. Exemptions

- (1) Any person may in writing apply to the municipality for exemption from any provision of this By-law.
- (2) The Municipality may—
 - (a) grant an exemption in writing and set and determine the period for which such exemption is granted;
 - (b) alter or cancel any exemption or condition in an exemption; or
 - (c) refuse to grant an exemption.
- (3) An exemption does not take effect before the applicant has undertaken in writing to comply with the conditions imposed by the municipality, however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.
- (4) If any condition of an exemption is not complied with, the exemption lapses immediately.

60. Service of documents and process

- (1) Whenever a notice, order, demand or other document is authorised or required to be served on a person in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such person:
 - (a) when it has been delivered to him personally;
 - (b) when it has been left at his 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 his last known residential or business address in the Republic and an acknowledgment of the posting thereof is produced;
 - (d) if his address in the Republic is unknown, when it has been served on his agent or representative in the Republic in the manner provided by paragraph (a), (b) or (c); or
 - (e) if his address and agent in the Republic are unknown, when it has been posted in a conspicuous place on the immovable property (if any) 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.
- (2) Service of a copy is deemed to be service of the original.

- (3) When any notice, order, demand or other document as aforesaid is authorised or required to be served on a person by reason of his being or having been the owner or occupier of or holding some other right in respect of immovable property, it shall not be necessary to name him but it shall be sufficient if he is therein described as the owner, occupier or holder of such immovable property or other right, as the case may be.

61. Limitation of liability

- (1) The Municipality is not liable for any damages 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.

62. Liaison forums in community

- (1) The Municipality may establish one or more liaison forums in a community for the purposes of obtaining community participation with regard to the matters dealt with in this By-law.
- (2) A liaison forum or any person may on own initiative submit an input to the Municipality for consideration.

63. Penalties

- (1) Any person who contravenes or fails to comply with any of the provisions of this By-law, any order made or notice served, or any condition or restriction, is guilty of an offence.
- (2) Any person who continues to commit an offence after notice has been served on him to cease committing such offence or after he/she has been convicted of such offence is guilty of a continuing offence.
- (3) Any person convicted of an offence under this By-law is liable to—
- (a) a fine or imprisonment or to such imprisonment without the option of a fine or to both such fine and such imprisonment; and
 - (b) in the case of a continuing offence, to an additional fine or additional imprisonment 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.
- (4) Every person committing a breach of the provisions of this By-law must compensate the Municipality for any cost, loss or damage suffered or sustained by it in consequence of such breach.

64. Repeal of By-laws

- (1) The By-laws listed hereunder are hereby repealed:
- (a) Mossel Bay Municipality: By-law relating to Electricity Supply – PK 431/1983 dated 15 July 1983.
 - (b) Standard Electricity Supply By-law – PK 535/1987 dated 18 September 1987.
 - (c) Municipality Great Brak River: Electricity Supply By-law – PK 216/2000 dated 19 May 2000.

65. Short title and commencement

This By-law shall be known as the By-law relating to the Regulation of Electricity Supply of the Mossel Bay Municipality and shall come into operation on the date of publication thereof in the Provincial Gazette.

20 November 2009

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MOSELBAAI MUNISIPALITEIT ELEKTRISITEITSREGULERINGSVERORDENING

Om voorsiening te maak vir prosedures, metodes en praktyke om sodanige voorsiening van elektrisiteit te reguleer. Om voorsiening te maak vir die lewering van elektrisiteit aan inwoners in die reggebied van die Mosselbaai Munisipaliteit .

Kragtens die bepalings van artikel 156(2) van die Grondwet van die Republiek van Suid-Afrika, 1996, verorden die Mosselbaai Munisipaliteit soos volg:—

DEEL 1: ALGEMEEN

1. Woordbepaling

- (1) In hierdie Verordening, sluit woorde wat die manlike geslag aandui, ook die vroulike geslag in, sluit die enkelvoud ook die meervoud in en omgekeerd, geniet die Engelse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste, en tensy uit die samehang anders blyk, beteken—

“**bewys**” die noodsaaklike element van die stelsel vir die meet van voorafbetaalde elektrisiteit wat gebruik word om inligting oor te dra van 'n verkooppunt van elektrisiteitskrediet na 'n voorafbetaalde meter en omgekeerd;

“**beheerpunt**” die punt waar die elektriese installasie op of in 'n perseel deur 'n gebruiker of verhuurder afgeskakel kan word van die elektrisiteit voorsien vanaf die voorsieningspunt;

“**bystandstoevoer**” 'n alternatiewe toevoer van elektrisiteit wat nie gewoonlik deur die verbruiker verbruik word nie;

“**diensaansluiting**” al die kables en toerusting wat nodig is om die hoofleiding by die verbruiker se elektriese installasie aan te sluit by die voorsieningspunt;

“**diensbeveiligingstoestel**” enige sekering of stroombreker wat geïnstalleer word met die doel om die Mosselbaai Munisipaliteit of sy gevolgmagtigde agent se toerusting te beskerm teen oorbelasting of foute wat op die installasie of op die interne diensaansluiting voorkom;

“**eienaar**” met betrekking tot 'n perseel, die persoon by wie die regstiel daarvan berus, met dien verstande dat—

- (a) in die geval van onroerende eiendom—
 - (i) wat vir 'n tydperk van minstens 50 jaar verhuur word, ongeag of die huurkontrak geregistreer is of nie, die huurder daarvan; of
 - (ii) wat voordelig geokkupeer word kragtens 'n serwituut of reg analoog daarmee, die okkupeerder daarvan;
- (b) Indien die eienaar soos hierbo omskryf—
 - (i) dood of insolvent is, sy of haar boedel tot voordeel van sy of haar skuldeiser afgestaan het, ingevolge 'n hofbevel onder kuratele geplaas is, of 'n maatskappy is wat gelikwieder of onder geregtelike bestuur geplaas is, die persoon by wie die administrasie van sodanige eiendom berus as eksekuteur, administrateur, trustee regverkygende, kurator, likwidateur of geregtelike bestuurder, na gelang van die geval; of
 - (ii) nie in die Republiek van Suid-Afrika aanwesig is nie, of indien sy of haar adres aan die Munisipaliteit onbekend is, iemand wat as agent of andersins die huurgeld ten opsigte van sodanige eiendom ontvang of geregtig is om dit te ontvang; en
 - (iii) indien die Munisipaliteit nie kan vasstel wie sodanige persoon is nie, word die persoon wat geregtig is op die voordelige gebruik van sodanige eiendom, geag die eienaar daarvan te wees met uitsluiting van die persoon by wie die regstiel daarvan berus;

“elektriese installasie” soos omskryf in die Regulasies en enige masjinerie, in of op 'n perseel, wat gebruik word vir die oorbring van elektrisiteit vanaf 'n beheerpunt na 'n verbruikspunt waar ook al op die perseel, met inbegrip van enige artikel wat deel uitmaak van sodanige installasie ongeag of dit deel van die elektriese stroombaan is of nie, maar met uitsluiting van—

- (a) enige masjinerie van die leweransier wat verband hou met die lewering van elektrisiteit op die perseel;
- (b) enige masjinerie wat gebruik word vir die oorbring van elektrisiteit waarvan die spanning nie 50 V mag oorskry nie waar sodanige elektrisiteit nie van die hooftoevoer van 'n leweransier verkry word nie;
- (c) enige masjinerie wat elektriese energie in telekommunikasie-, televisie-of radiostroombane oorbring;
- (d) 'n elektriese installasie in 'n voertuig, vaartuig, trein of vliegtuig;

“elektriese kontrakteur” soos omskryf in die Regulasies en ook 'n persoon wat onderneem om elektriese installeerwerk namens enige ander persoon te doen, maar nie ook 'n werknemer van sodanige eersgenoemde persoon nie;

“geakkrediteerde persoon” 'n persoon wat ingevolge die Elektriese Installasie Regulasies van die Wet op die Beroepsgesondheid en-Veiligheid, 1993, of as 'n elektriese toetsers vir enkelfase, of 'n installasie-elektrisiën of 'n meester installasie-elektrisiën, geregistreer is;

“gevolmagtigde agent” 'n persoon deur die Mosselbaai Munisipaliteit gemagtig om enige handeling, werksaamheid of plig uit te voer ingevolge, of enige bevoegdheid te verrig kragtens hierdie Verordening;

“hoë spanning” die stel nominale spanningsvlakke wat in kragstelsels vir grootmaattransmissie van elektrisiteit in die omgewing van 44 kV < Un < 220 kV gebruik word. [SANS 1019];

“hoofleiding” enige deel van die munisipale elektrisiteitsnetwerk;

“installasiewerk” die installasie, uitbreiding, aanpassing of herstel van 'n elektriese installasie, met insluiting van die aansluiting van masjinerie by die toevoerterminale van sodanige masjinerie;

“voorafbetaalmeter” 'n meter wat programmeer kan word om teen voorafbetaling die vloeï van hoeveelhede energie in 'n elektriese stroomkring toe te laat;

“kredietmeter” 'n meter waar 'n rekening uitgereik word nadat elektrisiteit verbruik is;

“lae spanning” die stel nominale spanningsvlakke wat gebruik word vir die verspreiding van elektrisiteit en waarvan die boonste perk oor die algemeen aanvaar word as 'n wisselstroom-spanning van 1000 V (of 'n gelykstroom-spanning van 1 500 V). [SANS 1019];

“medium spanning” die stel nominale spanningsvlakke bo lae spanning en benede hoe spanning in die omgewing van 1 kV < Un < 44 kV [SANS 1019];

“meetpunt” die punt waar die verbruiker se elektrisiteitsverbruik gemeet word en wat by die voorsieningspunt of by enige ander punt op die verspreidingsstelsel van die Munisipaliteit, of sy gevolmagtigde agent, of die elektriese installasie van die verbruiker kan wees soos deur die Munisipaliteit aangedui mits dit al, en slegs, die verbruiker se verbruik van elektrisiteit meet;

“meter” 'n toestel wat die aanvraag en/of die elektriese energie wat verbruik word, aandui;

“motorvermoë” die maksimum aanhoudende kW-lewering van 'n motor soos vermeld op die vervaardiger se aanslagplaatjie;

“Munisipaliteit” die Munisipaliteit van Mosselbaai gestig in terme van artikel 12 van die Munisipale Strukturewet, 117 van 1998, en sluit in enige behoorlik gevolmagtigde agent of diensverskaffer of enige werknemer daarvan

handelende ingevolge hierdie Verordening uit hoofde van 'n bevoegdheid van die Munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde agent of diensverskaffer of werknemer;

“munisipale gebied” beteken regsgebied van die Munisipaliteit;

“nakomingsertifikaat” 'n sertifikaat wat ingevolge die regulasies ten opsigte van 'n elektriese installasie of gedeelte van 'n elektriese installasie deur 'n geakkrediteerde persoon uitgereik word;

“NGS” die Nasionale Gerasionaliseerde Spesifikasie vir Elektrisiteitsvoorsiening wat deur die Elektrisiteitsvoorsiening Skakelkomitee bepaal en deur die Suid Afrikaanse Buro van Standaarde uitgereik is;

“nie-standaard voorsiening” beteken 'n elektrisiteitsvoorsiening waar die geraamde vrag 5L90A, 3 fase is, bereken in terme van die Veiligheids Standaard;

“okkupeerder” met betrekking tot 'n perseel—

- (a) iemand wat sodanige perseel werklik okkupeer;
- (b) iemand wat wetlik daarop geregtig is om sodanige perseel te okkupeer;

- (c) in geval van sodanige perseel wat onderverdeel is en wat aan loseerders of verskillende huurders verhuur word, die persoon wat die huurgeld ontvang wat deur sodanige loseerders of huurders betaalbaar is, hetsy vir sy eie rekening of as agent vir iemand wat daarop geregtig is of belang daarby het; of
- (d) iemand wat by die beheer of bestuur van sodanige perseel betrokke is, en behels ook die agent van sodanige persoon wanneer hy nie in die Republiek van Suid-Afrika aanwesig is, of as sy verblyfplek onbekend is;

“**perseel**” enige grond of enige struktuur bo of benede grondvlak en behels ook enige voertuig, vliegtuig of vaartuig;

“**regulasies**” die Regulasies opgestel ingevolge die Wet op Beroepsgesondheid en -veiligheid, 1993 (Wet 85 van 1993), soos gewysig;

“**SANS**” ’n standaard wat deur die Suid Afrikaanse Buro van Standaarde vasgestel en uitgereik is ingevolge die Wet op Standaarde, Nr. 29 van 1993;

“**spanning**” die gemiddelde vierkantswortelwaarde van elektriese potensiaal tussen twee geleiers;

“**tarief**” die Munisipaliteit se gelde en fooie hef vir die voorsiening van elektrisiteit;

“**Tariefbeleid Verordening**” die Tariefbeleid Verordening deur die Munisipaliteit aanvaar en afgekondig in die Provinsiale Koerant;

“**toepaslike standaardspesifikasie**” die standaardspesifikasies:

- (a) SANS 1019 Standaardspanning, -stroomkring en isolasievlakke vir die toevoer van elektrisiteit;
- (b) SABS 1607 Elektromeganiese watt-uurmeters;
- (c) SABS 1524 Dele 0,1 & 2-voorafbetalstelsels;
- (d) SABS IEC 60211 Maksimumaanvraagwysers, Klas 1.0;
- (e) SABS IEC 60521 Wisselstroom-elektromeganiese-watt uurmeter (Klasse 0,5,1 & 2);
- (f) SANS 10142-1 Gebruikskode vir die bedrading van persele;
- (g) NGS 047 Nasionale gerasionaliseerde spesifikasie vir elektrisiteits-voorsieningehalte van diens;
- (h) NGS 048 Nasionale gerasionaliseerde spesifikasie vir elektrisiteits-voorsieningehalte van diens; en
- (i) NGS 057 Meet van elektrisiteit: minimum vereistes;

“**toevoerterminale**” met betrekking tot masjinerie wat as ’n volledige eenheid geïnstalleer is, die terminale of verbindingsklampe aan sodanige masjinerie waar die eksterne geleiers wat die masjinerie van elektrisiteit voorsien, eindig of verbind word;

“**uitgangspunt**” enige eindpunt van ’n elektriese installasie wat voorsien is vir die aansluiting van enige elektriese masjinerie sonder die gebruik van gereedskap;

“**veiligheidsstandaard**” die Gebruikskode vir die Bedrading van Persele SANS 0142-1 geïnkorporeer in die Regulasies;

“**verbruiker**” met betrekking tot ’n perseel—

- (a) enige okkupeerder daarvan of enige ander persoon met wie die Munisipaliteit ooreengekom het om elektrisiteit daar te voorsien of dit inderdaad daar voorsien; of
- (b) indien sodanige perseel nie bewoon word nie, iemand wat ’n geldige bestaande ooreenkoms met die Munisipaliteit het vir die voorsiening van elektrisiteit aan sodanige perseel; of
- (c) indien daar geen sodanige persoon of okkupeerder is nie, die eienaar van die perseel;

“**verbruikspunt**” enige uitgangspunt of die toevoerterminale van masjinerie wat nie met ’n uitgangspunt verbind is nie en wat elektriese energie in ’n ander vorm van energie omsit: Met dien verstande dat in die geval van masjinerie wat vir enige spesifieke doel as ’n volledige eenheid geïnstalleer is, die verbruikspunt die toevoerterminale is waarmee die masjinerie-eenheid vir daardie doel toegerus is;

“**voorsieningspunt**” die punt soos bepaal deur die Munisipaliteit vanwaar elektrisiteit aan enige perseel deur die Munisipaliteit voorsien word;

Ander uitdrukkings

- (a) Alle ander uitdrukkings wat in hierdie Verordening gebruik word, het, tensy die samehang andersins vereis, dieselfde betekenis wat daaraan geheg word in die Wet op die Regulering van Elektrisiteit, 2006 (Wet 4 van 2006), soos gewysig, of die Wet op Beroepsgesondheid en -veiligheid, 1993 (Wet 85 van 1993), en die Regulasies daarvan soos gewysig.

Administrasie en afdwinging

- (3) (a) Die Direkteur: Finansiële Dienste en die Direkteur: Elektrotegniese Dienste, waar van toepassing, is verantwoordelik vir die administrasie en afdwinging van hierdie Verordening.
- (b) Die Direkteur kan ’n bevoegdheid of plig wat ingevolge hierdie Verordening aan hom verleen is, skriftelik deleger aan ’n bevoegde beampte in sy Direkoraat.

DEEL 2: ALGEMENE VOORWAARDES VIR VOORSIENING

2. Statutêre serwituut

- (1) Onderworpe aan die bepalings van sub-artikel (3) mag die Munisipaliteit binne die munisipale gebied—
 - (a) elektrisiteitsdienste lewer, vestig en in stand hou;
 - (b) elektrisiteitshooftoevoerleiding verkry, oprig, lê, uitbrei, vergroot, herlei, in stand hou, herstel, uit gebruik stel, sluit en vernietig;
 - (c) enige elektrisiteitshooftoevoerleiding bou, oprig of lê op, oor, deur, bo-oor of onder enige straat of vaste eiendom en die eienaarskap van sodanige hooftoevoerleiding sal in die Munisipaliteit vestig;
 - (d) enigiets anders doen wat nodig of wenslik is vir of insidenteel, aanvullend of bykomstig is tot enige ander saak wat in paragraaf (a) tot (c) bedoel word.

- (2) indien die Munisipaliteit enige elektrisiteitshoofvoerleiding bou oprig of lê op, oor, deur, bo-oor of onder enige straat of vaste eiendom wat nie die eiendom van die Munisipaliteit is nie, of onder die beheer van of bestuur van die Munisipaliteit is nie, kan die Munisipaliteit, aan die eienaar van sodanige straat of eiendom vergoeding betaal waarvoor die eienaar en die Munisipaliteit ooreenkom, of die afwesigheid van 'n ooreenkoms onteinnings stappe instel in terme van die bepalings van die Wet op die Regulering van Elektrisiteit, Wet 4 van 2006, of enige ander toepaslike wetgewing.
- (3) die Munisipaliteit sal, voordat daar begin word met enige werk anders as herstel- of instandhoudingswerk aan of in verband met enige elektrisiteitshoof-toevoerleiding op vaste eiendom wat nie deur die Munisipaliteit besit of beheer word nie, aan die eienaar of bewoner van sodanige eiendom redelike kennis gee van die voorgename werk en die datum waarop daar waarskynlik met sodanige werk begin sal word.

3. Voorsiening van elektrisiteit deur die Munisipaliteit

Slegs die Munisipaliteit mag binne sy munisipale gebied elektrisiteit lewer of 'n kontrak vir die lewering van elektrisiteit aangaan, met die uitsondering van daardie gebiede waar elektrisiteit deur Eskom gelewer word.

4. Voorsieningsooreenkoms

- (1) Geen toevoer van elektrisiteit word aan 'n elektriese installasie op enige perseel verskaf nie, tensy die eienaar of okkupeerder van die perseel 'n ooreenkoms met die Munisipaliteit vir sodanige toevoer aangegaan het.
- (2) Niemand mag gebruik maak of voortgaan om gebruik te maak van 'n toevoer van elektrisiteit van die Munisipaliteit nie, tensy of totdat sodanige persoon 'n skriftelike ooreenkoms met die Munisipaliteit vir sodanige toevoer aangegaan het.
- (3) Die toevoer van elektrisiteit na enige perseel word deur die ooreenkoms, waarna in sub-artikels (1) en (2) verwys word, sowel as die bepalings van hierdie Verordening, toepaslike wetgewing en beleid gereguleer.
- (4) 'n Persoon wat 'n toevoer van elektrisiteit verbruik sonder om 'n ooreenkoms met die Munisipaliteit aan te gaan, is aanspreeklik vir enige gelde, koste en rente ten opsigte van die elektrisiteit wat verbruik is.
- (5) Die verbruiker is aanspreeklik vir die betaling van alle fooie en gelde in verband met die toevoer van elektrisiteit totdat die ooreenkoms volgens hierdie Verordening beëindig is.

5. Nakoming van kennisgewings

Enigeen aan wie 'n kennisgewing wat behoorlik uitgereik of gegee is ingevolge hierdie Verordening, beteken word, moet die bepalings daarvan binne die tydperk wat daarin vermeld word, nakom.

6. Betekening van kennisgewing

- (1) Enige kennisgewing of ander dokument word geag as aan iemand beteken te wees wanneer dit ingevolge hierdie Verordening aan iemand beteken is indien—
 - (a) dit persoonlik by daardie persoon afgelewer is;
 - (b) dit by daardie persoon se woonplek of sakeonderneming in die Republiek gelaat is by 'n persoon wat klaarblyklik ouer as sestien jaar is;
 - (c) dit per geregistreerde of gesertifiseerde pos na daardie persoon se laaste bekende woonadres of sakeadres in die Republiek ge-pos is en 'n erkenning dat dit ge-pos is van die posdiens verkry is;
 - (d) Indien daardie persoon se adres in die Republiek onbekend is, wanneer dit op daardie persoon se agent of verteenwoordiger in die Republiek beteken word op 'n manier bepaal in paragrafe (a), (b) of (c); of
 - (e) Daardie persoon se adres en agent of verteenwoordiger in die Republiek onbekend is, wanneer dit op 'n opsigtelike plek ge-pos is op die eiendom of perseel, indien enige, waarmee dit verband hou.
- (2) Wanneer enige kennisgewing of ander dokument gemagtig of beteken word op die eienaar, okkupeerder of houer van enige eiendom of regte in enige eiendom, is dit voldoende as daardie persoon in die kennisgewing of ander dokument beskryf word as die eienaar, okkupeerder of houer van die eiendom of betrokke reg, en is dit nie nodig om daardie persoon se naam te verstrek nie.
- (3) Enige regsproses is doeltreffend en voldoende aan die Munisipaliteit beteken as dit by die Munisipale Bestuurder se kantoor afgelewer word of by 'n persoon wat by die Munisipale Bestuurder se kantoor ter beskikking is.

7. Aansoek om voorsiening van elektrisiteit

- (1) Aansoeke om die voorsiening van elektrisiteit moet skriftelik gedoen word deur die voornemende verbruiker op die voorgeskrewe vorm wat verkrygbaar is by die Munisipaliteit, en die installasie se geraamde las, in KVA, moet daarin vermeld word. Sodanige aansoek moet so vroeg as moontlik gedoen word voordat die toevoer verlang word ten einde die werk van die Munisipaliteit te vergemaklik.
- (2) Aansoekers om die voorsiening van elektrisiteit moet die volgende dokumente saam met hulle aansoeke inhandig:
 - (a) Afdruk van identiteitsdokument of paspoort en, in die geval van 'n besigheid, 'n bewys van 'n besluit wat die bevoegdheid om die aansoek te rig, delegeer na die aansoeker.
 - (b) 'n Geldige huurooreenkoms in die geval van 'n huurder of, in die geval van 'n eienaar, 'n titelakte of enige ander bewys van eienaarskap van die perseel waar die voorsiening van elektrisiteit verlang word.
- (3) Aansoeke om die voorsiening van elektrisiteit kan onderhewig wees aan 'n kredietklarings kontrole ten opsigte van enige skuld aan 'n Munisipaliteit.
- (4) 'n Aansoek om voorsiening van elektrisiteit vir 'n tydperk van minder as 'n jaar word beskou as 'n aansoek om 'n tydelike voorsiening van elektrisiteit en word oorweeg na goeddunke van die Munisipaliteit of enige behoorlik gemagtigde amptenaar van die Munisipaliteit wat enige spesiale voorwaardes mag stel wat in sodanige geval nagekom moet word.

8. Verwerking van aansoeke om voorsiening

Aansoeke om die voorsiening van elektrisiteit word verwerk en die toevoer beskikbaar gestel binne die tydperke soos in NRS 047 aangedui.

9. Gebruiksreg

- (1) Die Munisipaliteit kan weier om, op enige deurgang of grond wat nie by die Munisipaliteit berus nie of op enige private eiendom, 'n diensaansluiting bo of onder die grond op te rig of te lê, tensy en totdat die voornemende verbruiker die Munisipaliteit voorsien het met die skriftelike toestemming van die eienaar van sodanige private eiendom of die persoon by wie die regstiel van die grond berus waarop enige sodanige deurgang bestaan, na gelang van die geval, vir die lê of oprigting van 'n diensaansluiting daarop.
- (2) As sodanige toestemming op enige tydstip teruggetrek word of as die private eiendom of deurgang van eienaar verwissel het en die nuwe eienaar weier om sodanige toestemming te verleen of te laat voortduur, moet die koste van enige verandering aan die diensaansluiting om die toevoer van elektrisiteit in stand te hou, en van enige verwydering daarvan wat nodig mag wees, gedra word deur die verbruiker na wie se perseel die toevoer hervat word.

10. Munisipaliteit se reg van toegang tot persele

- (1) Die Munisipaliteit mag toegang hê tot of oor enige eiendom vir die doel om—
 - (a) enige iets te doen wat gemagtig is of vereis word om deur die Munisipaliteit ingevolge hierdie Verordening of enige ander Wet gedoen te word;
 - (b) enige dienshoofleiding en enigiets wat daarmee verband hou te inspekteer en te ondersoek;
 - (c) navraag te doen oor en ondersoek in te stel na enige moontlike bron van elektrisiteitstoevoer of die geskiktheid van onroerende eiendom vir enige werk, skema of onderneming van die Munisipaliteit en die maak van enige opname wat in verband daarmee nodig is;
 - (d) vas te stel of daar 'n oortreding van die bepalings van hierdie Verordening of enige ander wet plaasvind of plaasgevind het; en
 - (e) nakoming van die bepalings van hierdie Verordening of enige ander wet af te dwing.
- (2) Die Munisipaliteit betaal aan iemand wat skade gely het as gevolg van die uitoefening van die reg van toegang ingevolge sub-artikel 1(a-c), behalwe waar die Munisipaliteit gemagtig is om op die betrokke eiendom enige werk te verrig op die koste van sodanige persoon of enige ander persoon, skadevergoeding ten bedrae van 'n bedrag waarop die Munisipaliteit en sodanige persoon ooreengekom het of, as daar nie 'n ooreenkoms aangegaan is nie, soos deur arbitrasie of 'n geregshof bepaal kan word.
- (3) Die Munisipaliteit mag, na skriftelike kennisgewing wat aan die eienaar of bewoner van enige eiendom beteken is, van sodanige eienaar of bewoner verlang om op die dag en tyd wat in sodanige kennisgewing genoem word, toegang tot sodanige eiendom te verleen aan 'n persoon en vir die doeleindes waarna in sub-artikel (1) verwys is;
- (4) Die Munisipaliteit mag sonder kennisgewing toegang tot en oor enige eiendom verkry en kan optree of enige stappe doen wat na die mening van die Munisipaliteit nodig of wenslik mag wees, as gevolg van 'n staat van oorlog of die voorkoms van enige ramp, noodtoestand of ongeluk, of vir doeleindes van sub-artikel 1 (d).

11. Belemmering van werknemers

Niemand mag opsetlik—

- (a) 'n werknemer van die Munisipaliteit hinder, belemmer of hom lastig val in die uitvoering van enige plig wat op hierdie Verordening betrekking het nie;
- (b) weier om sodanige inligting te verskaf as wat die Munisipaliteit redelikerwys verlang nie; of
- (c) enige inligting wat na sy wete vals of misleidend is aan die Munisipaliteit verskaf nie.

12. Onbehoorlike verbruik

- (1) As die Munisipaliteit rede het om te glo dat 'n verbruiker elektrisiteit vir enige doel of op enige wyse gebruik wat op 'n onbehoorlike en onveilige wyse inmeng of daarop bereken is om op 'n onbehoorlike en onveilige wyse in te meng met die doeltreffende voorsiening van elektrisiteit aan enige verbruiker, kan die Munisipaliteit met of sonder kennisgewing die toevoer na sodanige verbruiker afsluit.
- (2) Die Munisipaliteit moet die toevoer van elektrisiteit herstel sodra die oorsaak van die afsluiting permanent reggestel of verwyder is en die verbruiker die toepaslike gelde vir die afsluiting en aansluiting van die toevoer van elektrisiteit betaal het, tensy dit bewys kan word dat die verbruiker nie die elektrisiteit op 'n onbehoorlike of onveilige wyse verbruik of hanteer het nie.

13. Tariewe, fooie, heffings, beskikbaarheidsgelde en deposito's

- (1) Tariewe, fooie, heffings, beskikbaarheidsgelde en deposito's vir dienste wat die Munisipaliteit ingevolge hierdie Verordening lewer, word bepaal ingevolge die Tariefbeleid Verordening.
- (2)
 - (i) Tariewe, fooie, heffings, beskikbaarheidsgelde en deposito's is verskuldig en betaalbaar op of voor die datum gemeld in die Tariefbeleid Verordening.
 - (ii) Die Munisipaliteit het die reg om te vereis dat die verbruiker 'n bedrag geld inbetaal as sekuriteit vir die betaling van enige bedrag wat aan die Munisipaliteit verskuldig is of verskuldiging kan raak. Die bedrag van die deposito ten opsigte van elke elektrisiteitsinstallasie sal deur die Munisipaliteit bepaal word, en elke sodanige deposito kan verhoog word indien die Munisipaliteit die deposito wat gehou word as onvoldoende beskou. Sodanige deposito sal nie beskou word as betaling of gedeeltelike betaling van enige rekening vir die voorsiening van elektrisiteit vir die doel om enige afslag te kry waarvoor voorsiening gemaak is in die elektrisiteitstarief waarna in hierdie Verordening verwys word nie. By die staking van die elektrisiteitsvoorsiening, sal die bedrag van sodanige deposito, vry van enige rente, minus enige betalings wat aan die munisipaliteit verskuldig is, aan die verbruiker terugbetaal word.
- (3) Die verbruiker sal aanspreeklik wees vir alle heffings wat in die voorgeskrewe tarief vir die elektrisiteitsdiens, soos goedgekeur deur die Munisipaliteit verskyn.
- (4) Alle rekening sal geag word as betaalbaar te wees wanneer hulle deur die Munisipaliteit uitgereik word.
- (5) 'n Fout of weglating op enige rekening of versuim om 'n rekening te lewer, sal nie die verbruiker onthef van sy verpligting om die korrekte bedrag te betaal vir die elektrisiteit wat aan die perseel voorsien is nie, en die onus sal op die verbruiker wees om homself tevrede te stel dat die rekening gelewer is in ooreenstemming met die voorgeskrewe tarief ten opsigte van die elektrisiteit wat aan die perseel gelewer is.
- (6) Waar 'n behoorlik gemagtigde amptenaar van die Munisipaliteit die perseel besoek met die doel om die elektrisiteitsvoorsiening te ontkoppel en hy verhinder of verhoed word om sodanige ontkoppeling te bewerkstellig, sal die voorgeskrewe fooi betaalbaar wees vir elke besoek wat nodig is vir die doel van sodanige afsluiting.

- (7) Nadat elektrisiteitsvoorsiening as gevolg van die nie-betaling van 'n rekening ontkoppel is, sal die voorgeskrewe fooie en enige bedrae wat betaalbaar is vir elektrisiteit wat verbruik is, betaal word voordat die elektrisiteitsvoorsiening weer aangesluit word.

14. Rente

- (1) Die Munisipaliteit kan gelde, kostes en tariewe hef en invorder soos in artikel 75A van die Munisipale Stelselwet, 1997 (Wet 108 van 1997) bedoel.
- (2) Rente op uitstaande rekening kan gehef word teen 'n koers wat deur die Munisipaliteit van tyd tot tyd bepaal word.

15. Herverkoop van elektrisiteit

- (1) Tensy anders deur die Munisipaliteit skriftelik gemagtig op 'n aansoek, mag niemand elektrisiteit wat volgens 'n ooreenkoms met die Munisipaliteit aan sy perseel voorsien word, aan enige ander persoon verkoop of voorsien vir verbruik op ander persele nie, of toelaat of duld dat sodanige herverkoop of voorsiening plaasvind nie.
- (2) As elektrisiteit herverkoop word vir verbruik op dieselfde perseel, word die elektrisiteit deur 'n submeter gemeet van die soort wat deur die Suid-Afrikaanse Buro van Standaarde goedgekeur is en voorsien, geïnstalleer en geprogrammeer word ooreenkomstig die Munisipaliteit se standaarde.
- (3) Die tariewe, gelde en bedrae waarteen en die verkoopvoorwaardes ingevolge waarvan elektrisiteit herverkoop word, mag nie minder gunstig vir die koper wees as dit wat betaalbaar en van toepassing sou wees indien die Munisipaliteit elektrisiteit direk aan die koper voorsien het nie.
- (4) 'n Gemagtigde herverkoper van elektrisiteit moet aan die koper maandelikse state lewer wat minstens net soveel besonderhede bevat as die rekening inligting wat die Munisipaliteit aan sy elektrisiteit verbruikers verskaf.

16. Reg om toevoer af te sluit

- (1) Ondanks die ander bepalings van hierdie Verordening het die Munisipaliteit die reg om die toevoer van elektrisiteit na enige perseel af te sluit—
- (a) indien die persoon wat aanspreeklik is vir die betaling van sodanige toevoer, in gebreke bly om enige bedrag wat aan die Munisipaliteit verskuldig is in verband met enige toevoer wat hy te eniger tyd ontvang het ten opsigte van enige perseel;
- (b) in die geval van ernstige gevaar vir persoon of eiendom, sonder kennisgewing; of
- (c) waar enige van die bepalings van hierdie Verordening en/of die Regulasies oortree word;
- (d) behoudens die bepalings van hierdie Verordening, kan die Munisipaliteit in ander gevalle, die oortreder veertien (14) dae kennis gee om 'n minder ernstige fout reg te stel en daar word versuim om sodanige fout te herstel;
- (e) nadat die toevoer van elektrisiteit afgesluit is, is die voorgeskrewe gelde, fooie of boetes aan die Munisipaliteit betaalbaar.
- (2) Indien 'n installasie op die verbruiker se perseel ongemagtig heraangesluit word nadat dit voorheen regmatig deur die Munisipaliteit afgesluit is, of indien daar met die Munisipaliteit se elektriese toerusting gepeuter word om te verhoed dat die meter die volle verbruik registreer, kan die Munisipaliteit die toevoer van elektrisiteit fisiek van daardie perseel verwyder.

17. Nie-aanspreeklikheid van die Munisipaliteit

Die Munisipaliteit is nie aanspreeklik vir enige regstreekse of gevolglike verlies of skade wat die verbruiker mag ly of opdoen as gevolg van of voortspruitend uit die beëindiging en onderbreking van of enige ander abnormaliteit aan die toevoer van elektrisiteit nie, tensy dit deur growwe nalatigheid aan die kant van die Munisipaliteit veroorsaak is.

18. Lekkasie van elektrisiteit

Geen korting vir 'n vermorsing van elektrisiteit, te wyte aan 'n lekkasie of 'n ander fout in die elektriese installasie, word op 'n rekening vir elektrisiteit wat voorsien en gemeet is toegestaan nie.

19. Onderbreking van elektrisiteitstoevoer

- (1) Die Munisipaliteit sal nie aandag skenk aan 'n onderbreking in die toevoer van elektrisiteit nie as dit die gevolg is van 'n fout in die verbruiker se elektriese installasie, tensy sodanige onderbreking te wyte is aan die werking van die Munisipaliteit se diensbeveiligingstoestel.
- (2) Indien enige onderbreking van die toevoer van elektrisiteit die gevolg is van 'n fout in die verbruiker se elektriese installasie of van die gebrekkige werking van die apparate wat in verband daarmee gebruik word, kan die Munisipaliteit die toepaslike gelde van die verbruiker verhaal vir elke herstel van die toevoer van elektrisiteit bykomend tot die koste van die bywerk of herstel van enige skade wat aan die dienshoofleiding en -meter aangerig is deur sodanige fout of foutiewe werking.

20. Verseëde apparaat

Die meter, diensbeskermingstoestelle of ander apparaat, hetsy dit aan die Munisipaliteit behoort al dan nie, waar dit gesluit of geseël is mag niemand behalwe die Munisipaliteit, of 'n behoorlik gemagtigde beampte van die Munisipaliteit, op enige manier of om enige rede hoegenaamd, anders dan in 'n noodgeval, sodanige seël of slot verwyder, breek, skend, daaraan peuter of hom daarmee bemoei nie.

21. Peuter met diensaansluiting of hoofleiding

- (1) Niemand mag op enige wyse of om enige rede hoegenaamd met enige meter, meettoerusting of dienshoofleiding of diensbeveiligingstoestel of hoofleiding van die Munisipaliteit peuter of daarmee inmeng nie, of onwettig aansluit by die elektriese bedrading van enige ander verbruiker.
- (2) Waar prima facie-bewys bestaan dat sub-artikel (1) oortree is, kan die Munisipaliteit die toevoer van elektrisiteit onmiddellik en sonder vooraf kennisgewing aan die verbruiker afsluit en is die verbruiker aanspreeklik vir alle gelde, rentes en koste vir sodanige afsluiting.
- (3) Waar iemand sub-artikel (1) oortree en sodanige oortreding lei daartoe dat die meter minder verbruik as die regte verbruik registreer, kan die Munisipaliteit die volle koste van die geraamde verbruik van die verbruiker te verhaal.

22. Beveiliging van die Munisipaliteit se hoofleiding

- (1) Niemand mag, behalwe met die Munisipaliteit se goedkeuring en onderworpe aan sodanige voorwaardes as wat hy mag oplê—
 - (a) enige konstruksie bou, oprig of lê of die oprigting of lê van enige gebou, struktuur of ander voorwerp toelaat, of bome en ander plantegroei oor of in sodanige posisie of op sodanige manier plant wat sal inmeng met of die hoofleiding of dit bedreig nie;
 - (b) enige deel van die hoofleiding uitgrawe, oopmaak of die grond bo, langsaan, onder of naby dit verwyder nie;
 - (c) enige deel van die hoofleiding beskadig, bedreig, verwyder of vernietig nie, of enige handeling verrig wat na alle waarskynlikheid die hoofleiding sal beskadig, bedreig of enige deel daarvan vernietig nie;
 - (d) enige ongemagtigde aansluiting aan enige deel van die hoofleiding maak of elektrisiteit daarvandaan omlei of veroorsaak dat dit omgelei word nie;
 - (e) die eienaar of okkupeerder moet die hoogte van die bome of die lengte van die takke wat uitsteek naby bogronde lyne beperk of 'n wyse van beveiliging verskaf wat volgens die Munisipaliteit voldoende daarin slaag om te verhoed dat die boom met die geleiers inmeng sou die boom omval of 'n tak breek of 'n tak afgesny word. Indien die eienaar versuim om hierdie bepaling na te kom, het die Munisipaliteit die reg, na vooraf skriftelike kennisgewing, of te eniger tyd in 'n noodgeval, om die bome of ander plantegroei af te sny of te snoei op so 'n wyse soos beoog in hierdie bepaling, en sal geregtig wees om die eiendom vir hierdie doel te betree.
- (2) Die Munisipaliteit kan—
 - (a) onderworpe aan die verkryging van 'n hofbevel enige gebou, struktuur of ander voorwerp wat in stryd met hierdie Verordening gebou, opgerig of aangelê is, sloop, verander of op 'n ander wyse daarmee handel;
 - (b) enige grond opvul en vervang wat in stryd met hierdie Verordening uitgegrawe of verwyder is;
 - (c) enige skade wat in stryd met hierdie Verordening aangerig is of voortspruitend uit 'n oortreding van hierdie Verordening, herstel en vergoed; en
 - (d) enigiets verwyder wat enige deel van die elektrisiteitsverspreiding-stelsel beskadig, versper of in gevaar stel of waarskynlik kan beskadig of versper of in gevaar kan stel of vernietig.
- (3) Die Munisipaliteit mag in 'n noodgeval of ramp enigiets verwyder wat enige deel van die elektrisiteitsverspreidingstelsel beskadig, belemmer of bedreig of wat dit waarskynlik kan beskadig, belemmer, bedreig of vernietig.

23. Voorkoming van peutery met die diensaansluiting of hoofleiding

Indien die Munisipaliteit dit nodig of wenslik ag om spesiale voorsorgmaatreëls te laat tref om te verhoed dat daar aan enige deel van die hoofleiding, dienshoofleiding of diensbeveiligingstoestel of meter of meettoerusting gepeuter word, moet die verbruiker óf die nodige beveiliging verskaf en installeer, óf die betrokke koste betaal waar sodanige beveiliging deur die Munisipaliteit verskaf word.

24. Ongemagtigde aansluitings

Niemand behalwe 'n persoon wat skriftelik deur die Munisipaliteit daartoe gemagtig is mag enige elektriese installasie of deel daarvan by die hoofleiding of diensaansluiting aansluit, probeer aansluit of sodanige aansluiting veroorsaak of toelaat nie.

25. Ongemagtigde heraansluiting

- (1) Niemand behalwe 'n persoon skriftelik deur die Munisipaliteit daartoe gemagtig, mag enige elektriese installasie of installasies wat deur die Munisipaliteit afgesluit is, weer by die hoofleiding of diensaansluiting heraansluit, probeer heraansluit of sodanige heraansluiting veroorsaak of toelaat nie.
- (2) Wanneer daar gevind word dat die toevoer van elektrisiteit wat voorheen deur die Munisipaliteit afgesluit is, weer aangesluit is, is die verbruiker wat die toevoer van elektrisiteit verbruik aanspreeklik vir alle koste van die elektrisiteitsverbruik van die datum van afsluiting tot die datum toe daar gevind is dat die toevoer heraangesluit is, en ook vir enige ander koste wat in die verband aangegaan is. Voorts behou die Munisipaliteit die reg voor om enige deel van of al die toerusting te verwyder tot tyd en wyl volle betaling ontvang is. Die verbruiker is benewens dit ook verantwoordelik vir die koste wat met die herstel van sodanige toevoer toerusting gepaard gaan.

26. Tydelike afsluiting en heraansluiting

- (1) Die Munisipaliteit kan op versoek van die verbruiker die toevoer van elektrisiteit na die verbruiker se elektriese installasie tydelik afsluit en dit weer heraansluit teen betaling van die voorgeskrewe gelde vir elke afsluiting en daaropvolgende aansluiting.
- (2) Indien die Munisipaliteit genoodsaak word of dit dringend nodig ag om die toevoer van elektrisiteit na 'n verbruiker se elektriese installasie tydelik af te sluit en weer aan te sluit en die verbruiker is geensins verantwoordelik vir die ontstaan van hierdie noodsaak nie, moet die Munisipaliteit die verbruiker kwytsteld van betaling van die voorgeskrewe gelde.
- (3) Die Munisipaliteit mag, behoudens ander bepalings, slegs onder buitengewone omstandighede die toevoer van elektrisiteit na enige perseel sonder kennisgewing tydelik afsluit ten einde herstelwerk te doen of toetse uit te voer of vir enige ander regmatige doel. In ander tydelike gevalle moet genoegsame kennis gegee word.

27. Tydelike voorsiening van elektrisiteit

Dit moet 'n voorwaarde wees vir enige tydelike voorsiening van elektrisiteit ingevolge hierdie Verordening dat, indien daar gevind word dat sodanige voorsiening inbreuk maak op die doeltreffende en ekonomiese toevoer van elektrisiteit na ander verbruikers, die Munisipaliteit die reg het om, met kennisgewing, of onder buitengewone omstandighede sonder kennisgewing, sodanige tydelike voorsiening te eniger tyd te beëindig en die Munisipaliteit is nie aanspreeklik vir enige skade of verlies wat die verbruiker as gevolg van sodanige beëindiging mag ly nie.

28. Tydelike werk

Elektriese installasies wat 'n tydelike toevoer van elektrisiteit nodig het, mag nie sonder die spesiale skriftelike toestemming van die Munisipaliteit regstreeks of onregstreeks by die hoofleiding aangesluit word nie. Volledige inligting oor die redes vir die aard van sodanige tydelike werk moet die aansoek om die bogemelde toestemming vergesel, en die Munisipaliteit mag sodanige toestemming weier of verleen op voorwaardes wat wesenlik of noodsaaklik blyk.

29. Lasvermindering

- (1) Gedurende tye van spitslas, of in 'n noodgeval, of wanneer dit na die mening van die Munisipaliteit om enige rede nodig is om die las op die Munisipaliteit se elektrisiteitsvoorsieningstelsel te verminder, kan die Munisipaliteit die voorsiening sonder kennisgewing onderbreek en vir sodanige tydperk as wat hy nodig ag, die toevoer van elektrisiteit na enige verbruiker se elektriese warmwatersilinder of na enige spesifieke toestel of die hele installasie verminder of beëindig.
- (2) Die Munisipaliteit kan sodanige apparaat en toerusting op die perseel van die verbruiker installeer as wat nodig mag wees om gevolg te gee aan die bepalings van sub-artikel (1), en enige behoorlik gemagtigde amptenaar van die Munisipaliteit kan op enige redelike tyd enige perseel betree met die doel om sodanige apparaat en toerusting te installeer, te inspekteer, te toets, te verstel en/of te verander.
- (3) Nieteenstaande die bepalings van sub-artikel (2) moet die verbruiker of eienaar, na gelang van die geval, wanneer hy die watersilinder installeer wat deur elektrisiteit verwarm word, op sy koste die nodige akkommodasie en bedrading ooreenkomstig die Munisipaliteit se keuse verskaf ten einde die installasie van die apparaat en toerusting bedoel in sub-artikel (2) later te vergemaklik.
- (4) Die Munisipaliteit is nie aanspreeklik vir enige verlies of skade wat regstreeks of gevolglik as gevolg van of voortspruitend uit sodanige onderbreking en beëindiging van die voorsiening van elektrisiteit ingevolge sub-artikel (1) ontstaan nie.

30. Hoë-, medium- en laespanningskakeltuig en -toerusting

- (1) Die verbruiker wat hoë-, medium- of laespanningelektrisiteit verlang moet betaal vir die verskaffing en installasie van die skakeltuig, kables en toerusting, wat deel is van die diensaansluiting, tensy dit andersins deur die Munisipaliteit goedgekeur word.
- (2) Al sodanige toerusting wat op die verbruiker se perseel geïnstalleer word, moet versoenbaar wees met die Munisipaliteit se elektriese prestatiestandaarde.
- (3) Niemand mag hoë- of mediumspanningskakeltuig of -toerusting oopmaak, toemaak, isoleer, koppel of aard sonder om vooraf redelike kennis aan die Munisipaliteit te gee nie.
- (4) 'n Verbruiker wat hoë- of mediumspanningskakeltuig vir 'n hoë- of mediumspanningsvoorsiening installeer het moet die Munisipaliteit inlig oor die bevoegde persoon wat die verbruiker ingevolge die regulasies wil aan stel, en van enige veranderinge aan sodanige aanstellings.
- (5) 'n Verbruiker moet 'n laespanninghoofskakelaar en/of enige ander toerusting wat die Munisipaliteit vereis, verskaf en installeer.
- (6) Alle aarding of toetsing van mediumspanningskakeltuig wat aan die Munisipaliteit se netwerk gekoppel is word deur die Munisipaliteit gedoen.

31. Substasie-akkommodasie

- (1) Die Munisipaliteit kan op sodanige voorwaardes wat hy goed ag, vereis dat die eienaar akkommodasie verskaf en in stand te hou vir gebruik as 'n substasie en wat bestaan uit 'n afsonderlike kamer of kamers vir die doel om mediumspanningskables en -skakeltuig, transformators, laespanningskables en -skakeltuig en ander toerusting noodsaaklik vir die voorsiening van elektrisiteit versoek deur die aansoeker, te akkommodeer.
- (2) Die eienaar of verbruiker moet toesien dat die akkommodasie so geleë is dat dit te alle tye vrye, voldoende en onbeperkte toegang vir die doeleindes wat met die bedryf en instandhouding van die toerusting verband hou, verleen.
- (3) Die Munisipaliteit kan sy eie netwerke voorsien uit sy eie toerusting wat in sodanige akkommodasie geïnstalleer is, en as die Munisipaliteit bykomende akkommodasie verlang, moet sodanige akkommodasie deur die aansoeker op die koste van die Munisipaliteit verskaf word.

32. Bedradingsdiagram en spesifikasie

- (1) Wanneer meer as een elektriese installasie of toevoer van elektrisiteit van 'n gemeenskaplike hoofleiding, of meer as een verdeelbord of -meter nodig is vir enige gebou of blok geboue, moet die bedradingsdiagram van die stroomkring wat by die hoofskakelaar begin en 'n spesifikasie op versoek aan die Munisipaliteit vir goedkeuring verskaf word voordat daar met die werk begin word.
- (2) Waar 'n elektriese installasie sy toevoer elektrisiteit vanaf 'n substasie op dieselfde perseel moet kry as waarop die stroom van hoe spanning getransformeer word, of van een van die Munisipaliteit se substasies deur 'n hoofleiding afsonderlik van die algemene verspreidingstelsel, moet, indien dit 'n vereiste is, 'n volledige spesifikasie en tekening van die aanleg wat deur die verbruiker geïnstalleer moet word, aan die Munisipaliteit vir goedkeuring gestuur word voordat enige tersaaklike benodigdhede bestel word.

33. Gereedheidstoevoer

Niemand is geregtig op gereedheidstoevoer van die Munisipaliteit vir enige perseel wat 'n afsonderlike bron van toevoer van elektrisiteit het nie, behalwe met die skriftelike toestemming van die Munisipaliteit en onderworpe aan sodanige voorwaardes as wat deur die Munisipaliteit gestel word.

34. Verbruikerstoerusting vir gereedheidstoevoer

- (1) Geen toerusting wat deur 'n verbruiker vir noodgereedheidstoevoer ingevolge enige Regulasies of vir sy bedryfsvereistes verskaf is nie, mag by enige installasie aangesluit word sonder die skriftelike goedkeuring van die Munisipaliteit nie. 'n Aansoek om sodanige goedkeuring moet skriftelik gerig word en moet 'n volledige spesifikasie van die toerusting en 'n bedradingsdiagram bevat. Die gereedheidstoerusting moet so ontwerp en geïnstalleer word dat dit onmoontlik vir die Munisipaliteit se hoofleiding is om uit die terugvoer van sodanige toerusting bekrag te word. Die verbruiker is verantwoordelik vir die voorsiening en installasie van al sodanige beveiligingstoerusting. In die geval van 'n algemene kragonderbreking op die Munisipaliteit se netwerk, sal beskermingsapparaat geïnstalleer word deur die verbruiker, onderhewig aan die Munisipaliteit se goedkeuring, om te verseker dat die verbruiker se installasie geïsoleer is van die Munisipaliteit se netwerk totdat normale operasionele toestande weer herstel is. Die koste van enige gespesialiseerde gemeteerde apparaat sal vir die verbruiker se rekening wees.
- (2) Waar daar ooreenkomstig 'n spesiale ooreenkoms met die Munisipaliteit toegelaat word dat die verbruiker se toerusting vir gereedheidsontwikkeling elektries gekoppel word aan en parallel loop met die Munisipaliteit se hoofleiding, is die verbruiker verantwoordelik om die vereiste sinchronisering en beveiligingstoerusting vereis vir sodanige veilige parallele werking te verskaf en te installeer tot die Munisipaliteit se bevrediging.
- (3) Onder normale operasionele omstandighede, sal alle surplus krag vanaf die verbruiker se netwerk na die Munisipaliteit se netwerk, onderhewig wees aan 'n spesiale ooreenkoms met die Munisipaliteit.

35. Tegniese Standaard

- (1) Die Munisipaliteit kan van tyd tot tyd Tegniese Standaard opstel en uitstuur waarin besonderhede verskaf word oor die Munisipaliteit se vereistes met betrekking tot sake wat nie spesifiek in die Regulasies of in hierdie Verordening bepaal word nie, maar wat nodig is vir die veilige en doeltreffende bedryf en bestuur van elektrisiteitsvoorsiening.
- (2) By die implimentering van die Tegniese Standaard moet die bepalings van artikels 21 en 21A van die Wet op Plaaslike regering: Munisipale Stelsels, Wet 32 van 2000, nagekom word.

DEEL 3: VERBRUIKERSVERANTWOORDELIKHEDE

36. Verbruiker moet elektriese installasie oprig en in stand hou

Enige elektriese installasie wat by die hoofleiding aangesluit is of aangesluit gaan word, en enige byvoeging daartoe of wysigings daaraan wat van tyd tot tyd gemaak word, moet deur die verbruiker op eie koste verskaf, oprig en in stand gehou word ooreenkomstig die bepalings van hierdie Verordening en die Regulasies.

37. Fout in elektriese installasie

- (1) Indien daar enige fout in die elektriese installasie ontstaan wat 'n gevaar vir lewe of eiendom inhou, moet die verbruiker onmiddellik die elektrisiteitstoevoer afsluit, die Munisipaliteit in kennis stel en stappe doen om die fout reg te stel.
- (2) Die Munisipaliteit kan vereis dat die verbruiker die Munisipaliteit vergoed vir enige uitgawes wat aangaan is in verband met die fout in die elektriese installasie.

38. Beëindiging van toevoer

'n Verbruiker wat verlang dat die toevoer van elektrisiteit beëindig word, moet die Munisipaliteit ten minste vyftien (15) dae vooraf skriftelik kennis gee van sodanige beoogde beëindiging, en by versuim bly die verbruiker aanspreeklik vir alle betalings verskuldig vir die voorsiening en verbruik van elektrisiteit totdat die dag wat die toevoer afgesluit is.

39. Verandering van okkupeerder

- (1) 'n Verbruiker moet by ontruiming van enige perseel, die Munisipaliteit ten minste vyftien (15) dae vooraf skriftelike kennis gee van sy voorneme om die verbruik van die toevoer van elektrisiteit te beëindig, by gebreke waarvan hy aanspreeklik bly vir sodanige toevoer.
- (2) Indien die nuwe okkupeerder van die perseel die gebruik van die elektrisiteits-toevoer wil voortsit, moet hy in ooreenstemming met die bepalings van hierdie Verordening daarom aansoek doen en binne vyftien (15) dae na die datum wat in voornoemde aansoek vermeld word as die datum waarop sodanige toevoer verfang word, aan die bepalings van hierdie Verordening voldoen, by gebreke waarvan die toevoer afgesluit word, en die nuwe okkupeerder is aanspreeklik vir die elektrisiteitstoevoer van genoemde datum totdat die toevoer aldus afgesluit word.
- (3) Wanneer voorafbetaalmeters op persele aangebring word, word enige persoon wat op daardie tydstip die perseel okkupeer, geag die verbruiker te wees. Tot tyd en wyl die persoon aansoek doen om 'n toevoer van elektrisiteit ingevolge hierdie Verordening is hy is aanspreeklik vir alle bedrae en gelde aan die Munisipaliteit verskuldig vir daardie meetpunt asook vir enige uitstaande bedrae en gelde of dit deur die persoon opgeloopt is of nie.

40. Diensapparaat

- (1) Die verbruiker is aanspreeklik vir al die Munisipaliteit se koste voortspruitend uit skade aan of verlies van enige meettoerusting, diensbeveiligingstoestel, diensaansluiting of ander apparaat op die perseel, tensy daar aangetoon kan word dat sodanige skade of verlies veroorsaak is deur 'n natuurramp of 'n handeling of versuim deur 'n werknemer van die Munisipaliteit of deur 'n abnormaliteit in die toevoer van elektrisiteit na die perseel.
- (2) Indien die hoofleiding, die dienshoofleiding, meettoerusting of enige ander diensapparaat wat aan die Munisipaliteit behoort en tevore gebruik is gedurende 'n tydperk dat die installasie van die hoofleiding afgesluit was, sonder die Munisipaliteit se toestemming verwyder is, of in so 'n mate beskadig is dat heraansluiting gevaarlik is, moet die eienaar of okkupeerder van die perseel, na gelang van die geval, gedurende sodanige tydperk die koste dra van die herstel en/of vervanging van sodanige toerusting.
- (3) Waar daar 'n gemeenskaplike meetposisie is, is die eienaar van die perseel aanspreeklik vir die diensapparaat van die Munisipaliteit waarna in sub-artikel (1) verwys word.
- (4) Die bedrag verskuldig ingevolge sub-artikel (1) word bewys deur 'n sertifikaat wat die Rekeningpligtige Beampte of Hoof-Finansiële Beampte van die Munisipaliteit uitreik, wat finaal en bindend is.

DEEL 4: SPESIFIEKE VOORSIENINGSVOORWAARDES

41. Diensaansluiting

- (1) Die verbruiker dra die koste van die diensaansluiting soos deur die Munisipaliteit goedgekeur.
- (2) Nieteenstaande die feit dat die verbruiker die koste dra van die diensaansluiting wat deur die Munisipaliteit gelê en opgerig word, berus die eienaarskap van die diensaansluiting by die Munisipaliteit wat verantwoordelik is vir die instandhouding van sodanige diensaansluiting tot by die voorsieningspunt. Die verbruiker is nie geregtig op enige vergoeding van die Munisipaliteit ten opsigte van sodanige diensaansluiting nie.
- (3) Die werk wat deur die Munisipaliteit op die verbruiker se koste gedoen word ten opsigte van 'n diensaansluiting op die verbruiker se perseel, word deur die Munisipaliteit of enige behoorlik gemagtigde amptenaar van die Munisipaliteit bepaal.
- (4) 'n Diensaansluiting word ondergronds gelê ongeag of die hoofleiding ondergronds gelê of bogronds opgerig word tensy 'n bogrondse diensaansluiting spesifiek deur die Munisipaliteit vereis word.
- (5) Die verbruiker moet op sy perseel sodanige leibane, bedradingskanale, vore, hegstukke en vry ruimte vir die bogrondse hoofleiding voorsien, vassit en/of in stand hou soos wat deur die Munisipaliteit vir die installasie van die diensaansluiting vereis word.
- (6) Die geleier wat vir die diensaansluiting gebruik word, moet 'n deursnee oppervlakte ooreenkomstig die grootte van die elektriese toevoer hê, maar moet nie minder as 10 mm² (koper of koperekwivalent) wees nie, en al die geleiers moet dieselfde deursnee oppervlakte hê tensy andersins deur enige behoorlik gemagtigde amptenaar van die Munisipaliteit goedgekeur.

- (7) Tensy andersins goedgekeur deur die Munisipaliteit, verskaf die Munisipaliteit slegs een diensaansluiting na elke geregistreerde erf. Ten opsigte van twee of meer aangrensende persele wat aan een eenaar behoort, mag na keuse 'n enkele massa-elektrisiteitsvoorsiening beskikbaar gemaak word mits die erwe gekonsolideer is of notarieel verbind is
- (8) Enige bedekking op 'n bedradingskanaal wat die toevoerstroomblyne van die voorsieningspunt na die meettoerusting dra, moet voorsiening maak vir verseëling deur die Munisipaliteit.
- (9) Binne in die meterkas moet die diensgeleier of -kabel, na gelang van die geval, in 'n opsigtelike posisie eindig, en die hele lengte van die geleiers moet sigbaar wees as die dekplate, indien dit aanwesig is, verwyder word.
- (10) In die geval van blokke geboue geokkupeer deur 'n aantal individuele verbruikers, moet afsonderlike bedradingskanale en geleiers of kables van die gemeenskaplike meetkamer of -kamers na elke individuele verbruiker in die blokke geboue geïnstalleer word. As hooftrekbane gebruik word, moet die geleiers van individuele stroomkringe andersins duidelik (elke 1,5 m saamgebind) vir die hele lengte aangedui word.

42. Akkommodasie vir meettoerusting

- (1) Die verbruiker moet akkommodasie op 'n goedgekeurde plek vir die meterbord, en voldoende geleiers vir die Munisipaliteit se meettoerusting, diensapparaat en beveiligingstoestelle verskaf.
- (2) Die akkommodasie word tot bevrediging van die Munisipaliteit op die verbruiker of eenaar se koste na gelang van omstandighede verskaf en in stand gehou.
- (3) Die akkommodasie moet, in die geval van kredietmeters, op 'n plek geleë wees waartoe daar te alle redelike tye vrye en onbelemmerde toegang vir die lees van meters is, maar te alle tye vir doeleindes wat met die bedryf en instandhouding van die dienstoerusting verband hou.
- (4) Die verbruiker moet amptenare van die Munisipaliteit te alle redelike tye toegang bied vir die inspeksie van voorafbetaalmeters.
- (5) Waar submeettoerusting geïnstalleer word, moet akkommodasie afsonderlik van die Munisipaliteit se meettoerusting verskaf word.
- (6) Die verbruiker of, in die geval van die plek van 'n gewone meter, die eenaar van die perseel, moet voldoende elektriese beligting verskaf in die ruimte waar die meettoerusting en diensapparaat geakkommodeer word.
- (7) Wanneer, volgens die mening van die Munisipaliteit, die plek van die meter, diensaansluiting of beveiligingstoestelle of hoofverspreiding-bord nie redelik toeganklik is nie, of 'n bron van gevaar vir lewe of eiendom is of op enige wyse ongeskik is, moet die verbruiker dit op eie koste en spoedig na 'n nuwe goedgekeurde plek verskuif.
- (8) Die akkommodasie vir die Munisipaliteit se meettoerusting en beveiligings-toestelle mag slegs die verbruiker se hoofskakelaar en hoofbeveiligings-toestelle insluit. Geen apparaat behalwe dit wat in verband met die toevoer en verbruik van elektrisiteit gebruik word nie, mag in sodanige akkommodasie geïnstalleer of geberg word nie tensy dit goedgekeur is nie.

DEEL 5: TOEVOERSTELSELS

43. Lasvereistes

Wisselstroomtoevoer word ingevolge die Wet op Elektrisiteits Regulering, Wet 4 van 2006, voorsien en in die afwesigheid van 'n ooreenkoms oor die gehalte, toevoer ooreenkomstig 'n toepaslike standaardspesifikasie.

44. Lasbeperkings

- (1) Waar die geraamde las, bereken ingevolge die veiligheidsstandaard, nie 15 kVA oorskry nie, moet die elektriese installasie ingerig word vir 'n dubbeldraad-enkelfasige-toevoer van elektrisiteit, tensy dit andersins deur die Munisipaliteit of 'n gemagtigde amptenaar goedgekeur word.
- (2) Waar 'n driefasige-vierdraadtoevoer van elektrisiteit voorsien word, moet die las by benadering gebalanseer word oor die drie fases, maar die maksimum ongebalanseerde las moet nie 15 kVA oorskry nie, tensy dit andersins deur die Munisipaliteit of gemagtigde amptenaar goedgekeur is.
- (3) Geen stroomverbruikende toestel, wat inherent enkelfasig van aard is en waarvan die aanslag 15 kVA oorskry, mag sonder die voorafverkreë goedkeuring van die Munisipaliteit by die elektriese installasie aangesluit word nie.

45. Steuring van ander persone se elektriese toerusting

- (1) Niemand mag elektriese toerusting bedryf wat laseienskappe het wat individueel of gesamentlik tot spanningvariasie, bo-frekwensiestrome of -spanning, of ongebalanseerde fasestrome wat buite die toepaslike standaard spesifikasie val, aanleiding gee nie.
- (2) Die evaluering van die steuring van ander persone se elektriese toerusting word deur middel van metings by die algemene gemeenskaplike koppelpunt gedoen.
- (3) Indien daar vasgestel word dat onbehoorlike steuring wel plaasvind, moet die verbruiker op sy eie koste die nodige toerusting installeer om die steuring uit te filtreer en te verhoed dat dit die hoofleiding bereik.

46. Toevoer na motore

- (1) Tensy anders goedgekeur deur die Munisipaliteit, word die aangeslane vermoë van motore as volg beperk—
 - (a) Beperkte grootte van laespanningmotors:
 - (i) Die aangeslane vermoë van 'n laespanning-enkelfasige motor word tot 2 kW beperk en/of die aansitstroom mag nie 70A oorskry nie. Alle motore wat hierdie perke oorskry, word vir drie fases teen lae spanning of sodanige hoër spanning as wat vereis word, gewikkel.
 - (b) Maksimum aansit- en versnelstrome van driefasige wissel stroom-motors:
 - (i) Die aansitstrome van driefasige-laespanningmotors wat toegelaat word, hou as volg met die kapasiteit van die verbruiker se diensaansluiting verband:

Grootte van geïsoleerde dienskabel (koper ekwivalent)	Maksimum toelaatbare aansitstroom	Maksimum motoraanslag in kW		
		Direk op die lyn (6 x volle lasstroom)	Star/Delta (2,5 x volle lasstroom)	Ander middele (1,5 x volle lasstroom)
mm ²	A	kW	kW	kW
16	72	6	13.5	23
25	95	7.5	18	30
35	115	9	22	36.5
50	135	10	25	45
70	165	13	31.5	5
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

(c) Verbruikers word teen mediumspanning voorsien:

In 'n installasie wat elektrisiteit teen mediumspanning voorsien, word die aansitstroom van 'n laespanningmotor tot 1,5 keer die aangeslane vol lasstroom van die transformator wat sodanige motor voorsien, beperk. Die aansitreeëling vir mediumspanningmotors aan die goed-keuring van die Munisipaliteit onderworpe.

47. Arbeidsfaktor

- (1) Indien vereis deur die Munisipaliteit, word die arbeidsfaktor van enige las binne die perke van 0,85 naloop en 0,9 voorloop gehandhaaf.
- (2) Waar dit, ingevolge sub-artikel (1), nodig is om arbeidsfaktorkorrigeerders te installeer, word sodanige korrektiewe toestelle by die individuele verbruiks-terminale aangesluit tensy die herstel van die arbeidsfaktor outomaties beheer word.
- (3) Die verbruiker moet op sy eie koste sodanige korrigeerders toestelle installeer.

48. Beveiliging

Elektriese beveiligingstoestelle vir motors moet so ontwerp word dat dit doeltreffende, volgehoue oorstrom en eenfasewerking voorkom, waar van toepassing.

DEEL 6: DIE MEET VAN ELEKTRISITEIT

49. Meet van toevoer

- (1) Die Munisipaliteit verskaf, installeer en hou toepaslike aangeslane meet-toerusting by die meetpunt in stand vir die meet van die elektrisiteit wat voorsien word op koste van die verbruiker in die vorm van 'n direkte heffing of voorgeskrewe fooie.
- (2) Die elektrisiteit wat 'n verbruiker in enige meettydperk verbruik, word, behalwe in die geval van 'n voorafbetaalmeter, bepaal deur die toepaslike meter of meters wat deur die Munisipaliteit verskaf en geïnstalleer is, aan die einde van sodanige tydperk te lees, behalwe waar daar 'n fout in die meettoerusting is, of die Munisipaliteit hom op die bepalings van artikel 50(2) van hierdie Verordening beroep, in welke geval die verbruik vir die tydperk geskat word.
- (3) Waar verskillende tariewe gehê word vir die elektrisiteit wat deur 'n verbruiker verbruik word, word die verbruik afsonderlik vir elke tarief gemeet.
- (4) Die Munisipaliteit kan die toevoer van elektrisiteit aan winkelsentrums en woonstelblokke, skakelhuse en soortgelyke geboue meet vir die geboue as 'n geheel, of vir individuele eenhede, of vir groepe eenhede.
- (5) Geen veranderings, herstelwerk of toevoegings of elektriese verbindings van enige aard mag aan die voorsieningskant van die meetpunt aangebring word nie, tensy dit spesifiek skriftelik deur die Munisipaliteit goedgekeur word nie.

50. Akkurate meting

- (1) Dit word as afdoende aanvaar dat 'n meter akkuraat registreer indien daar by die toetsing daarvan ingevolge sub-artikel (3), bevind word dat die fout binne die foutgrens is ooreenkomstig die toepaslike standaardspesifikasies.
- (2) Die Munisipaliteit mag die Munisipaliteit se meettoerusting toets. Indien daar by wyse van 'n toets of andersins vasgestel word dat sodanige meettoerusting foutief is, moet die Munisipaliteit-
 - (a) in die geval van 'n kredietmeter die rekening wat gelewer is, aanpas;
 - (b) in die geval van voorafbetaalmeters—
 - (i) 'n rekening lewer as die meter te min geregistreer het; of
 - (ii) 'n gratis bewys uitreik indien die meter te veel geregistreer het.
- (3) Die verbruiker mag teen betaling van die toepaslike gelde die meettoerusting deur die Munisipaliteit te laat toets. Indien daar bevind word dat die meettoerusting nie voldoen aan die vereistes vir stelselakkuraatheid ooreenkomstig die toepaslike standaardspesifikasies nie, word 'n aanpassing ingevolge die bepalings van sub-artikels (2) en (6) gemaak en die bogemelde gelde word terugbetaal.
- (4) In geval van 'n geskil kan die verbruiker op eie koste die meettoerusting waaroor die geskil gaan, deur 'n onafhanklike toetsowerheid te laat toets, en die resultaat van sodanige toets is afdoende bewys en bindend op albei partye.
- (5) Meters word getoets op die wyse soos deur die toepaslike standaard spesifikasie bepaal.
- (6) Wanneer die elektrisiteitsverbruik soos geregistreer op 'n meter ingevolge sub-artikel (2) of (3) aangepas word, word sodanige aanpassing of gegrond op die meter se persentasie fout bepaal deur die toets ingevolge sub-artikel (5), of op 'n berekening deur die Munisipaliteit gegrond op verbruiksdata in sy besit. Waar van toepassing word daar, waar moontlik, behoorlik rekening gehou met seisoenale of ander veranderinge wat die verbruik van elektrisiteit kan beïnvloed.

- (7) Enige aanpassings ingevolge sub-artikel (6) word gemaak ten opsigte van 'n tydperk wat nie ses maande voor die datum waarop bevind is dat die meettoerusting onakkuraat is, mag oorskry nie met dien verstande dat 'n verbruiker 'n oorbetalings vir enige langer tydperk kan terug eis indien die verbruiker die eis in die normale regsproes kan bewys.
- (8) Waar 'n verbruiker se werklike las in so 'n mate van die aanvanklik geraamde las ingevolge sub-artikel 8(1) verskil dat die Munisipaliteit dit nodig ag om sy meettoerusting te verander of te vervang ten einde by die las aan te pas, dra die verbruiker die koste van sodanige verandering of vervanging.
- (9) (a) Voordat die Munisipaliteit enige opwaartse aanpassing aan enige rekening ingevolge sub-artikel (6) maak, moet die Munisipaliteit—
- (i) die verbruiker skriftelik in kennis stel van die geldelike waarde van die aanpassing wat gemaak gaan word en die redes daarvoor;
 - (ii) in sodanige kennisgewing voldoende besonderhede verskaf sodat die verbruiker vertoe op grond daarvan kan rig; en
 - (iii) die verbruiker in sodanige kennisgewing versoek om redes, indien enige, skriftelik binne 21 dae of sodanige langer tydperk as wat die Munisipaliteit mag toelaat, te verskaf waarom sy rekening nie aangepas moet word ooreenkomstig die kennisgewing nie.
- (b) Indien die verbruiker versuim om gedurende die tydperk beoog in sub-artikel 9(a)(iii) enige vertoë te rig, het die Munisipaliteit die reg om die rekening aan te pas volgens die kennisgewing ingevolge sub-artikel 9(a)(i).
- (c) Die Munisipaliteit oorweeg enige redes verskaf deur die verbruiker ingevolge sub-artikel (9)(a) en pas die rekening op 'n gepaste wyse aan indien die Munisipaliteit tevrede is dat daar grondige redes daarvoor verskaf is.
- (d) Indien 'n behoorlik gemagtigde amptenaar van die Munisipaliteit na oorweging van die vertoë gerig deur die verbruiker besluit dat sodanige vertoë nie 'n saak uitmaak om 'n wysiging aan die monetêre waarde ingevolge sub-artikel 9(a)(i) aan te bring nie, het die Munisipaliteit die reg om die rekening ooreenkomstig 'n kennisgewing ingevolge sub-artikel 9(a)(i) aan te pas, onderworpe aan die verbruiker se reg van appel teen die besluit ingevolge artikel 62 van die Wet op Munisipale Stelsels, 2000.

51. Lees van kredietmeters

- (1) Tensy anders voorgeskryf, word kredietmeters gewoonlik met tussenposes van een maand gelees, en die vaste of minimum koste verskuldig ingevolge die tarief word dienooreenkomstig bepaal. Die Munisipaliteit is nie verplig om enige aanpassings aan sodanige koste te maak nie.
- (2) Indien die kredietmeter om die een of ander rede nie gelees kan word, sal 'n geraamde rekening gelewer word en die elektriese energie wat verbruik is, word in 'n daaropvolgende rekening aangepas ooreenkomstig die elektriese energie wat werklik verbruik is.
- (3) Wanneer 'n verbruiker 'n eiendom ontruim en 'n finale lesing van die meter is onmoontlik, kan 'n geraamde verbruik bepaal word en die finale rekening daarvolgens gelewer word.
- (4) 'n Verbruiker mag teen betaling van die toepaslike gelde 'n spesiale meterlesing aanvra.
- (5) Indien enige berekeningsfout, fout met die lees van die meter of meetfout ontdek word ten opsigte van enige rekening wat aan 'n verbruiker gelewer is, word die fout in daaropvolgende rekening reggestel. Enige sodanige regstelling is slegs van toepassing op rekeninge vir 'n tydperk van 3 (drie) jaar voor die datum waarop die fout in die rekening ontdek is, en is gegrond op die werklike tariewe van toepassing gedurende die tydperk. Met dien verstande dat 'n verbruiker 'n oorbetalings vir enige langer tydperk kan terug eis indien die verbruiker die eis in die normale regsproes kan bewys.

52. Meet van voorafbetaalde elektrisiteit

- (1) Geen terugbetaling van die bedrag wat vir die aankoop van elektrisiteitskrediet aangebied is, geskied by die verkooppunt nadat die proses waardeur die voorafbetalingsbewys uitgereik word, reeds begin het nie.
- (2) Afskrifte van die bewyse wat vroeër vir die oorplasing van krediet na die voorafbetaalmeter uitgereik is, kan op versoek van die verbruiker beskikbaar gestel word.
- (3) Wanneer 'n verbruiker enige perseel ontruim waar 'n voorafbetaalmeter geïnstalleer is, betaal die Munisipaliteit geen krediet wat in die meter oorbly, aan die verbruiker terug nie.
- (4) Die Munisipaliteit is nie aanspreeklik vir die herstel van krediet wat in 'n voorafbetaalmeter verlore gegaan het omdat daar met die voorafbetaalmeter en/of bewyse gepeuter is nie, of omdat dit verkeerd gebruik of misbruik is nie.
- (5) Die Munisipaliteit kan na goeddunke verkopers vir die verkoop van bewyse vir voorafbetaalmeters aanstel maar waarborg nie die voortgesette bedryf deur enige verkoper nie.
- (6) Waar die verbruiker geld aan die Munisipaliteit verskuldig is vir elektrisiteit verbruik of vir enige diens wat deur die Munisipaliteit verskaf word, insluitend belasting of vir enige bedrae wat voorheen teen hom gehef is betreffende enige diens verskaf, kan die Munisipaliteit 'n persentasie van die bedrag wat aangebied word, aftrek totdat die verskuldigde bedrag verhaal is soos uiteengesit in die artikel 4 ooreenkoms vir die lewering van elektrisiteit.
- (7) Nieteenstaande die feit dat 'n verbruiker vir die koste van die voorsiening en installering van 'n voorafbetaalmeter verantwoordelik was, bly die meter die eiendom van die Munisipaliteit en mag dit nie by die ontruiming van die perseel waar dit installeer is, verwyder word nie.

DEEL 7: ELEKTRIESE KONTRAKTEURS

53. Bykomende vereistes tot die Regulasies

- (1) Benewens die vereistes van die Regulasies, sal die vereistes in sub-artikels (2) en (3) ook van toepassing wees.
- (2) Waar daar om nuwe of verhoogde toevoer van elektrisiteit by die Munisipaliteit aansoek gedoen word, kan die Munisipaliteit na sy goeddunke 'n kennisgewing aanvaar van die voltooiing van enige deel van die elektriese installasie waarvan die kringontwerp toelaat dat die elektriese installasie in duidelik afgebakende afsonderlike gedeeltes verdeel word, en sodanige gedeelte van die elektriese installasie kan na goeddunke van die Munisipaliteit geïnspekteer, getoets en by die hoofleiding aangesluit word asof dit 'n volledige installasie is.
- (3) Die ondersoek, toets en inspeksie wat na goeddunke van die Munisipaliteit uitgevoer mag word, onthef geensins die elektriese kontrakteur of geakkrediteerde persoon of die verbruiker of eienaar, na gelang van die geval, van sy verantwoordelikheid vir enige gebrek in die installasie nie. Sodanige ondersoek, toets en inspeksie mag onder geen omstandighede (selfs waar die elektriese installasie aan die hoofleiding verbind is) beskou word as enigins 'n aanduiding of waarborg dat die elektriese installasiewerk doeltreffend met die geskikste benodighede vir die doel uitgevoer is of dat dit ooreenkomstig hierdie Verordening of veiligheidsstandaard is nie, en die Munisipaliteit kan nie vir enige gebrek of fout in sodanige elektriese installasie aanspreeklik gehou word nie.

54. Pligte van kontrakteurs

Die Munisipaliteit kan nie aanspreeklik gehou word vir die werk wat deur 'n elektriese kontrakteur of geakkrediteerde persoon op die perseel van die verbruiker verrig word nie en kan nie aanspreeklik gehou word vir enige verlies of skade te wyte aan 'n brand of enige ongeluk voortspruitend uit die toestand van die bedrading op die perseel nie.

DEEL 8: ALGEMEEN**55. Verhaling van koste**

Die Munisipaliteit mag enige skade wat strydig met hierdie Verordening is of voortspruit uit 'n oortreding van hierdie Verordening, herstel of vergoed. Die koste van sodanige werk verrig deur die Munisipaliteit en genoodsaak deur 'n oortreding van hierdie Verordening, is vir die rekening van die persoon wat strydig met hierdie Verordening opgetree het.

56. Delegasie van bevoegdhede en pligte

- (1) Die Munisipaliteit mag enige bevoegdheid of plig wat aan die Munisipaliteit ingevolge hierdie Verordening verleen of opgedra is aan 'n gekwalifiseerde bevoegde amptenaar, agent of diensverskaffer van die Munisipaliteit delegeer.
- (2) Die Munisipaliteit kan enige delegasie ingevolge sub-artikel (1) wysig of herroep, maar geen sodanige wysiging of herroeping maak enigiets ongeldig wat ingevolge daardie delegasie gedoen is nie.

57. Dienslewingsreëlings

- (1) Ten einde optimale dienslewering ingevolge hierdie Verordening te verseker, kan die Munisipaliteit ooreenkomste aangaan met enige staatsorgaan of ander instelling ten opsigte van—
 - (a) die praktiese reëlings met betrekking tot die uitvoering van die bepalings van hierdie Verordening;
 - (b) die stel en afdwing van voorwaardes met betrekking tot enige aansoek ingevolge hierdie Verordening;
 - (c) meganismes vir die beslegting van geskille wat mag ontstaan oor die uitoefening van funksies en bevoegdhede ingevolge hierdie Verordening of die aangeleentheid waarvoor onderling ooreengekom is;
 - (d) enige ander aangeleentheid wat deur die betrokke partye nodig geag word om optimale dienslewering ingevolge hierdie Verordening of ander voorskrifte te verseker.

58. Reg van toegang en inspeksie

- (1) Enige behoorlik gemagtigde persoon is gemagtig om enige perseel binne die munisipale gebied te inspekteer ten einde te bepaal of daar aan die bepalings van die Verordening voldoen word.
- (2) Wanneer 'n perseel ingevolge sub-artikel (1) binnegegaan word, moet die gemagtigde persoon op versoek van enige persoon, homself identifiseer deur 'n geskrewe bewys van magtiging te toon.
- (3) Die gemagtigde persoon mag vergesel word van 'n persoon van wie dit redelikerwys verwag word om te help in die uitvoer van die inspeksie.
- (4) 'n Persoon pleeg 'n misdryf indien hy of sy—
 - (a) 'n beampte verhinder om sy of haar amptelike pligte uit te voer, of daarmee inmeng;
 - (b) valslik beweert dat hy of sy 'n beampte is;
 - (c) valse of misleidende inligting verstrek wanneer hy of sy aan 'n versoek van 'n beampte voldoen; of
 - (d) versuim om aan 'n versoek van 'n beampte te voldoen.

59. Vrystelling

- (1) Enigiemand mag skriftelik by die Munisipaliteit aansoek doen om vrystelling van enige bepaling van hierdie Verordening.
- (2) Die Munisipaliteit mag—
 - (a) skriftelik vrystelling verleen en die tydperk waarvoor sodanige vrystelling verleen word, bepaal en vasstel;
 - (b) enige vrystelling of voorwaarde in 'n vrystelling wysig of kanselleer; of
 - (c) weier om vrystelling toe te staan.
- (3) 'n Vrystelling tree nie in werking voordat die aansoeker skriftelik onderneem het om te voldoen aan die voorwaardes wat deur die Munisipaliteit opgelê word nie; met dien verstande verder dat indien die aansoeker met die betrokke aktiwiteit begin voordat sodanige onderneming aan die Munisipaliteit voorgelê is die vrystelling verval.
- (4) Indien daar nie aan 'n voorwaarde van 'n vrystelling voldoen is nie, verval die vrystelling onmiddellik.

60. Bediening van dokumente en geregtelike stappe

- (1) Wanneer enige kennisgewing, bevel, aanskrywing of ander dokument gemagtig is of nodig is om bedien te word op 'n persoon ingevolge hierdie Verordening, word dit geag effektief en na behore aan sodanige persoon beteken te wees—
 - (a) wanneer dit persoonlik aan hom afgelewer is;
 - (b) wanneer dit by sy plek van inwoning of besigheid in die Republiek gelaat is by 'n persoon wat duidelik ouer as sestiende jaar is;
 - (c) wanneer dit gepos is per geregistreerde of gesertifiseerde pos aan sy laaste bekende woon- of besigheidsadres in die Republiek en 'n erkenning van die versending verskaf word;
 - (d) indien sy adres in die Republiek onbekend is, wanneer dit aan sy agent of verteenwoordiger in die Republiek bedien is op so 'n manier soos bepaal deur paragraaf (a), (b) of (c); of
 - (e) indien sy adres en agent in die Republiek onbekend is, wanneer dit opsigtelik vertoon word op die vaste eiendom, indien enige, waarop dit betrekking het;

- (f) wanneer dit by die geregistreerde kantoor van die sakeperseel van die regs persoon afgelewer is, in die geval van 'n regs persoon;
 - (g) wanneer dit op versoek van daardie persoon by sy of haar e-pos adres gelewer is.
- (2) Diening van 'n afskrif word geag diening van die oorspronklike te wees.
- (3) Wanneer enige kennisgewing, bevel, aanskrywing of ander dokument soos die voorgenoemde gemagtig is of bedien moet word aan 'n persoon omdat hy die eienaar of bewoner is of was of 'n ander reg hou met betrekking tot vaste eiendom, sal dit nie nodig wees om hom by name te noem nie, maar sal dit voldoende wees as hy daarin beskryf word as die eienaar, bewoner of houer van sodanige vaste eiendom of ander reg, wat ook al die geval mag wees.

61. Beperking van aanspreeklikheid

- (1) Behoudens ander wetgewing, is die Munisipaliteit nie aanspreeklik vir enige skade of verlies wat veroorsaak is deur—
- (a) die uitoefening van enige bevoegdheid of die verrigting van enige plig te goeder trou ingevolge hierdie Verordening; of
 - (b) die versuim om enige bevoegdheid uit te oefen of om enige funksie of plig te goeder trou ingevolge hierdie Verordening te verrig.

62. Skakelforums in gemeenskap

- (1) Die Munisipaliteit mag een of meer skakelforums in 'n gemeenskap stig vir die doel om gemeenskapsdeelnemers te verkry in die aangeleenthede wat in hierdie Verordening behandel word.
- (2) 'n Skakelforum of enige persoon mag op sy of haar eie inisiatief 'n inset aan die Munisipaliteit lewer vir laasgenoemde se oorweging.

63. Strafbepaling

- (1) Iemand wat enige van die bepalings van hierdie Verordening oortree, of enige bevel gemaak of kennisgewing beteken, of voorwaardes of vereistes gestel oortree of versuim om daaraan te voldoen, is skuldig aan 'n misdryf.
- (2) Iemand wat voortgaan om 'n misdryf te pleeg nadat hy in kennis gestel is om sodanige misdryf te staak of nadat hy skuldig bevind is aan sodanige misdryf, daarmee voortgaan, is skuldig aan 'n voortgesette misdryf.
- (3) Iemand wat skuldig bevind word aan 'n oortreding ingevolge hierdie Verordening—
- (a) is strafbaar met 'n boete of tronkstraf of tot sodanige tronkstraf sonder die keuse van 'n boete of tot albei sodanige boete en sodanige tronkstraf; en
 - (b) in die geval van 'n voortgesette misdryf, tot 'n bykomende boete of bykomende tronkstraf of tot sodanige tronkstraf sonder die keuse van 'n boete of tot albei sodanige bykomende boete en tronkstraf, vir elke dag waarop sodanige misdryf verder gepleeg word.
- (4) Elkeen wat die bepalings van hierdie Verordening oortree, is aanspreeklik daarvoor om die Munisipaliteit te vergoed vir enige kostes, verlies of skade deur die Munisipaliteit gelyk as gevolg van sodanige oortreding.

64. Herroeping

- (1) Die Verordeninge hieronder gelys word herroep:
- (a) Mosselbaai Munisipaliteit: Verordening insake Elektrisiteitsvoorsiening—PK 431/1983 gedateer 15 Julie 1983.
 - (b) Standaardverordening insake Elektrisiteitsvoorsiening—PK 535/1987 gedateer 18 September 1987.
 - (c) Munisipaliteit Groot-Brakrivier: Elektrisiteitsvoorsienings Verordening — PK 216/2000 gedateer 19 Mei 2000.

65. Kort titel en inwerkingtreding

Hierdie Verordening heet die Elektrisiteitsregulerings Verordening van die Mossel-baai Munisipaliteit en tree in werking op die datum van publikasie daarvan in die Provinsiale Koerant.

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO COMMUNITY FIRE SAFETY
CHAPTER 1

Under the provisions of section 156(2) of the Constitution of the Republic of South Africa, 1996, the Mossel Bay Municipality enacts as follows:-

1. Definitions

In this By-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the English text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates-

“above ground storage tank“ means a tank situated above ground for the storage of a flammable liquid;

“automatic releasing hold-open device“ means a device used to hold open a fire door and operates on the detection of a fire to close the fire door;

“boundary“ means any lateral or street boundary of a site;

“building“ means—

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

“bund wall” means a containment wall surrounding an above ground storage tank, constructed of impervious material;

“chief fire officer” means the person in charge of a service, or the acting chief officer, as contemplated in the Fire Brigade Services Act;

“combustible material” means combustible refuse, combustible waste or any other material capable of igniting;

“combustible refuse” means combustible rubbish, litter or material that is discarded, refused, rejected, or considered worthless;

“combustible waste” means combustible waste material which is salvageable, retained or collected for scrap or reprocessing and may include all combustible fibres, hay, straw, hair, feathers, down, wood shavings, turnings, all types of paper products, soiled cloth trimmings and cuttings, rubber trimmings and buffing, metal fines, and any mixture of the above items, or any other salvageable combustible waste material;

“Constitution” means the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996);

“Controlling Authority” means either a chief fire officer, a municipal manager or their respective delegates as contemplated in sections 2 and 3 of this By-law;

“dangerous goods” means a flammable gas, liquid or solid as contemplated in SABS 0228;

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

“emergency evacuation plan” means a plan specifically designed to aid in the evacuation of occupants from a building in the event of a fire or other threatening danger and assigns responsibility to various staff, indicates escape routes to be used and provides for general contingencies for a safe and quick evacuation from a building;

“emergency route” means that part of an escape route that provides fire protection to the occupants of any building and which leads to an escape door;

“emergency vehicle” means any fire, rescue or other vehicle intended for use at fires and other threatening dangers;

“entertainment and public assembly occupancy” means a place where people gather to eat, drink, dance or participate in other recreation;

“escape door” means the door in an escape route, which at ground level leads directly to a street or public place or to any approved open space which leads to a street or public place;

“escape route” means the entire path of travel from the furthest point in any room in a building to the nearest escape door and may include an emergency route;

“escape route plan” means a diagram indicating the floor layout, the occupant’s current position and the route of travel to the nearest primary and secondary escape routes in the building, as well as the action to be taken in the event of a fire or other threatening danger;

“fire break” means a natural or constructed strip of land where vegetation has been removed or modified to contain or to reduce the spread and intensity of any fire that may occur in or enter a premises, and may consist of one or more of the following—

- (a) grass or vegetation that does not exceed 50mm in height;
- (b) lawn or cultivated garden; or
- (c) a road or driveway;

“**Fire Brigade Services Act**” means the Fire Brigade Services Act, 1987 (Act 99 of 1987);

“**fire damper**” means an automatic damper and its assembly that complies with the requirements contained in SABS 193;

“**fire door**” means an automatic or self-closing door or shutter assembly especially constructed to prevent the passage of fire for a specific length of time;

“**fire extinguisher**” means a portable or mobile rechargeable container which has a fire extinguishing substance that is expelled by the action of internal pressure for the purposes of extinguishing a fire;

“**fire hazard**” means any situation, process, material or condition which may cause a fire or explosion or provide a ready fuel supply to increase the spread or intensity of the fire or explosion and which poses a threat to life or property;

“**fire lanes**” means the road, path or other passageway constructed or designated to allow access for emergency vehicles;

“**fire protection system**” means any device or system designed and installed to—

- (a) detect, control or extinguish a fire; or
- (b) alert occupants or the fire service, or both, to a fire;

but excludes portable and mobile fire extinguishers;

“**fire wall**” means a wall that is able to withstand the effects of fire for a specific period of time as contemplated in the National Building Regulations (T1) read with SABS 0400;

“**flammable gas**” as contemplated in SABS 0228, means a gas that at 20 °C and at a standard pressure of 101, 3 kilopascals—

- (a) is ignitable when in a mixture of 13% or less (by volume) with air; or
- (b) has a flammable range with air of at least 12 percentage points, regardless of the lower flammable limit;

“**flammable liquid**” means a liquid, or mixtures of liquids, or a liquid containing solids in solution or in suspension that give off a flammable vapour at or below 60,5 °C and also includes a liquid within the following danger groups as determined in SABS 0228—

DANGER GROUP BASED ON FLAMMABILITY.

1	2	3
Danger Group	Closed Cup Flash Point (°C)	Initial Boiling Point(°C)
i	-	≤ 35 (°C)
ii	< 23 (°C)	>35 (°C)
iii	≥ 23 ≤60,5 (°C)	> 35 (°C)
iv	>60,5 – 100 (°C)	> 35 (°C)

“**flammable solid**” as contemplated in SABS 0228, means a solid that is easily ignited by external sources, such as sparks and flames, solids that are readily combustible, solids that are liable to cause, or contribute to, a fire through friction or solids that are desensitized (wetted) explosives that can explode if not diluted sufficiently;

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

“**flammable store**” means a store that is used for the storage of flammable liquids and complies with the criteria set out in section 49 of this By-law;

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

“**Municipality**” means the Municipality of Mossel Bay established in terms of section 12 of the Municipal Structures Act, 117 of 1998, and includes duly authorised agent, service provider or any employee thereof acting in connection with this By-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such agent service provider or employee;

“**Municipal Manager**” means a person appointed in terms of section 82 of the Municipal Structures Act;

“**Municipal Structures Act**” means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

“**Municipal Systems Act**” means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

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

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

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

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

“**occupancy**” means the particular use or type of use to which a building or portion thereof, is normally put or intended to be put as provided for in the National Building Regulations (A20);

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

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

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

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

“owner” has its common-law meaning and includes—

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

“person in charge” means—

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

“population” means the population determined in accordance with the National Building Regulations (A21);

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

“public place” means any square, park, recreation ground or open space which—

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

“public road” means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes—

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

“SABS Codes” means South African Bureau of Standards SABS Codes of Practice and Specifications issued in terms of the Standards Act and shall include SANS Codes;

“SANS Codes” means South African Bureau of Standards SANS Codes of Practice and Specifications issued in terms of the Standards Act, and shall include SABS Codes;

“service” means a fire brigade service as defined in the Fire Brigade Services Act;

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

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

“State” means—

- (a) any department of state or administration in the national, provincial or local sphere of government; or
- (b) any other functionary or institution—
 - (i) exercising a power or performing a function in terms of the Constitution or a provincial constitution; or
 - (ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court or judicial officer;

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

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

“tank” for purposes of chapter 9 of this By-law, means a container mounted permanently or temporarily on or embodied in a vehicle and so constructed to be suitable for the containment of flammable liquid or gas cargo;

“tent” means a portable or temporary structure of canvas, cloth or other similar material, consisting of a canopy, which may have walls, supported by poles and stretched by cords secured to pegs driven into the ground;

“this By-law” includes the Schedules published in terms of this By-law;

“threatening danger” means the existence of an unwelcome or undesirable situation which causes or has the potential to cause imminent harm, risk, peril or injury should an emergency or fire occur;

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

“vehicle” means a vehicle as defined in the National Road Traffic Act and includes the following-

- (a) **“road tank vehicle”** means a tank truck, tank trailer, or truck-tractor and tank-semi-trailer combination;
- (b) **“tank-semi-trailer”** means a vehicle with a tank mounted on it or built as an integral part of it, and so constructed that, the semi-trailer is drawn by a truck-tractor or another trailer, through a fifth wheel connection part of the load rest on the towing vehicle;
- (c) **“tank trailer”** means a vehicle with a tank mounted on it or built as an integral part of it, and so constructed that, when the tank trailer is drawn by a tank truck, practically all of its load rests on its own wheels;
- (d) **“tank truck”** means a single, self-propelled vehicle with a tank mounted on it;
- (e) **“truck-tractor”** means a self-propelled vehicle used to pull a tank-semi-trailer; and
- (f) any other vehicle, which in the opinion of the Controlling Authority, is a vehicle contemplated in chapter 9 of this By-law.

CHAPTER 2: ADMINISTRATIVE PROVISIONS

2. Administration and enforcement

- (1) The Chief Fire Officer is responsible for the administration and enforcement of this By-law.
- (2) Where no Chief Fire Officer has been appointed in terms of the Fire Brigade Services Act, the Municipal Manager is responsible for the administration and enforcement of this By-law.
- (3) Where there is no service established in the area of jurisdiction of the Municipality, the Municipal Manager is responsible for the administration and enforcement of this By-law.

3. Delegation

- (1) A Chief Fire Officer may delegate any power granted to him in terms of this By-law in accordance with section 19 of the Fire Brigade Services Act.
- (2) A Municipal Manager may delegate any power granted to him in terms of this By-law in accordance with the system of delegation of the Municipality developed in terms of section 59 of the Municipal Systems Act.
- (3) If any provision in this By-law vests or imposes any power, function or duty of the Municipality in or on an employee of the Municipality and such power, function or duty has in terms of section 81(2) of the Municipal Systems Act or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the Municipality provider or, where applicable, an employee of the Municipality provider authorized by it.

4. Enforcement provisions

- (1) A Controlling Authority may, whenever he regards it necessary or expedient to do so, enter any premises at any reasonable time to ensure compliance with this By-law.
- (2) A Controlling Authority has the authority to summarily abate any condition which is in violation of any provision of this By-law and which presents an immediate fire hazard or other threatening danger.
- (3) A Controlling Authority must remedy any violation mentioned in sub-section (2), by performing any act, and may also—
 - (a) call for the immediate evacuation of the premises;
 - (b) order the closure of the premises until such time as the violation has been rectified;
 - (c) order the cessation of any activity; and
 - (d) order the removal of the immediate threat.
- (4) Any costs of such action must be borne by the person deemed by a Controlling Authority to be responsible for the existence of such condition.

5. Authority to investigate and right of access

- (1) Notwithstanding anything to the contrary contained in any other law, a Controlling Authority has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.
- (2) The Chief Fire Officer or a member may, in executing the powers delegated in terms of this By-law or any other legislation, enter any premises at any reasonable time to conduct inspections in order to determine the existence of a fire hazard or compliance with any applicable legislation relating to fire safety on such premises.
- (3) Should any fire hazard or condition of non-compliance contemplated in sub-section (2) exist, such member may serve a written instruction on the owner or occupier of such premises and such notice shall incorporate such directives or requirements that are necessary to abate the condition, which instruction must determine a deadline for compliance.
- (4) Whenever any condition that may increase the risk of fire or which may pose a threat to life or property exists on any premises and such condition cannot immediately be rectified, or if costs need to be incurred to rectify such condition, the owner of the premises must, after receiving any written instruction referred to in sub-section (3), inform the Chief Fire Officer forthwith, in writing, of the measures which he or she intends taking to remedy the condition and provide a programme and deadline to the Chief Fire Officer for approval.
- (5) The Chief Fire Officer may approve the proposed measures and deadline with or without amendments and may give further instructions for compliance with the proposed or required measures.

6. Failure to comply with provisions

- (1) When a Controlling Authority finds that there is non-compliance with the provisions of this By-law, excluding the situation in section 4(2), a written notice may be issued and should include the following—
 - (a) confirmation of the findings;
 - (b) provisions of this By-law that are being contravened;
 - (c) the remedial action required; and
 - (d) set forth a time for compliance.
- (2) An order or notice issued under this By-law must be served either by personal delivery or registered mail upon a person who is in the opinion of the Controlling Authority, deemed to be the appropriate person.
- (3) For unattended or abandoned premises, a copy of such order or notice must be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice must be mailed by registered mail, to the last known address of the owner, the person in charge of the premises or both.

7. Denial, suspension or revocation of an approval or a certificate

A Controlling Authority may refuse, suspend or revoke an approval or a certificate required by this By-law for—

- (a) failure to meet the provisions of this By-law for the issuance of the approval or certificate; or
- (b) non-compliance with the provisions of the approval or certificate.

8. Records required

The safekeeping of all relevant records and documents is the responsibility of the Controlling Authority.

9. Charges

- (1) The Municipality may determine the fees payable by a person on whose behalf, the Controlling Authority rendered a service as contemplated in section 10 of the Fire Brigade Services Act.
- (2) The Municipality may charge a fee for the provision of an inspection, re-inspection or any other service as well as the issuing of permits, approvals or certificates in accordance with the applicable local government legislation regulating the charging of fees.

10. Reporting a fire hazard and other threatening danger

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

CHAPTER 3: FIRE PROTECTION OF BUILDINGS

11. General

The Controlling Authority in terms of section 4(3) or section 6(1) of this By-law must abate a contravention of the National Building Regulations relating to fire and safety of buildings.

12. Access for emergency vehicles

- (1) When, in the opinion of the Controlling Authority, premises are not readily accessible from public roads it must be provided with emergency vehicle access and, notwithstanding the provisions in the National Building Regulations (T1), may be required to comply with the following—
 - (a) An access road must be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises.
 - (b) A motorised or electronically operated gate must be equipped in such a manner that access to the premises can be gained without the use of a motor or any other electronic device.
 - (c) Fire lanes must be provided for all premises which are set back more than 45 meters from a public road or exceed nine meters in height and are set back over 15 meters from a public road.
 - (d) Fire lanes must be at least four meters in width, the position of which must be decided upon after consultation with the Controlling Authority, and the area from ground level to a clearance height of four meters above the fire lane must remain unobstructed.
 - (e) A cul-de-sac that is more than 90 meters in length, must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.
- (2) The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the Controlling Authority.
- (3) It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.

13. Division and occupancy separating elements

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

14. Fire doors and assemblies

- (1) Subject to the provisions of SABS 1253, a fire door and assembly must be maintained in such a manner that in the event of a fire it retains its integrity, insulation and stability for the time period required for that particular class of door.
- (2) A fire door may be kept open, only when it is equipped with an automatic releasing hold-open device approved by the Municipality.

- (3) A fire door and assembly may not be rendered less effective through the following actions—
- (a) altering the integrity, insulation or stability of a particular class of door;
 - (b) disconnecting the self-closing mechanism;
 - (c) wedging, blocking or obstructing the door so that it cannot close;
 - (d) painting the fusible link actuating mechanism of a door;
 - (e) disconnecting or rendering less effective an electric or electronic release mechanism; or
 - (f) any other action that renders a fire door or assembly less effective.

15. Escape Routes

- (1) A component which forms part of an escape route such as the feeder routes, access doors, emergency routes and escape doors must not be obstructed or rendered less effective in any way, which could hinder or prevent the escape of any person from a building in the case of fire or any other emergency.
- (2) A locking device, which is fitted to an access or escape door in an escape route, must be of a type approved by the Municipality.
- (3) Where required by the Controlling Authority, an escape route must be clearly indicated with signage, which complies with SABS 1186, indicating the direction of travel in the event of fire or any other emergency.

16. Tents

- (1) Prior to the erection and usage of a tent as an occupancy contemplated in the National Building Regulations (A20), the owner or person in charge of a premises must—
 - (a) submit an application in terms of the National Building Regulations (A2) and (A23) to the Municipality for the approval to erect and use the tent; and
 - (b) submit an application in terms of the section 21 of this By-law to the Controlling Authority for a temporary population certificate.
- (2) The application submitted in terms of sub-section (1)(a) must comply with the following—
 - (a) (i) The safety distance between a tent and any building or boundary shall be determined in accordance with TT2 of the SABS 0400. The Controlling Authority may require that this distance be increased should the situation require it.
(ii) The tent must be erected at least 4,5 meters from any combustible stores or materials.
 - (b) Where tents are erected adjacent to one another, an unobstructed minimum distance of 4,5 meters must be provided between them and where applicable between the stakes and guidelines of the adjacent tents, in order to ensure emergency vehicle access.
 - (c) The requirements set out in the National Building Regulations (T1) must be complied with in the following instance—
 - (i) where the population of a tent exceeds 25 people;
 - (ii) where a tent is occupied during the hours of darkness;
 - (iii) for seating arrangements and aisle dimensions; and
 - (iv) for the provisions of fire extinguishers.
 - (d) The population density of a tent must comply with the National Building Regulations (A21).
 - (e) No cooking may be carried out in the tent occupied by the public and where cooking is required, it must be carried out in a separate tent or an area to which the public does not have access.
 - (f) No open fire is permitted in a tent and any other flame emitting device, such as a candle, lantern or torch but not limited thereto, is only permitted in a tent after approval by the Controlling Authority.
 - (g) No open fire or flame is permitted within five meters of a tent, stake or guideline of a tent.
 - (h) Smoking is prohibited in a tent and a “No Smoking” sign must be prominently displayed at each entrance and must comply with SABS 1186: Part 1.
 - (i) Lighting and wiring installed in a tent must comply with the requirements set out in SABS 0142 in such a manner that direct contact is not made with combustible material and the radiated heat does not pose an ignition hazard.
- (3) Notwithstanding the provisions in sub-sections (1) and (2), the Controlling Authority may request the applicant to fulfil additional requirements for the erection and usage of a tent.

CHAPTER 4: FIRE SAFETY EQUIPMENT

17. Fire extinguishers

- (1) The owner or person in charge, as the case may be, must provide and install fire extinguishers on premises as required by the Controlling Authority and in accordance with the National Building Regulations (T1) and (T2).
- (2) Fire extinguishers must be maintained strictly in accordance with the requirements of the Occupational Health and Safety Regulations, SABS 1475: Part 1, SABS 1571, SABS 1573 and SABS 0105: Part 1.
- (3) A juristic or a natural person may not fill, recharge, recondition, modify, repair, inspect or test a fire extinguisher in terms of SABS 1475: Part 1, unless such a person is the holder of a permit issued by the South African Bureau of Standards or certificate of competence issued by the South African Qualifications Certification Committee.
- (4) The owner or person in charge of the premises may not allow a fire extinguisher to be filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit or certificate mentioned in sub-section (3).

- (5) When the Controlling Authority finds that a fire extinguisher has been filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit mentioned in sub-section (3), the Controlling Authority must instruct the owner or person in charge of such premises to have the work carried out by a person who is in possession of such a permit or certificate.
- (6) When, in the opinion of the Controlling Authority, a fire extinguisher is unsafe or ineffective either by reason of deterioration, design or construction, the Controlling Authority must instruct the owner or the person in charge of the premises to have the appliance inspected and tested in terms of SABS 1475: Part 1 and SABS 1571.
- (7) A fire extinguisher may not be removed from the premises for filling, recharging, reconditioning, modification, repair, inspection or testing unless the appliance is replaced temporarily with a similar appliance in good working condition.
- (8) A fire extinguisher may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in an area where such action would create a danger or hazard.

18. Testing and maintenance of fire protection systems

- (1) The owner or person in charge must ensure that a fire protection system is tested and maintained on a regular basis and that a detailed record of such tests and maintenance of the system be kept.
- (2) A person may not test a fire protection system before notifying the occupants of the premises concerned of the starting and completion times of the test, and where applicable the parties who monitor the fire protection system.
- (3) A fire protection system designed for detecting, fighting, controlling and extinguishing a fire must be maintained in accordance with the National Building Regulations (T2) read in conjunction with a recognised national code or standard, and in the absence of a national code or standard an applicable international code or standard must be used.
- (4) A fire protection system may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in any area where such action would create a danger or hazard.
- (5) The person carrying out the maintenance of a fire protection system must inform the owner or person in charge of the premises in writing, of any defects discovered, maintenance performed or still outstanding, and where the person in charge has received such notice, he must without delay inform the owner accordingly.
- (6) The owner or person in charge of the premises must immediately notify the Controlling Authority when the fire protection system, or a component thereof, is rendered inoperable or taken out of service and must notify the Controlling Authority as soon as the system is restored.
- (7) The owner or person in charge of the premises must take all steps deemed necessary by the Controlling Authority to provide alternate equipment to maintain the level of safety within the premises.

19. Interference with and access to fire protection systems and fire extinguishers

No person is permitted to render less effective, inoperative, inaccessible, or tamper and interfere with a fire extinguisher or fire protection system, except as may be necessary during emergencies, maintenance, drills or prescribed testing.

20. Fire alarms and fire hydrants

- (1) Without compensation to the owner of the premises concerned, the controlling authority may cause—
 - (a) a fire alarm;
 - (b) a transmission instrument for calls of fire or other emergency; or
 - (c) a transmission instrument for warning residents of a fire or other emergency to be affixed to any building, wall, fence, pole or tree.
- (2) Without compensation to the owner of the premises concerned, the Controlling Authority may cause the position of a fire hydrant and fire alarm or any other fire protection information to be marked on any building, wall, fence, pole, tree, road, pavement or hydrant cover with a board, decal, metal plate or painted marker or by any other means.
- (3) The Controlling Authority may at any time cause a fire alarm, other transmission instrument mentioned in sub-section (1), board, decal, metal plate or painted marker to be removed without compensating an owner of the premises concerned.
- (4) An unauthorised person is prohibited from removing, defacing, altering, tampering or damaging a fire alarm, other transmission instrument mentioned in sub-section (1), board, decal, metal plate or painted marker.
- (5) No person may render less effective, inoperative, inaccessible, or tamper and interfere with a fire hydrant

CHAPTER 5: PUBLIC SAFETY

21. Prevention and control of overcrowding

- (1) Prior to the usage of the premises for entertainment or public assembly where the population including staff exceeds 50 people, the owner or person in charge of such premises must submit an application for a population certificate to the Controlling Authority, as prescribed in the Schedule 2 of this By-law.
- (2) The owner or person in charge of a premise for which a population certificate is required shall not utilise such premises if a population certificate has not been issued by the Controlling Authority.
- (3) The Controlling Authority may request additional information from the applicant.
- (4) Notwithstanding the provision in sub-section (1), the Controlling Authority may instruct the owner or person in charge of the premises to apply for either a temporary or a permanent population certificate, should the premises be used in respect of any other occupancy contemplated in the National Building Regulations (A20).
- (5) A temporary population certificate is valid for a period not exceeding 30 calendar days.
- (6) The Controlling Authority must refuse to issue the temporary or permanent population certificate if the premises do not comply with the requirements of the National Building Regulations (T1), and where the Controlling Authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing, to take all reasonable steps to render the premises safe prior to the usage of the premises and the issuing of the temporary or permanent population certificate.

- (7) If at any time the Controlling Authority becomes aware that the usage of the premises is not in accordance with the temporary or permanent population certificate, he must act in terms of sections 4(2) or 6(1) and section 7 of this By-law.
- (8) The temporary and permanent population certificate is valid only for the premises or portion of the premises for which it was issued, and when changes of occupancy occur or alterations are made to the premises for which the certificate was issued, the owner or person in charge of the premises must reapply for the certificate in accordance with sub-section (1).
- (9) The temporary or permanent population certificate must be displayed in a clearly visible and conspicuous position in or on the premises for which the certificate was issued.
- (10) The owner or the person in charge of the premises must prevent overcrowding by limiting the maximum population to that which is specified on the temporary or permanent population certificate.
- (11) A person must vacate the premises that are overcrowded when instructed to do so by the Controlling Authority, the owner or person in charge of the premises.

22. Attendance of a service

- (1) When the Controlling Authority is of the opinion that a service is required to be in attendance during a function in a place used for entertainment or public assembly, he may provide, in the interest of public safety and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof.
- (2) When the attendance of a service during a function in a place used for entertainment or public assembly involves costs, the costs incurred by the Municipality may be recovered from the person in charge of the function in accordance with section 9 of this By-law.

23. Formulation of an emergency evacuation plan

- (1) The owner or person in charge of a school, hospital, residential institution, hotel, guest house, hostel or other similar occupancy which has a population in excess of 25 persons (including staff), must formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- (2) The Controlling Authority may order the owner or person in charge of the premises, other than those contemplated in sub-section (1), to formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- (3) The plan mentioned in sub-sections (1) and (2) must be prepared in accordance with the guideline contained in Annexure 1 and approved by the Chief Fire Officer. The plan must be revised if an aspect thereof is no longer applicable or if the building for which the plan was designed has changed.
- (4) The emergency evacuation plan must be tested in its entirety at a maximum of six-monthly intervals or when the plan has been revised and a record of the testing must be kept in a register.
- (5) The register mentioned in sub-section (4) must contain the following information—
 - (a) the date and time of the test;
 - (b) the number of participants;
 - (c) the outcome of the test and any corrective actions required; and
 - (d) the name and signature of the person supervising the test.
- (6) The register, together with the emergency evacuation plan, must be available on the premises for inspection by the Controlling Authority.
- (7) The Controlling Authority may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan.

24. Displaying of escape route plans

- (1) In a hospital, residential institution, hotel, guest house, hostel or other similar occupancy designed or intended for or used by patients, residents or transient persons, irrespective of the population, the escape route plan must be displayed in a conspicuous position in any room designed for sleeping purposes.
- (2) The displaying of escape route plans for any other premises is subject to the approval of the Controlling Authority.

25. Barricading of vacant buildings

The owner or person in charge of a building or portion thereof which is vacant must remove all combustible waste or refuse therefrom and lock, barricade or otherwise secure all windows, doors and other openings in the building to the satisfaction of the Municipality which will prevent the creation of a fire hazard caused by the entering of an unauthorised person.

CHAPTER 6: HOUSEKEEPING

26. Combustible waste and refuse

- (1) The owner or person in charge of the premises or a portion thereof must not allow combustible waste or refuse to accumulate in any area or in any manner so as to create a fire hazard or other threatening danger.
- (2) Combustible waste and refuse must be properly stored or disposed of to prevent a fire hazard or other threatening danger as prescribed in the applicable legislation, dealing with the storage and disposal of that specific type of combustible waste and refuse, or in the absence of applicable legislation as determined by the Controlling Authority.

27. Material

The owner or person in charge of the premises or a portion thereof may not allow the accumulation of any material in quantities sufficient to create a fire or other threatening danger and must store or dispose of the material as prescribed in the applicable legislation dealing with the storage and disposal of that specific type of material.

28. Combustible or flammable substances and sweeping compounds

- (1) Notwithstanding anything to the contrary contained in any other law, only approved water-based solutions or detergents, floor sweeping compounds and grease absorbents must be used for cleaning purposes.
- (2) The use of sawdust or similar combustible materials to soak up combustible or flammable substances spilled or dropped in the course of a process, is prohibited.

29. Accumulations in chimneys, flues and ducts

The owner or person in charge of the premises or a portion thereof must not allow soot or any other combustible substance to accumulate in a chimney, flue or duct of the premises in such quantities or in such a manner as to constitute a fire hazard or other threatening danger.

30. Sources of ignition

- (1) Smoking, the carrying of matches, the use of heating or other flame-emitting devices, or the use of any spark-producing equipment is prohibited in areas containing combustible or flammable substances, and where equipment or tools are necessary to conduct or maintain an operation, it must be intrinsically safe and specifically designed for that purpose.
- (2) Hot ashes, cinders or smouldering coals must be placed in a non-combustible container and the container must be placed on a non-combustible surface or stand.
- (3) An adequate distance, as deemed appropriate by the Controlling Authority, must be ensured and maintained between combustible substances and heating or lighting equipment or other sources of ignition.
- (4) Portable heaters must be secured so that it cannot be overturned and the Controlling Authority may prohibit the use of portable heaters in respect of occupancies or situations where such use or operation would present a fire hazard or other threatening danger.

31. Smoking

- (1) If conditions exist where smoking creates a fire hazard on the premises, smoking is prohibited and “No Smoking” signs must be displayed as directed by the Controlling Authority and the signs must comply with SABS 1186: Part 1.
- (2) No person may remove a “No Smoking” sign.
- (3) (a) A person may not light or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material, nor hold, possess, throw or deposit any lighted or smouldering substance in any place where expressly prohibited.
(b) The owner or person in charge of premises may not allow or permit any person to light or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material in any place where expressly prohibited.
- (4) Where smoking is allowed, provisions must be made for the safe disposal of the smoking material and matches to prevent the creation of a fire hazard or other threatening danger.

32. Electrical fittings, equipment and appliances

- (1) No person may cause or permit an electrical supply outlet to be overloaded.
- (2) No person may cause or permit an electrical appliance or extension lead to be used in a manner which is likely to create a fire hazard or other threatening danger.

33. Flame-emitting device

No person may cause or permit a flame-emitting device, such as a candle, lantern or torch, but not limited thereto, to be used in a manner which is likely to create a fire hazard or other threatening danger.

CHAPTER 7: FIRE HAZARDS AND FIREBREAKS**34. Combustible material**

- (1) No person may store, transport, use or display or cause or permit to be stored, transported, used or displayed, whether inside or outside the premises, any combustible material or a flammable substance in quantities or in a position or in a manner likely to cause or create a fire hazard or other threatening danger.
- (2) The owner or person in charge of the premises may not permit vegetation to grow or accumulate thereon, or other combustible material to accumulate thereon, in a manner likely to cause a fire hazard or other threatening danger.
- (3) No person may burn or allow any other person to burn any refuse or combustible material—
 - (a) without prior written permission of the Chief Fire Officer; or
 - (b) unless the refuse or combustible material is burnt in an approved incinerating device.
- (4) Subject to annual notices published by the Minister of Water Affairs and Forestry, no person may make or allow any other person to make a fire that may endanger any person, animal or property.
- (5) Any person, who makes a fire or allows any other person to make a fire, must take reasonable steps to ensure that the fire does not endanger any person, animal or property.

35. Lighting of fires and burning of combustible material and smoking restrictions

- (1) The lighting of fires and the disposal of combustible material by burning is prohibited, save in the circumstances set out in this section.
- (2) A person may light a fire or use a flame-emitting device for the purpose of preparing food or for any other domestic purpose in a manner which will not cause a fire hazard or other threatening danger or where such a fire is not precluded by any other legislation.
- (3) The owner or person in charge of the premises used in respect of an occupancy of entertainment or public assembly must ensure that a cooking fire or flame-emitting device is placed in designated areas so as to prevent a fire hazard or other threatening danger.
- (4) Burning may take place on State land, a farm, a small holding, or land within a proclaimed township that is not utilised for residential purposes provided that the prior approval is obtained from the Controlling Authority which approval shall be applied for in writing after approval has been obtained in terms of the applicable legislation set out in Schedule 3.

- (5) If conditions exist where smoking may create a fire hazard on any premises, smoking must be prohibited and “No Smoking” signs complying with SANS 1186: Part 1, must be prominently displayed in positions as directed by the Controlling Authority.
- (6) No person may remove or damage a “No Smoking” sign.
- (7) No person may light or smoke a cigarette or any other smoking materials or ignite or otherwise set fire to other material, nor hold or discard any lit or smouldering substance in any place where expressly prohibited.
- (8) The owner or person in charge of any premises may not allow or permit any person to light or smoke a cigarette or any other smoking materials or ignite or otherwise set fire to any other material, nor hold or discard any lit or smouldering substance in any place where expressly prohibited.
- (9) Where smoking is permitted, adequate provision must be made for the safe disposal of any smoking materials and matches.
- (10) No person may discard or otherwise dispose of a burning match or cigarette or any other burning materials or objects including materials capable of self-ignition or capable of spontaneous combustion, on any road, in any road reserve or in any other public place.
- (11) Where any match or cigarette, smoking materials or other burning materials, including materials capable of self-ignition or spontaneous combustion are discarded from a vehicle onto a road, or in any road reserve or any other place, it shall be presumed, in the absence of evidence to the contrary, that such action was performed by the driver of such vehicle.

36. Firebreaks

- (1) Notwithstanding anything contained in the National Veld and Forest Fire Act (Act 101 of 1998), the owner or person in charge of a premises that has vegetation growing thereon shall where necessary make and maintain sufficient firebreak(s) to ensure that the risk of a vegetation fire spreading from one premises to the next is minimized.
- (2) For the purposes of sub-section (1), a fire break means an area not less than 5m in width, around the perimeter of a premises, contiguous with the boundary on all sides, that consists of one or more of the following—
 - (a) bare earth;
 - (b) grass that does not exceed 50mm in height;
 - (c) lawn or cultivated garden, or
 - (d) a road or driveway.
- (3) Where an owner or person in charge fails to prepare or maintain a firebreak or where in the opinion of the Controlling Authority, the firebreak is insufficient for the prevailing circumstances, the Controlling Authority may act in terms of section 4 or 6 of this By-law.
- (4) Where a fire break has been prepared, the vegetative material from within the fire break must be removed from the area of the fire break and must be disposed of in a manner acceptable to the Controlling Authority.
- (5) Sub-section (1) is not applicable in cases where an exemption has been granted in terms of the National Veld and Forest Fire Act.”.

CHAPTER 8: FLAMMABLE SUBSTANCES

37. Application of this Chapter

Notwithstanding the provisions in either the Hazardous Substances Act or the Occupational Health and Safety Act, this Chapter regulates flammable substances in the local government sphere so as to prevent and reduce fire hazards or other threatening dangers.

38. Storage and use of a flammable substance

- (1) Prior to the construction of a new installation or the alteration of an existing installation, whether temporary or permanent, for the storage of a flammable substance, the owner or person in charge of the installation must submit a building plan to the Municipality, in accordance with the National Building Regulations, and a copy of the approved plan must be available at the site where the installation is being constructed.
- (2) Prior to the commissioning of an aboveground or underground storage tank installation, liquid petroleum gas installation or associated pipework, the owner or person in charge of the installation must ensure that it is pressure-tested in accordance with the provisions of the National Building Regulations (T1), S.A.B.S. 0131: Parts 1 and 2, S.A.B.S. 089: Part 3 and S.A.B.S. 087: Parts 1,3 and 7 (whichever is applicable) in the presence of the Controlling Authority.
- (3) Notwithstanding sub-section (2), the Controlling Authority may require an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, to be pressure-tested in accordance with the provisions of the National Building Regulations (T1).
- (4) The Controlling Authority must be notified at least 48 hours prior to the pressure test.
- (5) Prior to the alteration of the premises that impacts on the fire safety of an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, the owner or person in charge of the premises must notify the Controlling Authority, who may call for the premises or installation to be rendered safe.
- (6) The owner or person in charge of the premises may not store or use—
 - (a) a flammable gas in excess of 38 kilogram; or
 - (b) a flammable liquid of a danger group (i), (ii), (iii) or (iv) in excess of 200 liters, unless he has obtained a flammable substance certificate from the Controlling Authority.

39. Flammable substance certificate

- (1) The owner or person in charge of the premises, who requires a flammable substance certificate mentioned in section 38(6), must submit an application to the Controlling Authority as prescribed in the Schedule 2 of this By-law.
- (2) The Controlling Authority may request additional information from the applicant.

- (3) The Controlling Authority must refuse to issue the flammable substance certificate if the premises do not comply with the requirements of the National Building Regulations (T1) as well as additional requirements set out in this By-law, and where the Controlling Authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing to take all reasonable steps to render the premises safe prior to usage of the premises in accordance with section 38(6) and the issuing of the certificate.
- (4) A flammable substance certificate must be renewed whenever the quantity or class of the flammable substance requires to be changed or when section 38(5) applies.
- (5) If at any time the Controlling Authority becomes aware that the usage of the premises is not in accordance with the flammable substances certificate, he must act in terms of sections 4(2) or 6(1) and section 7 of this By-law.
- (6) Notwithstanding sub-section (5), when in the opinion of the Controlling Authority, a flammable substance is stored or utilised for any process in a manner which is hazardous to life or property, or an installation is unauthorised, an order may be issued for the removal of the flammable substance or installation from the premises.
- (7) A supplier may not—
 - (a) supply in excess of 38kg of a flammable gas or 200 liters of a flammable liquid of danger group (i), (ii), (iii) or (iv), as the case may be, to any person without proof that the person being supplied is in possession of a valid flammable substance certificate as contemplated in section 38(6); or
 - (b) deliver to any premises, more than 38kg of a flammable gas or more than 200 liters of a flammable liquid of danger group (i), (ii), (iii) or (iv), as the case may be, unless the owner or person in charge of a premises is in possession of a valid flammable substance certificate as contemplated in sub-section 38(6).”.
- (8) A flammable substance certificate is valid only—
 - (a) for the installation for which it was issued;
 - (b) for the state of the premises at the time of issue; and
 - (c) for the quantities stated on the certificate.
- (9) The flammable substance certificate must be available on the premises for inspection at all times.
- (10) The Controlling Authority must keep records of all premises in respect of which a flammable substance certificate has been issued, amended and renewed.

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

- (1) In this section, only a permanent or temporary above ground tank used for the storage of flammable liquids is regulated.
- (2) A temporary above ground storage tank other than that at a bulk storage depot is permitted, at the discretion of the Controlling Authority, on the merit of the situation, provided that the following requirements are complied with—
 - (a) if it has a capacity not exceeding 9000 liters and is not used for the storage of flammable substances with a flash point below 40 °C;
 - (b) to be on the premises for a period not exceeding six months;
 - (c) the entire installation must comply with SABS 0131: Part 1 or S.A.B.S. 0131: Part 2 whichever is applicable; and
 - (d) written application together with a plan must be forwarded to the Controlling Authority at least 14 days prior to the erection of the tank and prior written permission must be obtained from the Controlling Authority for the erection of the tank.
- (3) Notwithstanding section 38(1), if a larger capacity above ground storage tank is required or the tank is to be a permanent installation, an acceptable rational design based on a relevant national or international code or standard must be submitted to the Municipality for approval in terms of the National Building Regulations (T1).
- (4) The design requirements and construction of a permanent tank must be in accordance with relevant national or international recognised codes.
- (5) The rated capacity of a permanent or temporary tank must provide sufficient ullage to permit expansion of the product contained therein by reason of the rise in temperature during storage.
- (6) A permanent or temporary tank must be erected at least 3,5 meters from boundaries, buildings and other flammable substances or combustible materials.
- (7) A permanent or temporary tank must be located on firm level ground and the ground must be of adequate strength to support the mass of the tank and contents.
- (8) A permanent or temporary tank must have a bund wall that shall be so designed as to contain 110% of the contents of the tank within the bund or, in the case where more than one tank is within a bund area, the bund wall shall be in accordance with the requirements of SANS 0089 part 1.
- (9) Adequate precautions must be taken to prevent spillage during the filling of a tank.
- (10) Sufficient fire extinguishers, as determined by the Controlling Authority, must be provided in weatherproof boxes in close proximity to a tank.
- (11) Symbolic safety signs depicting “No Smoking”, “No Naked Lights” and “Danger” must be provided adjacent to a tank, and the signs must comply with SABS 1186: Part 1.
- (12) The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in SABS 0232: Part 1.
- (13) An electrical or an internal combustion-driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited.
- (14) The electrical installation associated with the above ground storage tank must comply with SABS 0108 and SABS 089: Part 2.

41. Underground storage tank for a flammable liquid

The installation of underground storage tanks, pumps, dispensers and pipework at service stations and consumer installations must be in accordance with National Building Regulations (T1) read in conjunction with S.A.B.S. 0400, S.A.N.S. 10089: Part 3 and S.A.B.S. 0131: Part 3

42. Bulk storage depot for flammable substances

The handling, storage and distribution of flammable substances at bulk depots must be in accordance with the National Building Regulations (T1), read in conjunction with SANS 10089: Part 1.

43. Small installations for liquid petroleum gas

Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 liters and a combined water capacity not exceeding 3 000 liters per installation must be installed and handled in accordance with SANS 10087: Part 1.

44. Liquefied petroleum gas installation in mobile units and small non-permanent buildings

A liquefied petroleum gas installation in mobile units and small non-permanent buildings shall be in accordance with S.A.N.S. 10087: Part 2.

45. The fuelling of forklift trucks and other liquefied petroleum gas operated vehicles

The fuelling of forklift trucks and other liquefied petroleum gas operated vehicles shall be in accordance with S.A.N.S. 10087: Part 8

46. The application of liquefied petroleum and compressed natural gases as engine fuels

The use of liquefied petroleum gas and compressed natural gas as a fuel for internal combustion engines and for the operation of equipment built for or converted to the use of liquefied petroleum gas shall comply fully with SANS 10087 part 6.

47. Mobile filling stations for refillable liquefied petroleum gas (LPG) containers

- (1) The use of a mobile filling station to refill liquefied petroleum gas containers is prohibited.
- (2) No person shall have a refillable liquefied petroleum gas container filled at a mobile filling station.

48. The storage and filling of refillable liquefied petroleum gas containers

Storage and filling sites used for refillable liquefied petroleum gas containers of capacity not exceeding 9kg must be in accordance with SANS 10087: Part 8.

49. Bulk storage vessel for liquid petroleum gas

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

50. Termination of the storage and use of flammable substances

- (1) If an above ground or underground tank installation, liquid petroleum gas installation or associated pipe work is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation was erected must—
 - (a) within seven days of the cessation, notify the Controlling Authority in writing thereof;
 - (b) within 30 days of the cessation, remove the flammable substance from the installation and render it safe;
 - (c) within six months of the cessation, remove the installation including any associated pipework, from the premises entirely, unless the Controlling Authority otherwise instructs; and
 - (d) restore a public footpath, sidewalk, street or roadway, which has been disturbed by the removal to the satisfaction of the Municipality within a period of seven days of the completion of the removal of the installation.
- (2) If the removal of an underground tank installation detrimentally affects the stability of the premises, the owner or person in charge of the installation must inform in writing the Controlling Authority and implement the necessary precautionary measures.

51. Reporting accidents

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

52. Flammable stores

- (1) The construction of a flammable store must be in accordance with the National Building Regulations (T1) read in conjunction with SABS 0400.
- (2) The floor must be of concrete construction or other impermeable material and must be recessed below the door level or incorporate a sill.
- (3) The recess or sill must be of such a depth or height that in the case of spillage it will be capable of containing the quantity of flammable liquid, as indicated on the flammable substance certificate and an additional 10% of the quantity mentioned on the certificate.
- (4) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400—
 - (a) the roof assembly of a flammable store must be constructed of a concrete slab capable of providing a two-hour fire resistance when it forms part of another building;
 - (b) the ventilation of a flammable store must be achieved by the use of air bricks located in the external walls at the ratio of one air brick nominally above the sill level and one air brick located in the top third of the wall per 5 m² of wall area or part thereof, so that vapour cannot accumulate inside the store;
 - (c) the air bricks must be covered both internally and externally with closely-woven, non-corrodible wire gauze of at least 1 100 meshes per metre; and
 - (d) the wire gauze must be held in position by metal straps, a metal frame or cement.
- (5) When required by the Controlling Authority, the flammable store must be ventilated by a mechanical ventilation system approved by the Municipality and must comply with the following requirements—
 - (a) the ventilation system is to be intrinsically safe, provide 30 air changes per hour and must operate continuously;
 - (b) the fan extraction point must be nominally above sill level and must discharge through a vertical metal duct terminating at least 1 metre above roof height or at least 3,6 meters above ground level, whichever is the greater;

- (c) ducting material that is external to the store, but communicates with the remainder of the building, must be fitted with a fire damper of two-hour fire resistance at the point of exit from a flammable store; and
 - (d) the ducting must be as short as possible and must not have sharp bends.
- (6) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400, the Controlling Authority may allow a flammable store door to be constructed of non-combustible material, provided that it is outward opening and that all relevant safety distances are complied with.
 - (7) When required by the Controlling Authority, a flammable store door must be a D-class fire door, which complies with SABS 1253.
 - (8) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400, artificial lighting in the flammable store must be by electric light having vapour-proof fittings wired through seamless steel conduit and the switches operating the lights must be located outside the store.
 - (9) No other electrical apparatus may be installed in the flammable store.
 - (10) (a) A flammable store storing in excess of 5000 liters of flammable liquid must be provided with a foam inlet consisting of a 65 millimeter male instantaneous coupling fitted with a non-return valve and mild steel pipework leading to the inside thereof. Where deemed necessary the Controlling Authority may require more than one foam inlet.
(b) The foam inlet and pipe-work must ensure adequate distribution of the foam.
(c) A foam inlet must be identified by means of a sign displaying the words **“Foam Inlet”** in 50 millimeter block letters.
 - (11) Racking or shelving erected in the flammable store must be of non-combustible material.
 - (12) The flammable store must be identified by the words, **“Flammable Store—Bewaarplek vir Vlambare Vloeistowwe—Isitoro Indawo Yokugcina Izixhobo Ezithatha Lula Umlilo”**, and the permissible quantity allowed within the flammable store, indicated in 50 millimeter block letters on both the inside and outside of all doors communicating directly with the store.
 - (13) The owner or person in charge of a flammable store must ensure that the flammable store doors are kept locked when the store is not in use.
 - (14) A person shall not enter a flammable store or cause or permit it to be entered without the permission of the owner or person in charge of the premises.
 - (15) Sufficient fire extinguishers, as determined by the Controlling Authority, must be mounted on the external wall of the flammable store in a conspicuous and easily accessible position.
 - (16) Any hand tool used in the flammable store must be intrinsically safe.
 - (17) A person may not use or permit a flammable store to be used for any purpose other than that indicated on the flammable substance certificate, unless the store is not in use as a flammable store and the Controlling Authority has been notified in terms of the following procedure—
 - (a) within seven days of the cessation, notify the Controlling Authority in writing thereof;
 - (b) within 30 days of the cessation, remove the flammable substance from the flammable store and render it safe; and
 - (c) within 30 days of the cessation, remove all signage.
 - (18) Subject to the provisions in this section, the Controlling Authority may call for additional requirements to improve the fire safety of a flammable store.

53. Container handling and storage

- (1) All flammable substance containers must be kept closed when not in use.
- (2) A person may not extract flammable liquids from a container of a capacity exceeding 20 liters, unless the container is fitted with an adequately sealed pump or tap.
- (3) Flammable liquid containers must be labelled and marked with words and decals, which indicate the flammable liquids contained therein as well as the hazard of the liquids.
- (4) Flammable substance containers must be declared gas or vapour-free by a competent person before any modification or repairs are undertaken.
- (5) All flammable substance containers must be manufactured and maintained in such a condition as to be reasonably safe from damage and to prevent leakage of flammable substances or vapours therefrom.
- (6) An empty flammable liquid container must be placed in a flammable store.
- (7) Where a flammable store is not available for the storage of empty flammable liquid containers, the Controlling Authority may permit such storage in the open; provided that—
 - (a) the storage area must be in a position and of sufficient size which in the opinion of the Controlling Authority, will not cause a fire hazard or other threatening danger;
 - (b) the storage area is well ventilated and enclosed by a wire mesh fence and—
 - (i) the fence supports are of steel or reinforced concrete;
 - (ii) has an outward opening gate that is kept locked when not in use; and
 - (iii) when the floor area exceeds 10 m² an additional escape gate is installed, fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key;
 - (c) the storage area is free of vegetation and has a non-combustible firm level base;
 - (d) a two metre distance around the perimeter of the fenced area is clear of grass, weeds and similar combustible materials;
 - (e) when the storage area has a roof, the construction of the roof and supporting structure must be of non-combustible material;

- (f) open flames, welding, cutting operations and smoking is prohibited in or near the storage area and signage is prominently displayed on the fence and complies with SABS 1186: Part 1; and
 - (g) fire-fighting equipment is installed as determined by the Controlling Authority.
- (8) An empty flammable liquid container must be securely closed with a bung or other suitable stopper.

54. Spray rooms and booths

A spray room, booth or area designated for the application of a flammable liquid must be constructed and equipped in such a manner as to comply with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act.

55. Liquid petroleum gas containers

- (1) A liquid petroleum gas container must be manufactured, maintained and tested in accordance with SABS 087: Part 1 and SABS 019.
- (2) A liquid petroleum gas container must be used and stored in such a manner as to prevent damage or leakage of liquid or vapour therefrom.
- (3) A liquid petroleum gas container of a capacity not exceeding nine kilogram must be filled and stored in accordance with SABS 087: Part 7.

56. Major Hazard installations

- (1) Notwithstanding anything contained in the Occupational Health and Safety Act, (Act 85 of 1993) and the Major Hazard Installation Regulations, the Controlling Authority may require a risk assessment to be carried out on a premises or portion of a premises where an installation or a quantity of a substance is present which in the opinion of the Controlling Authority poses a risk that could affect the health and safety of employees and the public.
- (2) A risk assessment must be performed by an Approved Inspection Authority and comply with the requirements of Regulation 5 of the Major Hazard Installation Regulations.

CHAPTER 9: TRANSPORTATION OF DANGEROUS GOODS

57. Dangerous goods certificate

- (1) The operator of a vehicle designed for the transportation of flammable materials in excess of the exempt quantities as contained in Annexure A of SABS 0232-1 may not operate such a vehicle in the jurisdiction of the Controlling Authority, unless he has obtained a dangerous goods certificate issued by a fire brigade service in terms of the National Road Traffic Act.
- (2) An operator of a vehicle mentioned in sub-section (1), must submit an application to the Controlling Authority as prescribed in Schedule 2 of this By-law.
- (3) The Controlling Authority may request additional information from the applicant.
- (4) The Controlling Authority must refuse to issue the dangerous goods certificate if a vehicle does not comply with (whichever is applicable to the vehicle) the requirements of SABS 087: Part 4, SABS 089: Part 1, SABS 0230, SABS 1398, SABS 1518, and where the controlling authority is of the opinion that the non-compliance of a vehicle can be remedied, he must instruct an operator of a vehicle in writing to take all reasonable steps to remedy the defaults prior to the use of the vehicle in accordance with sub-section (1) as well as the dangerous goods certificate.
- (5) A dangerous goods certificate must be renewed annually, on or before the date as indicated on the dangerous goods certificate or whenever major maintenance or repairs have been performed on the vehicle.
- (6) If at any time, the Controlling Authority becomes aware that the usage of a vehicle is not in accordance with the dangerous goods certificate, he must act in terms of section 4(2) or 6(1) and section 7 of this By-law.
- (7) A consignor may not supply a flammable substance to an operator of a vehicle mentioned in sub-section (1), unless the operator is in possession of a valid dangerous goods certificate issued by the Controlling Authority.
- (8) A consignee may not receive a flammable substance from an operator of a vehicle mentioned in sub-section (1), unless the operator meets the requirement in sub-section (7).
- (9) A dangerous goods certificate is valid only—
 - (a) for the vehicle for which it was issued;
 - (b) for the state of the vehicle at the time of issue; and
 - (c) for the quantities stated on the certificate.
- (10) The dangerous goods certificate must be available in the vehicle mentioned in sub-section (1) for inspection at all times.
- (11) The Controlling Authority must keep records of all vehicles in respect of which a dangerous goods certificate has been issued, amended and renewed.

CHAPTER 10: FIREWORKS

58. Firework Certificates and Permits

The provisions in the Explosives Act 1956 (Act 26 of 1954) or Regulations as amended or new replacement legislation thereof and the Municipality By-Law relating to the Control of Firework, regulates fireworks as to prevent and reduce noise nuisance, fire hazards or other threatening dangers.

CHAPTER 11: GENERAL PROVISIONS

59. Service Delivery Arrangements

- (1) In an effort to achieve optimal service delivery in terms of this By-law, the Municipality may enter into agreements with the District Municipality with which legislative and executive powers is shared, in respect of the following:
 - (a) the practical arrangements with regard to the execution of the provisions of this By-law;
 - (b) the imposition and enforcement of conditions which pertain to the functions and powers;

- (c) mechanisms for the settlement of disputes with regard to execution of powers or functions in terms of this By-law or the matters on which have been agreed;
- (d) any other matter regarded necessary by the parties to achieve optimal service delivery in terms of this By-law or other prescriptions.

60. Exemptions

- (1) Any person may in writing apply to the Municipality for exemption from any provision of this By-law.
- (2) The Municipality may—
 - (a) grant an exemption in writing and set and determine the period for which such exemption is granted;
 - (b) alter or cancel any exemption or condition in an exemption; or
 - (c) refuse to grant an exemption.
- (3) An exemption does not take effect before the applicant has undertaken in writing to comply with the conditions imposed by the Municipality, however, if an activity is commenced before such undertaking has been submitted to the Municipality, the exemption lapses.
- (4) If any condition of an exemption is not complied with, the exemption lapses immediately.

61. Service of documents and process

- (1) Whenever a notice, order, demand or other document is authorised or required to be served on a person in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such person—
 - (a) when it has been delivered to him personally;
 - (b) when it has been left at his 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 his last known residential or businesses address in the Republic and an acknowledgment of the posting thereof is produced;
 - (d) if his address in the Republic is unknown, when it has been served on his agent or representative in the Republic in the manner provided by paragraph (a), (b) or (c); or
 - (e) if his address and agent in the Republic are unknown, when it has been posted in a conspicuous place on the immovable property (if any) to which it relates.
- (2) When any notice, order, demand or other document as aforesaid is authorised or required to be served on a person by reason of his being or having been the owner or occupier of or holding some other right in respect of immovable property, it shall not be necessary to name him but it shall be sufficient if he is therein described as the owner, occupier or holder of such immovable property or other right, as the case may be.

62. Limitation of liability

- (1) The Municipality is not liable for any damages 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.

63. State Bound

This By-law binds the State and any person in the service of the State.

64. Offences and penalties

- (1) Any person who continues to commit an offence after notice has been served on him or fails to cease committing such offence after he has been convicted of such offence, is guilty of a continuing offence.
- (2) Any person who—
 - (a) contravenes any of the provisions of this By-law, condition or restriction or fails to comply therewith; or
 - (b) contravenes or fails to comply with any order made hereunder or any notice served in connection herewith; or
 - (c) furnishes a false statement, or give false or misleading information knowing it to be false or misleading;
 is guilty of an offence and liable to a—
 - (i) fine or imprisonment, or to both such fine and such imprisonment and;
 - (ii) in the case of a continuing offence, to an additional fine or an additional period of imprisonment for each day on which such offence is continued and;
 - (iii) a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as result of such contravention or failure.
- (2) The Controlling Authority must instruct a person found guilty to correct or remedy the contravention or defect concerned within a time period specified by the Controlling Authority.

65. Repeal of laws and savings

- (1) The following By-laws are hereby repealed.

P.N. 511/1982	Mossel Bay Municipality: By-law relating to Inflammable substances	The Whole
P.N. 699/1982	Mossel Bay Municipality: By-law relating to Liquefied Petroleum Gas	The Whole

- (2) A certificate that was issued, a written notice that was served or any other enforcement act done in terms of a By-law repealed in sub-section (1), within six months prior to the commencement of this By-law shall be deemed to be a certificate issued, a notice served or an enforcement act done by a Controlling Authority in terms of this By-law.

66. Short title and commencement

This By-law is called the Mossel Bay Community Fire Safety By-law and comes into operation on the date of publication in the Provincial Gazette.

SCHEDULE 1

GUIDELINES FOR EMERGENCY EVACUATION PLANS

1. Content of emergency evacuation plans

Every emergency evacuation plan contemplated in section 38 must contain at least the information under the headings below.

- (1) Emergency telephone numbers
A list of all relevant emergency telephone numbers.
- (2) General information
 - (a) the physical address of the premises;
 - (b) a description of the activities on the premises;
 - (c) the number of persons present on the premises at any time;
 - (d) an indication of any control room on the premises;
 - (e) an indication of any alarm system on the premises; and
 - (f) the particulars and contact details of every responsible person in the event of an emergency.
- (3) Area study
An area study addressing the following—
 - (a) a history of emergency incidents on the premises;
 - (b) any important and relevant features or landmarks regarding the premises; and
 - (c) any information regarding adjacent premises that may be relevant to evacuation in an emergency.
- (4) Socio-economic or other threats
Any socio-economic or other threats and their potential impact on the premises.
- (5) Details of available equipment
Particulars and details regarding the position of the following equipment—
 - (a) equipment in the control room;
 - (b) fire fighting and first aid equipment on the premises; and
 - (c) any other equipment which may be relevant in an emergency.
- (6) The emergency team
Particulars and details regarding the contact numbers and identity of members of the emergency team, including—
 - (a) its management;
 - (b) the continuity officers;
 - (c) the fire teams; and
 - (d) the first aid teams.
- (7) Duties of emergency team members
The duties and responsibilities of members of the emergency team.
- (8) Action plans and emergency procedures
Details of the specific action plans and emergency procedures applicable to the premises.
- (9) Building plans and maps
The building plans of the premises and any relevant topographical map must be included in the evacuation plan.
- (10) Emergency plan register
The plan must include—
 - (a) an updated register of the emergency evacuation plan;
 - (b) an updated drill register for the emergency evacuation plan; and
 - (c) a bomb threat questionnaire.

2. Review of emergency evacuation plans

- (1) An emergency evacuation plan must be reviewed and updated by the owner or occupier of the premises concerned at least once each year and whenever a member of the management of the emergency team ceases to work at the premises.
- (2) Whenever an emergency evacuation plan is reviewed and updated, the owner or occupier of the premises concerned must ensure that all old plans on the premises or in the possession of the management of the emergency team are collected and destroyed in order to eliminate any confusion regarding the validity and accuracy of the evacuation plan.

3. Emergency evacuation drills

- (1) An emergency evacuation plan should be drilled at least twice each year and involve the participation of all persons who work or reside in the building concerned.
- (2) The owner or person in charge of a building should give all persons who are to be involved in an emergency evacuation drill at least 21 days' notice of the drill.

4. Emergency evacuation awareness

Every person who works or resides on premises should be aware of the emergency evacuation plan for that premises.

5. Training of persons

Every person who resides or works on premises with an emergency evacuation plan should be suitably trained in—

- (a) first aid or fire fighting;
- (b) emergency aid;
- (c) emergency evacuation procedures; and
- (d) emergency management techniques.

SCHEDULE 2**FORMS**

- A. Population Certificate Application
- B. Population Certificate
- C. Flammable Substance Certificate Application
- D. Flammable Substance Certificate
- E. Dangerous Goods Certificate Application
- F. Dangerous Goods Certificate

<p>1) The Controlling Authority may refuse to issue the certificate applied for if the premises do not comply with the requirements of the National Building Regulations.</p> <p>2) The Controlling Authority may prescribe any additional conditions deemed necessary to render the premises safe prior to the issuing of the certificate.</p> <p>3) The certificate is valid only for the premises for which it is issued and is not transferable.</p> <p>4) If the occupancy or ownership of the premises change, the owner or person in charge must apply for a new certificate.</p>	
Signature of applicant	
Print Name	
Date	
Address	
For Controlling Authority: (Signature)	
Print Name	
Date	
<p>A certificate fee of R_____ is payable to THE MUNICIPALITY OF MOSSEL BAY in respect of this application and the subsequent inspection.</p>	

B. Population Certificate

For Official use only						MOSSEL BAY MUNICIPALITY					
Permanent / Temporary (Delete which is not applicable)											
Application No. _____											
File No. _____											
Population Certificate This population certificate is issued in terms of section 21 of the Community Fire Safety By-law.											
Name of certificated owner:						Telephone No.					
						Cell No.					
Name of certificated business:						Telephone No.					
						Cell No.					
Occupancy:											
Erf No:											
The venue is situated on the _____						floor of the premises (ground, 1 st , 2 nd ect)					
Street address:											
Suburb:						Code					
Details of Premises											
Number of floors in the building						Number of floors occupied by the venue					
Square meters of usable area per floor of the venue						Approved Population					
						Number of exits per floor					
Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()
						Maximum population per floor					
						Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()
1) The certificate is issued in terms of section 21 of the Community Fire Safety By-law and is valid only for the premises for which it was issued. 2) If the occupancy or ownership of the premises change, the owner or person incharge must apply for a new certificate. 3) The certificate must be displayed in a clearly visible and conspicuous position in the premises for which it was issued.											
For Controlling Authority (signature)											
Print name											
Date											

C. Flammable Substance Certificate Application

For official use only			
Application No. _____		MOSEL BAY MUNICIPALITY	
File No. _____			
Flammable Substance Application			
Application for the storage and use of flammable substances in terms of section 38(1) of the Community Fire Safety By-law.			
Name of applicant:			
Trading as:			
Type of business, e.g. shop:			
ERF No.			
Street address:			
Suburb:		Code	
Manner of storage Each installation/tank or flammable store must be individually itemised	Itemised quantity of products e.g. 1x23 m ³ tank, 2x5x48 kg LPG manifold, contents of flammable store	Product e.g. petrol, diesel, LPG	
See reverse side for additional information			
Remarks:			
Signature of applicant:			
Address:			
Telephone No:			
For Controlling Authority: (signature)			
Print name:			
A certificate fee of R _____ is payable to THE MUNICIPALITY OF MOSEL BAY in respect of this application and the subsequent inspection.			
Controlling Authority: _____			Date:
Name of receiving official: _____			Designation :

D. Flammable Substance Certificate

For official use only			
Application No. _____		MOSSEL BAY MUNICIPALITY	
File No. _____			
Certificate No. _____			
Flammable Substance Certificate			
Permission for the storage and use of flammable substances in terms of section 37(6) of the Community Fire Safety By-law			
Name of applicant:			
Trading as:			
Type of business, e.g. shop:			
ERF No.			
Street address:			
Suburb:		Code	
In terms of section 37(6) of the Community Fire Safety By-law the above-mentioned premises are certified to store and/or use the following flammable substances			
Manner of storage	Itemised quantity of products	Product	
Each installation/tank or flammable store must be individually itemised	e.g. 1x23 m ³ tank, 2x5x48 kg LPG manifold, contents of flammable store	e.g. petrol, diesel, LPG	
See reverse side for additional information			
This certificate is issued by THE MUNICIPALITY OF MOSSEL BAY and is valid until _____			
Date of Renewal _____			
Date of Expiry _____			
For Controlling Authority (signature) _____ Date of issue _____			
Name of issuing official (Print Name) _____ Designation. _____			

E. Dangerous Goods Certificate Application

For official use only			
Application No. _____		MOSSEL BAY MUNICIPALITY	
File No. _____			
Dangerous Goods Certificate Application in respect of flammable materials.			
Application for a dangerous goods certificate in terms of The National Road Traffic Act (No. 93 of 1996)			
Address of operator			
Name of operator:			
Trading as:			
ERF No.			
Street address:			
Suburb:		Code	
City			
Location of vehicle			
ERF No.			
Street address:			
Suburb:		Code	
City			
Details of vehicle for which a certificate of registration is required			
Type or class of vehicle			
Vehicle Registration No.			
Dangerous Goods Registration number			
Tare			
Load			
Make			
Number of tanks			
Capacity of tanks			
Year of manufacture of tank			
Engine No. (if applicable)			
Chassis No.			
Quantity of flammable substance to be conveyed			
Flammable liquid (<i>l</i>)			
Flammable gas (<i>kg</i>)			
Flammable solid (<i>kg</i>)			
Remarks:			
Operator (signature)			
Address:		Print name:	
Telephone No:		Fax No:	
For Controlling Authority: (signature)			

For official use only

A certificate fee is payable to **THE MUNICIPALITY OF MOSSEL BAY** in respect of this application and the Subsequent inspection.

Signature of receiving official_____

Date:

Name of receiving official:_____

Designation :

F. Dangerous Goods Certificate

For official use only			
Application No. _____ File No. _____		MOSSEL BAY MUNICIPALITY	
Dangerous Goods Certificate in respect of flammable materials. Dangerous goods certificate issued in terms of The National Road Traffic Act (No. 93 of 1996)			
This is to certify that the vehicle, particulars of which are given below, has been examined and found to comply with the relevant sections of S.A.B.S 0230 for the conveyance of flammable substances notwithstanding that such vehicle is subject to all other applicable legislation.			
Details of Operator			
Name of Operator			
Trading as:			
Street Address			
Suburb		Code	
City			
Details of Vehicle			
Type or class of vehicle			
Registration No.			
Dangerous Goods Registration Number			
Tare			
Load			
Make			
Number of tanks			
Capacity of tanks			
Year of manufacture			
Engine No. (if applicable)			
Chassis No.			
Quantity of flammable substance to be conveyed			
Flammable liquid (<i>l</i>)			
Flammable gas (<i>kg</i>)			
Flammable solid (<i>kg</i>)			
This certificate of registration is not a warranty of fitness of the vehicle herein described and any operator, driver or other person interested should satisfy themselves as to the roadworthiness, construction and condition of the aforementioned vehicle.			
This certificate is issued by THE MUNICIPALITY OF MOSSEL BAY and is valid until _____			
Date of Renewal _____			
Date of Expiry _____			
Controlling Authority (Signature) _____		Date of issue _____	
Name of issuing official (Print name) _____		Designation _____	

SCHEDULE 3**APPLICABLE LEGISLATION**

With reference to section 35(4): -

Title	No.
Atmospheric Pollution Prevention Act, 1965	Act 45 of 1965
Conservation of Agricultural Resources Act, 1983	Act 43 of 1983
Forest Act, 1984	Act 122 of 1984
National Forest Act, 1998	Act 84 of 1998
National Veld and Forest Fire Act, 1998	Act 101 of 1998
National Water Act, 1998	Act 36 of 1998

SCHEDULE 4**SABS CODES OF PRACTICE AND SPECIFICATIONS**

SABS Code	Title
SABS 019	Portable metal containers for compressed gas – basic design, manufacture, use and maintenance.
SABS Code	Title
SANS 10087: Part 1	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 1: Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500l and a combined water capacity not exceeding 3000l per installation.
SANS 10087: Part 3	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 3: Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 5000l.
SANS 10087: Part 4	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 4: Transportation of liquefied petroleum gas in bulk by road.
SANS 10087: Part 6	The handling, storage, and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 6: The application of liquefied petroleum and compressed natural gases as engine fuels for internal combustion engines.
SANS 10087: Part 7	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 7: Storage and filling sites for refillable liquefied

	petroleum gas (LPG) containers of capacity not exceeding 9 kg.
SANS 10087 Part 10	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 10: Mobile filling stations for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 kg.
SANS 10089: Part 1	The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations.
SANS 10089: Part 2	The petroleum industry, Part 2: Electrical installations in the distribution and marketing sector
SABS 0105: Part 1	The classification, use and control of fire fighting equipment, Part 1: Portable fire extinguishers.

SABS Code	Title
SABS 0108	The classification of hazardous locations and the selection of apparatus for use in such locations.
SABS 0131: Part 2	The handling and storage of liquid fuel, Part 2: Large consumer premises.
SABS 0142	The wiring of premises.
SABS 0177: Part 5	The testing of materials, components and elements used in buildings: Non-combustibility at 750°C of building materials.
SABS 193	Fire dampers.
SABS 0228	The identification and classification of dangerous substances and goods.
SABS 0230	Transportation of dangerous goods – Inspection requirements for road vehicles.
SABS 0232: Part 1	Transportation of dangerous goods – Emergency information systems, Part 1: Emergency information systems for road transportation.
SABS 0400	The application of the National Building Regulations.
SABS 1186: Part 1	Symbolic safety signs, Part 1: Standard signs and general requirements.
SABS 1253	Fire doors and fire shutters.
SABS 1398	Road tank vehicles for flammable liquids.
SABS 1475: Part 1	The production of reconditioned fire fighting equipment, Part 1: Portable rechargeable fire extinguishers.
SABS 1518	Transportation of dangerous goods – Design requirements for road tankers.
SABS 1571	Transportable rechargeable fire extinguishers.
SABS 1573	Portable rechargeable fire extinguishers – Foam type extinguishers.

MOSSELBAAI MUNISIPALITEIT
VERORDENING OP GEMEENSKAPSBRANDVEILIGHEID

HOOFSTUK 1

Kragtens die bepalings van artikel 156(2) van die Grondwet van die Republiek van Suid-Afrika, 1996, verorden die Mosselbaai Munisipaliteit soos volg:—

1. Woordomskrywing

In hierdie Verordening sluit woorde wat die manlike geslag aandui, ook die vroulike geslag in, sluit die enkelvoud die meervoud in en omgekeerd, geniet die Engelse teks voorrang in die geval van 'n teenstrydigheid tussen die verskillende tekste, en tensy dit uit die samehang anders blyk, beteken—

“afskortingskeidingselement” 'n bou-element of komponent wat een area in 'n gebou van 'n ander skei en 'n brandweerstand het van minstens dié wat by die Nasionale Bouregulasies (T1), gelees met SABS 0400, vereis word;

“beheerowerheid” 'n brandweerhoof, 'n munisipale bestuurder of hulle onderskeie afgevaardigdes soos in artikels 2 en 3 van hierdie Verordening bedoel;

“bevolking” die bevolking wat ingevolge die Nasionale Bouregulasies (A21) bepaal is;

“bewaarplek vir vlambare stowwe” 'n bewaarplek wat vir die opberging van vlambare vloeistowwe gebruik word en wat voldoen aan die maatstawwe uiteengesit in artikel 49 van hierdie Verordening;

“bogronde opgaartenk” 'n tenk wat bo die grond geleë is vir die opgaring van 'n vlambare vloeistof;

“brandbare afval” brandbare afvalmateriaal wat herwin, behou of versamel kan word as afval of vir herverwerking en kan insluit alle brandbare vesels, hooi, strooi, hare, vere, dons, houtskaafsels, afdraaisels, alle tipes papierprodukte, vuil materiaalafsnysels en -afval, rubberafsnysels en -skuursels, metaalfyngoed en enige mengsel van bogenoemde items, of enige ander herwinbare brandbare afvalmateriaal;

“brandbare materiaal” brandbare afval, brandbare vullis of enige ander materiaal wat kan ontbrand;

“brandbare vullis” brandbare vullis, vuilgoed of materiaal wat weggegooi, geweier, verwerp of as waardeloos beskou word;

“brandbeskermingstelsel” enige toestel of stelsel wat ontwerp en geïnstalleer is om—

- (a) 'n brand op te spoor, te bestry of te blus; of
- (b) okkupeerders of die brandweerdienste, of albei, van 'n brand bewus te maak; maar uitgesonderd draagbare en mobiele brandblussers;

“brandblusser” 'n draagbare of mobiele herlaaibare houder wat 'n brandblusstof bevat wat uitspuit deur die werking van interne druk met die doel om 'n brand te blus;

“branddemper” 'n outomatiese demper en sy samestel wat voldoen aan die vereistes vervat in SABS 193;

“branddeur” 'n outomatiese of selfsluitende deur of luiksamenstel wat spesiaal gebou is om die deurgang van vuur vir 'n bepaalde tydperk te voorkom;

“brandgang” die pad, roete of ander deurgang wat gebou of aangewys is om toegang vir noodvoertuie te bied;

“brandgevaar” enige situasie, proses, materiaal of toestand wat 'n brand of ontploffing kan veroorsaak of 'n geredelike brandstof toevoer kan verskaf om die verspreiding of intensiteit van die brand of ontploffing te vergroot en wat 'n bedreiging vir lewe of eiendom inhou;

“brandmuur” 'n muur wat die gevolge van brand vir 'n spesifieke tydperk kan weerstaan soos bedoel in die Nasionale Bouregulasies (T1), gelees met SABS 0400;

“brandstrook” beteken 'n natuurlike of gemaakte strook grond waar die plantegroei verwyder of verander is om die verspreiding en intensiteit van enige brand te stuit of te verminder wat op die perseel mag voorkom of wat 'n perseel mag binnekom, en wat uit een of meer van die volgende bestaan—

- (a) gras of plantegroei wat hoogstens 50mm hoog is;
- (b) 'n grasperk of aangeplante tuin; of
- (c) 'n pad of oprit;

“brandweerhoof” die persoon in beheer van 'n diens, of die waarnemende hoof, soos in die Wet op Brandweerdienste bedoel;

“diens” 'n brandweerdienste soos in die Wet op Brandweerdienste omskryf;

“dreigende gevaar” beteken die bestaan van 'n onwelkome of onwenslike situasie wat dreigende skade, risiko, gevaar of besering veroorsaak of die moontlikheid inhou om dit te veroorsaak sou 'n noodgeval of brand voorkom;

“eienaar” het sy gemenerereg betekenis en sluit in—

- (a) 'n huurder of ander persoon wat die grond betrokke ingevolge 'n kontrak, testamentêre dokument, wet of 'n hofbevel of regsaanstelling beheer;
- (b) met betrekking tot 'n perseel, uitgesonderd 'n gebou, 'n natuurlike of regspersoon wie se identiteit deur regswerking bepaal word;
- (c) met betrekking tot 'n gebou, 'n natuurlike of regspersoon op wie se naam die grond waarop sodanige gebou opgerig is of word of sodanige grond, na gelang van die geval, in die onderhawige aktekantoor geregistreer is;
- (d) met betrekking tot 'n installasie, 'n natuurlike of regspersoon op wie se naam 'n kontrak aangegaan is met betrekking tot die goedkeuring, oprigting en instandhouding van die installasie: Met dien verstande dat so 'n persoon nie die eienaar in (b) genoem is nie; en
- (e) indien die Beheerowerheid nie in staat is om die identiteit van 'n persoon in (a) tot (d) bedoel te bepaal nie, enige persoon wat geregtig is op die voordeel van die gebruik van sodanige perseel, gebou of installasie of wat sodanige voordeel geniet;

“gebou”—

- (a) enige struktuur, hetsy van ’n tydelike of permanente aard en ongeag die materiaal wat by die bou daarvan gebruik is, wat opgerig is of gebruik word vir of in verband met—
 - (i) die akkommodasie of gerief van mense of diere;
 - (ii) die vervaardiging, verwerking, opberging of verkoop van enige goedere;
 - (iii) die lewering van enige diens;
 - (iv) die vernietiging of behandeling van brandbare afval of brandbare vullis;
 - (v) die kweek of verbouing van enige plant of gewas;
- (b) enige muur, swembad, swemdam, reservoir of brug of enige ander struktuur wat daarmee verband hou;
- (c) enige brandstofpomp of enige tenk wat in verband daarmee gebruik word;
- (d) enige deel van ’n gebou, insluitende ’n gebou soos omskryf in paragraaf (a), (b) of (c);
- (e) enige fasiliteite of stelsel, of ’n deel of ’n gedeelte daarvan, binne of buite maar gepaardgaande met ’n gebou, vir die voorsiening van ’n watertoevoer, dreinerings, riolering, stormwaterwegdoening, elektri-siteitsvoorsiening of ander soortgelyke diens ten opsigte van die gebou;

“gevaarhoudende goedere” ’n vlambare gas, vloeistof of vaste stof soos in SABS 0228 beoog;

“grens” enige laterale of straatgrens van ’n terrein;

“Grondwet” die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet 109 van 1996);

“hierdie Verordening” ook die bylaes wat kragtens hierdie Verordening gepubliseer is;

“keermuur” beteken ’n keermuur wat ’n bogronde bergingstenk omring en wat van ondeurdringbare materiaal gemaak is;

“Munisipale Bestuurder” ’n persoon aangestel ingevolge artikel 82 van die Munisipale Strukturewet;

“Munisipale Stelselwet” die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000);

“Munisipale Strukturewet” die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998);

“Munisipaliteit” die Munisipaliteit van Mosselbaai gestig in terme van artikel 12 van die Munisipale Strukturewet, Wet 117 van 1998, en sluit in enige behoorlik gevolmagtigde agent of diensverskaffer of enige werknemer daarvan handelende ingevolge hierdie Verordening uit hoofde van ’n bevoegdheid van die Munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde diensverskaffer, agent of werknemer;

“Nasionale Bouregulasies” die regulasies afgekondig kragtens artikel 17(1) van die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet 103 van 1977), en beteken—

- (a) Nasionale Bouregulasies (A2) die bepaling rakende die voorlegging van bouplanne en besonderhede aan die Munisipaliteit;
- (b) Nasionale Bouregulasies (A20) die bepaling rakende die klassifikasie en aanwysing van okkupasies;
- (c) Nasionale Bouregulasies (A21) die bepaling rakende die bevolking van ’n gebou;
- (d) Nasionale Bouregulasies (T1) die bepaling rakende algemene vereistes vir brandbeskerming van ’n gebou; en
- (e) Nasionale Bouregulasies (T2) die bepaling rakende die misdrywe vir nie-nakoming van die Nasionale Bouregulasies (T1);

“Nasionale Padverkeerswet” die Nasionale Padverkeerswet, 1996 (Wet 93 van 1996);

“nie-brandbaar” ’n stof of materiaal geklassifiseer as nie-brandbaar wanneer dit ooreenkomstig SABS 0177: Deel 5 getoets word;

“noodontruimingsplan” ’n plan wat spesifiek ontwerp is om te help met die ontruiming van okkupeerders uit ’n gebou in geval van ’n brand of ander dreigende gevaar en wat verantwoordelikheid aan verskeie personeellede toewys, ontsnaproetes aandui wat gebruik moet word en voorsiening maak vir algemene gebeurlikhede vir die veilige en vinnige ontruiming van ’n gebou;

“noodroete” die deel van ’n ontsnaproete wat brandbeskerming bied aan die okkupeerders van ’n gebou en wat na ’n ontsnapdeur lei;

“noodvoertuig” enige brandweer-, reddings- of ander voertuig wat bedoel is vir gebruik by brande en ander dreigende gevare;

“okkupasie” die bepaalde gebruik of tipe gebruik waarvoor ’n gebou of deel daarvan normaalweg aangewend word of bedoel is om aangewend te word soos in die Nasionale Bouregulasies (A20) bepaal;

“okkupasieskeidingselement” ’n bou-element of komponent wat een okkupasie in ’n gebou skei van ’n ander en wat ’n brandweerstand het van minstens dié vereis by die Nasionale Bouregulasies (T1), gelees met SABS 0400;

“okkupasie vir vermaak en openbare byeenkoms” ’n plek waar mense bymekaarkom om te eet, te drink, te dans of aan ander ontspanning deel te neem;

“okkupeerder” ’n persoon wat enige perseel of gedeelte daarvan okkupeer, sonder inagneming van die reg ingevolge waarvan hy die perseel okkupeer;

“ondergrondse tenk” ’n tenk gebruik word of bedoel is om gebruik te word vir die opberging van vlambare vloeistof en wat heeltemal in die grond versink is en onder die oppervlak van die grond is;

“ontsnapdeur” die deur in ’n ontsnaproete wat op grondvlak regstreeks na ’n straat of openbare plek lei, of na ’n goedgekeurde oop ruimte wat na ’n straat of openbare plek lei;

“ontsnaproete” die hele roete van die verste punt in enige kamer in ’n gebou tot by die naaste ontsnapdeur en kan dit ’n noodroete insluit;

“ontsnaproeteplan” ’n diagram wat die vloeruitleg, die okkupeerder se huidige posisie en die roete na die naaste primêre en sekondêre ontsnaproetes in die gebou toon, asook die stappe wat gedoen moet word in die geval van ’n brand of ander dreigende gevaar;

“openbare pad” enige pad, straat of deurgang of enige ander plek (hetsy ’n deurgang al dan nie) wat algemeen gebruik word deur die publiek of enige gedeelte daarvan of waartoe die publiek of enige gedeelte daarvan toegangsreg het, en sluit die volgende in—

- (a) die rand van enige sodanige pad, straat of deurgang;
- (b) enige brug, pont of dryfvaart wat deur enige sodanige pad, straat of deurgang deurkruis word; en
- (c) enige ander werk of voorwerp wat deel uitmaak van of verbind word met of behoort aan sodanige pad, straat of deurgang;

“openbare plek” enige plein, park, ontspanningsgrond of oop terrein wat—

- (a) by die Munisipaliteit berus;
- (b) die publiek die reg het om te gebruik; of
- (c) getoon word op ’n algemene plan van ’n dorpsgebied in ’n akteregistrasiekantoor of die kantoor van ’n landmeter-generaal en wat verskaf is vir of gereserveer is vir die gebruik van die publiek of die eienaars van erwe in sodanige dorpsgebied;

“operateur” die persoon verantwoordelik vir die gebruik van ’n motor-voertuig en wat geregistreer is as die operateur van so ’n voertuig ingevolge die Nasionale Padverkeerswet;

“opgaarhouer” ’n drukhouer soos omskryf in die regulasies vir drukhouers afgekondig kragtens die Wet op Beroepsgeondheid en Veiligheid;

“outomatiese oophouloestel” ’n toestel wat gebruik word om ’n branddeur oop te hou en die branddeur toemaak wanneer ’n brand bespeur word;

“perseel” enige gebou, strand, grond, terrein, pad of voertuig en kan dit ’n vaartuig, trein of vliegtuig insluit;

“persoon in beheer”—

- (a) met betrekking tot ’n perseel, ’n natuurlike of regspersoon wat permanent of tydelik verantwoordelik is vir die bestuur, instandhouding of benutting van die perseel;
- (b) met betrekking tot ’n gebou, ’n natuurlike of regspersoon wat permanent of tydelik verantwoordelik is vir die bestuur, instandhouding of benutting van die gebou;
- (c) met betrekking tot ’n installasie, ’n natuurlike of regspersoon wat permanent of tydelik verantwoordelik is vir die bestuur of benutting van die installasie: Met dien verstande dat so ’n persoon nie die persoon in (a) bedoel is nie; en
- (d) indien die Beheerowerheid nie in staat is om die identiteit van ’n persoon in (a), (b) en (c) bedoel te bepaal nie, enige persoon wat na die mening van die Beheerowerheid geag word in beheer van sodanige perseel, gebou of installasie te wees;

“SABS-kodes” beteken die Suid-Afrikaanse Buro vir Standaarde se Praktyk- en Spesifikasiekodes wat ingevolge die Wet op Standaarde uitgereik is en SANS kodes moet insluit;

“SANS-kodes” beteken die Suid-Afrikaanse Buro vir Standaarde se SANS Praktyk- en Spesifikasiekodes wat ingevolge die Wet op Standaarde uitgereik is en SABS-kodes moet insluit;

“Staat”—

- (a) enige departement van die staat of administrasie in die nasionale, provinsiale of plaaslike sfeer van regering; of
- (b) enige ander ampsbekleër of instansie wat—
 - (i) ’n gesag uitoefen of ’n funksie ingevolge die Grondwet of ’n provinsiale grondwet verrig; of
 - (ii) ’n publieke gesag uitoefen of ’n publieke funksie ingevolge enige wetgewing verrig, maar uitgesluit, ’n hof- of regterlike amptenaar;

“summiere bedwinging” om ’n toestand onmiddellik te evalueer as ’n brandgevaar of ander dreigende gevaar vir lewe of eiendom en om te gelas dat sodanige toestand onmiddellik reggestel word;

“tenk”, vir die doeleindes van Hoofstuk 9 van hierdie Verordening, ’n houer wat permanent of tydelik op ’n voertuig gemonteer is of daarin ingebou is en wat so gebou is dat dit geskik is om vlambare vloeistof of gas as vrag te bevat;

“tent” beteken ’n draagbare of tydelike struktuur van seil, materiaal of ander soortgelyke materiaal wat uit ’n dakgedeelte bestaan, mure kan hê, deur pale ondersteun word en styfgetrek word deur toue wat aan penne vasgemaak word wat in die grond ingekap is;

“terrein” enige erf, lot, kleinhoewe, standplaas of enige ander stuk grond waarop ’n gebou opgerig is, word of gaan word;

“vlambare gas”, soos in SABS 0228 bedoel, ’n gas wat by 20°C en teen ’n standaard druk van 101,3 kilopascal—

- (a) kan ontsteek in ’n mengsel van 13% of minder (per volume) met lug; of
- (b) ’n vlambare bestek met lug van minstens 12 persentasiepunte het, ongeag die laagste vlamperk;

“vlambare stof” ’n vlambare vloeistof of ’n vlambare gas;

“vlambare vaste stof”, soos in SABS 0228 beoog, ’n vaste stof wat maklik ontsteek word deur eksterne bronne soos vonke en vlamme, vaste stowwe wat gereedelik brandbaar is, vaste stowwe wat ’n brand kan veroorsaak of daartoe kan bydra deur wrywing, of vaste stowwe wat gedensitiseerde (benatte) plofstowwe is wat kan ontplof as dit nie voldoende verdun word nie;

“vlambare vloeistof” ’n vloeistof, of mengsel van vloeistowwe, of ’n vloeistof wat vaste stowwe in oplossing of in suspensie bevat, wat ’n vlambare damp afgee by of onder 60,5 °C en ook ’n vloeistof binne die volgende gevaargroepe soos in SABS 0228 bepaal:

GEVAARGROEP GEGROND OP VLAMBAARHEID

1	2	3
Gevaargroep	Geslotebakkieflietspunt (°C)	Aanvanklike kookpunt (°C)
i	-	≤ 35 (°C)
ii	< 23 (°C)	>35 (°C)
iii	≥ 23 ≤60,5 (°C)	> 35 (°C)
iv	>60,5 – 100 (°C)	> 35 (°C)

“voertuig” ’n voertuig soos omskryf in die Nasionale Padverkeerswet, en ook die volgende—

- “padtenkvoertuig” ’n tenkvrugmotor, tenksleepwa of ’n kombinasie van ’n voorspanmotor en ’n tenkleunwa;
- “tenkleunwa” ’n voertuig met ’n tenk daarop gemonteer of gebou as ’n integrale deel daarvan en so gebou dat, wanneer die leunwa deur ’n voorspanmotor of ander sleepwa gesleep word, deur ’n vyfdewielverbinding, ’n deel van die las op die sleepvoertuig rus;
- “tenksleepwa” ’n voertuig met ’n tenk daarop gemonteer of gebou as ’n integrale deel daarvan en so gebou dat wanneer die tenksleepwa deur ’n tenkvrugmotor gesleep word, feitlik sy hele las op sy eie wiele rus;
- “tenkvrugmotor” ’n enkele, selfaangedrewe voertuig met ’n tenk daarop gemonteer;
- “voorspanwa” ’n selfaangedrewe voertuig wat gebruik word om ’n tenkleunwa te sleep; en
- enige ander voertuig wat na die mening van die Beheerowerheid ’n voertuig is soos in Hoofstuk 9 van hierdie Verordening bedoel.

“Wet op Beroepsgesondheid en Veiligheid” die Wet op Beroepsgesondheid en Veiligheid, 1993 (Wet 85 van 1993);

“Wet op Brandweerdienste” die Wet op Brandweerdienste, 1987 (Wet 99 van 1987);

“Wet op Gevaarhoudende Stowwe” die Wet op Gevaarhoudende Stowwe, 1973 (Wet 15 van 1973);

“Wet op Standaarde” die Wet op Standaarde, 1993 (Wet 29 van 1993).

HOOFSTUK 2: ADMINISTRATIEWE BEPALINGS**2. Administrasie en afdwinging**

- Die Brandweerhoof is verantwoordelik vir die administrasie en afdwinging van hierdie Verordening.
- Waar daar nie ’n brandweerhoof ingevolge die Wet op Brandweerdienste aangestel is nie, is die Munisipale Bestuurder verantwoordelik vir die administrasie en afdwinging van hierdie Verordening.
- Waar daar nie ’n diens in die regsgebied van die Munisipaliteit ingestel is nie, is die Munisipale Bestuurder verantwoordelik vir die administrasie en afdwinging van hierdie Verordening.

3. Delegering

- ’n Brandweerhoof kan enige bevoegdheid wat ingevolge hierdie Verordening aan hom verleen is, delegeer in ooreenstemming met artikel 19 van die Wet op Brandweerdienste.
- ’n Munisipale Bestuurder kan enige bevoegdheid wat ingevolge hierdie Verordening aan hom verleen is, delegeer in ooreenstemming met die delegeringstelsel van die Munisipaliteit wat ingevolge artikel 59 van die Munisipale Stelselwet ontwikkel is.
- Indien enige bepaling in hierdie Verordening enige mag, funksie of plig van die Munisipaliteit in of op ’n beampte van die Munisipaliteit laat berus of oplê en sodanige mag, funksie of plig is ingevolge artikel 81(2) van die Munisipale Stelselwet of enige ander wet opgedra aan ’n diensverskaffer, moet die verwysing na sodanige beampte gelees word as ’n verwysing na die diensverskaffer of, waar van toepassing, ’n beampte en die diensverskaffer deur die Munisipaliteit gemagtig.

4. Afdwingingsbepalings

- ’n Beheerowerheid kan, wanneer hy dit nodig of dienstig ag om dit te doen, enige perseel op enige redelike tyd betree om nakoming van hierdie Verordening te verseker.
- ’n Beheerowerheid het die gesag om enige toestand wat ’n skending van enige bepaling van hierdie Verordening is en wat ’n onmiddellike brandgevaar of ander dreigende gevaar inhou, summier te bedwing.
- ’n Beheerowerheid moet enige skending in sub-artikel (2) bedoel, regstel deur enige daad te verrig, en kan ook—
 - versoek dat die perseel onmiddellik ontruim word;
 - gelas dat die perseel gesluit word tot tyd en wyl die skending reggestel is;
 - gelas dat enige aktiwiteit gestaak word; en
 - gelas dat die onmiddellike bedreiging verwyder word.
- Enige koste van sodanige daad moet gedra word deur die persoon wat deur ’n Beheerowerheid geag word vir die bestaan van sodanige toestand verantwoordelik te wees.

5. Gesag om te ondersoek en reg van toegang

- Ondanks enige andersluidende bepaling vervat in enige ander wet, het ’n Beheerowerheid die gesag om die oorsaak, oorsprong en omstandighede van enige brand of ander dreigende gevaar te ondersoek.
- Die Brandweerhoof of ’n lid van die diens mag in die uitvoering van magte gedelegeer ingevolge hierdie Verordening of enige ander wetgewing, enige perseel op enige redelike tyd betree om inspeksies te doen ten einde die bestaan van ’n brandgevaar of voldoening aan enige toepaslike wetgewing met betrekking tot brandveiligheid op persele, vas te stel.
- Indien enige brandgevaar of toestand van nie-voldoening beoog in sub-artikel (2) bestaan, mag sodanige lid ’n skriftelike instruksie op die eenaar of okkupeerder van sodanige perseel beteken en sodanige kennisgewing sal sodanige opdragte of vereistes bevat wat nodig is om die toestand te bedwing, welke instruksie ’n sperdatum vir nakoming moet bepaal.

- (4) Wanneer enige toestand wat die brandrisiko mag vermeerder of wat 'n bedreiging vir 'n lewe of eiendom inhou op enige perseel bestaan en sodanige toestand nie onmiddellik reggestel kan word nie, of indien koste aangegaan moet word om sodanige toestand reg te stel, moet die eienaar van die perseel, na ontvangs van enige skriftelike opdrag gemeld in sub-artikel (3), die brandweerhoof onverwyld skriftelik inlig van die maatreëls wat hy of sy beoog om te neem om die toestand te remedieer en aan die brandweerhoof 'n program en sperdatum voorsien vir goedkeuring.
- (5) Die Brandweerhoof mag die voorgestelde program en sperdatum met of sonder wysigings goedkeur en mag verdere opdragte gee vir nakoming saam met die voorgestelde of vereiste maatreëls.

6. Versuim om aan bepalings te voldoen

- (1) Wanneer 'n Beheerowerheid bevind dat daar nie aan bepalings van hierdie Verordening voldoen word nie, met uitsondering van die situasie in artikel 4(2), mag 'n skriftelike kennisgewing uitgereik word en moet dit die volgende insluit—
 - (a) bevestiging van die bevindings;
 - (b) bepalings van hierdie Verordening wat oortree word;
 - (c) die remediërende optrede wat vereis word; en
 - (d) die bepaling van 'n spertyd vir voltooiing.
- (2) 'n Lasgewing of kennisgewing wat ingevolge hierdie Verordening uitgereik word, moet beteken word deur persoonlike aflewering of per geregistreerde pos aan 'n persoon wat na die mening van die Beheerowerheid geag word die geskikte persoon te wees.
- (3) Vir onbewaakte of verlate persele moet 'n afskrif van sodanige lasgewing of kennisgewing op 'n opvallende plek by of naby die ingang tot sodanige perseel opgeplak word en moet die lasgewing of kennisgewing per geregistreerde pos gepos word na die laaste bekende adres van die eienaar, die persoon in beheer van die perseel of albei.

7. Weiering, opskorting of intrekking van 'n goedkeuring of 'n sertifikaat

'n Beheerowerheid kan 'n goedkeuring of 'n sertifikaat wat by hierdie Verordening vereis word, weier, opskort of intrek vir—

- (a) versuim om aan die bepalings van hierdie Verordening vir die uitreiking van die goedkeuring of sertifikaat te voldoen; of
- (b) nie-nakoming van die bepalings van die goedkeuring of sertifikaat.

8. Rekords benodig

Die veilige bewaring van alle tersaaklike rekords en dokumente is die verantwoordelikheid van die Beheerowerheid.

9. Heffings

- (1) Die Munisipaliteit kan die gelde bepaal wat betaalbaar is deur 'n persoon namens wie die Beheerowerheid 'n diens gelewer het soos in artikel 10 van die Wet op Brandweerdienste bedoel.
- (2) Die Munisipaliteit kan gelde hef vir die verskaffing van 'n inspeksie, herinspeksie of enige ander diens asook die uitreiking van permitte, goedkeurings of sertifikate in ooreenstemming met die toepaslike plaaslike regeringswetgewing wat die hef van gelde reël.

10. Aanmelding van brandgevaar en ander dreigende gevaar

'n Eienaar of die persoon in beheer van die perseel moet, by ontdekking van enige bewyse van 'n brandgevaar of ander dreigende gevaar waarop hierdie Verordening betrekking het, die Beheerowerheid onmiddellik in kennis stel.

HOOFSTUK 3: BRANDBESKERMING VAN GEBOUE

11. Algemeen

Die Beheerowerheid moet ingevolge artikel 4(3) of artikel 6(1) van hierdie Verordening 'n oortreding van die Nasionale Bouregulasies rakende brand en die veiligheid van geboue bedwing.

12. Toegang vir noodvoertuie

- (1) Wanneer 'n perseel na die mening van die Beheerowerheid nie geredelik vanaf openbare paaie toeganklik is nie, moet dit voorsien word van toegang vir noodvoertuie en kan daar ondanks die bepalings van die Nasionale Bouregulasies (T1) vereis word dat dit aan die volgende voldoen:
 - (a) 'n Toegangspad moet gebou word sodat dit die massa van die swaarste noodvoertuig kan dra wat nodig is om vir die risiko van die perseel voorsiening te maak.
 - (b) 'n Gemotoriseerde of elektronies beheerde hek moet op so 'n wyse toegerus word dat toegang tot die perseel verkry kan word sonder die gebruik van 'n motor of enige ander elektroniese toestel.
 - (c) Brandgange moet verskaf word vir alle persele wat meer as 45 meter van 'n openbare pad is of hoër as nege meter is en meer as 15 meter van 'n openbare pad is.
 - (d) Brandgange moet minstens vier meter breed wees, en die ligging van die brandgange moet beslis word na oorleg met die Beheerowerheid, en die gebied van grondvlak tot 'n hoogte van vier meter bo die brandgang moet vry van obstruksies gehou word.
 - (e) 'n Doodloopstraat wat langer as 90 meter is, moet voorsien word van 'n minimum draaisirkel aan die doodlooppunt van die straat wat groot genoeg is vir die grootste noodvoertuig wat nodig om vir die risiko van die perseel voorsiening te maak.
- (2) Die ontwerp, merke, gebruik en instandhouding van brandgange wat nie deel van 'n openbare pad uitmaak nie, moet aan die vereistes van die Beheerowerheid voldoen.
- (3) Dit is onwettig om 'n voertuig in 'n brandgang te parkeer of om 'n brandgang andersins te blokkeer.

13. Afskorting- en okkupasieskeidingslemente

'n Eienaar of persoon in beheer van 'n gebou mag nie 'n afskorting- of okkupasieskeidingslement verander op 'n wyse wat dit minder doeltreffend sal maak of toelaat dat vlamme, hitte of verbrandingsprodukte na die aanliggende kompartement of struktuur deurdring nie.

14. Branddeure en -samestelle

- (1) Behoudens die bepalings van SABS 1253 moet 'n branddeur en -samestel so in stand gehou word dat dit in geval van 'n brand sy integriteit, isolasie en stabiliteit sal behou vir die tydperk wat vir daardie bepaalde klas deur vereis word.
- (2) 'n Branddeur mag oop gehou word slegs wanneer dit toegerus is met 'n outomatiese oophoulostoestel wat deur die Munisipaliteit goedgekeur is.
- (3) 'n Branddeur en -samestel mag nie minder doeltreffend gemaak word deur die volgende daad nie—
 - (a) die integriteit, isolasie of stabiliteit van 'n bepaalde klas deur verander;
 - (b) die selfsluitemeganisme ontkoppel;
 - (c) die deur vaswig, blokkeer of versper sodat dit nie kan toemaak nie;
 - (d) die smeltbare skakelaanslitemeganisme van 'n deur verf;
 - (e) 'n elektriese of elektroniese ontkoppelmeganisme diskonnekteer of minder doeltreffend maak;
 - (f) enige ander daad wat 'n branddeur of -samestel minder doeltreffend maak.

15. Ontsnaproetes

- (1) 'n Komponent wat deel van 'n ontsnaproete uitmaak, soos die toevoerroetes, toegangsdeure, noodroetes en ontsnapdeure, mag op geen manier versper of minder doeltreffend gemaak word wat enige persoon kan hinder of verhinder om in die geval van 'n brand of enige ander noodgeval uit die gebou te ontsnap nie.
- (2) 'n Sluittoestel wat aan 'n toegangsdeur of 'n ontsnapdeur aangebring is, moet van 'n tipe wees wat deur die Munisipaliteit goedgekeur is.
- (3) Waar die Beheerowerheid dit vereis, moet 'n ontsnaproete duidelik aangedui word met tekens wat aan SABS 1186 voldoen en die rigting aandui waarin daar in die geval van 'n brand of enige ander noodgeval beweeg moet word.

16. Tente

- (1) Voor die oprigting en gebruik van 'n tent as 'n okkupasie soos beoog in die Nasionale Bouregulasies (A20), moet die eienaar of persoon in beheer van die perseel—
 - (a) 'n aansoek ingevolge die Nasionale Bouregulasies (A2) en (A23) by die Munisipaliteit indien vir goedkeuring om die tent op te rig en te gebruik; en
 - (b) 'n aansoek ingevolge artikel 21 van hierdie Verordening by die owerheid in beheer indien vir 'n tydelike bevolkingsertifikaat.
- (2) Die aansoek wat ingevolge sub-artikel (1)(a) voorgelê word, moet aan die volgende voldoen:
 - (a) (i) Die veiligheidsafstand tussen 'n tent en enige gebou of grens word bepaal ooreenkomstig TT2 van die SABS 0400. Die Beheerowerheid mag vereis dat hierdie afstand vergroot word indien die situasie dit vereis.
 - (ii) Die tent moet ten minste 4,5 meter vanaf enige ontvlambare voorraad of materiaal opgerig word.
 - (b) Waar tente langs mekaar opgeslaan word, moet 'n onversperde minimum afstand van 4,5 meter tussen hulle verskaf word en waar van toepassing tussen die tentpenne en tentoue van die naasliggende tente, ten einde toegang vir noodvoertuie te verskaf.
 - (c) Die vereistes uiteengesit in die Nasionale Bouregulasies (T1), moet in die volgende gevalle nagekom word—
 - (i) waar die bevolking van 'n tent meer as 25 mense is;
 - (ii) waar 'n tent gedurende die nag geokkupeer word;
 - (iii) vir sitplekreëlings en afmetings van gangetjies; en
 - (iv) vir die verskaffing van brandblussers.
 - (d) Die bevolkingsdigtheid van 'n tent moet aan die Nasionale Bouregulasies (A21) voldoen.
 - (e) Geen voedselbereiding mag gedoen word nie in 'n tent wat deur die publiek geokkupeer word, en as voedselbereiding gedoen moet word, moet dit geskied in 'n afsonderlike tent of in 'n gebied waartoe die publiek nie toegang het nie.
 - (f) Daar mag geen oop vure in 'n tent gemaak word nie, en enige ander toestel wat vlamme afgee, soos 'n kers, lantern of fakkel, maar nie daartoe beperk nie, word in 'n tent toegelaat slegs na goedkeuring deur die Beheerowerheid.
 - (g) Geen oop vuur of vlam word binne vyf meter van 'n tent, tentpen of tentou toegelaat nie.
- (3) Ondanks die bepalings van sub-artikels (1) en (2) kan die Beheerowerheid die aansoeker versoek om aan bykomende vereistes vir die opslaan en gebruik van 'n tent te voldoen.

HOOFSTUK 4: BRANDVEILIGHEIDSTOERUSTING

17. Brandblussers

- (1) Die eienaar of persoon in beheer, na gelang van omstandighede, moet brandblussers verskaf en installeer soos vereis deur die Beheerowerheid en ooreenkomstig die Nasionale Bouregulasies (T1) en (T2).
- (2) Brandblussers moet streng ooreenkomstig die vereistes van die regulasies kragtens die Wet op Beroepsgesondheid en Veiligheid, SABS 1475: Deel 1, SABS 1571, SABS 1573 en SABS 0105: Deel 1 in stand gehou word.

- (3) 'n Natuurlike of regs persoon mag nie 'n brandblusser ingevolge SABS 1475: Deel 1 volmaak, hervul, vernuwe, verander, herstel, inspekteer of toets nie tensy sodanige persoon die houer is van 'n permit uitgereik deur die Suid-Afrikaanse Buro vir Standaard of 'n bevoegdheid-sertifikaat uitgereik deur die Suid-Afrikaanse Kwali-fikasiesertifiseringskomitee.
- (4) Die eienaar of persoon in beheer van 'n perseel mag nie toelaat dat 'n brandblusser volgemaak, hervul, vernuwe, verander, herstel, geïnspekteer of getoets word nie deur 'n persoon wat nie in besit is nie van 'n permit of sertifikaat in sub-artikel (3) bedoel.
- (5) Wanneer die Beheerowerheid bevind dat 'n brandblusser volgemaak, hervul, vernuwe, verander, herstel, geïnspekteer of getoets is deur 'n persoon wat nie in besit is nie van 'n permit of sertifikaat in sub-artikel (3) bedoel, moet die Beheerowerheid die eienaar of persoon in beheer van 'n perseel gelas om die werk te laat doen deur 'n persoon wat in besit van so 'n permit of sertifikaat is.
- (6) Wanneer 'n brandblusser na die mening van die Beheerowerheid onveilig of ondoeltreffend is as gevolg van agteruitgang, ontwerp of konstruksie, moet die Beheerowerheid die eienaar of persoon in beheer van die perseel gelas om die toestel te laat inspekteer en toets ingevolge SABS 1475: Deel 1 en SABS 1571.
- (7) 'n Brandblusser mag nie van 'n perseel verwyder word om volgemaak, hervul, vernuwe, verander, herstel, geïnspekteer of getoets te word nie tensy die toestel tydelik vervang word deur 'n soortgelyke toestel in 'n goeie werkende toestand.
- (8) 'n Brandblusser mag nie geïnstalleer, uitmekaar gehaal, hervul, ontkoppel, versien, verander, herstel of getoets word in 'n gebied waar so 'n handeling 'n gevaar of bedreiging sal skep nie.

18. Toets en instandhouding van brandbeskermingstelsels

- (1) Die eienaar of persoon in beheer moet verseker dat 'n brandbeskermingstelsel op 'n gereelde basis getoets en instand gehou word en dat 'n gedetailleerde rekord van sodanige toetse en instandhouding gehou word.
- (2) 'n Persoon mag nie 'n brandbeskermingstelsel toets nie voordat hy die okkupeerders van die betrokke perseel in kennis stel van die tye vir die begin en afhandeling van die toets en, waar van toepassing, die partye wat die brandbeskermingstelsel moniteer.
- (3) 'n Brandbeskermingstelsel wat ontwerp is om 'n brand op te spoor, te bestry, te beheer en te blus, moet in stand gehou word in ooreenstemming met die Nasionale Bouregulasies (T2), gelees met 'n erkende nasionale kode of standaard, en by gebrek aan 'n nasionale kode of standaard moet 'n toepaslike internasionale kode of standaard gebruik word.
- (4) 'n Brandbeskermingstelsel mag nie geïnstalleer, uitmekaar gehaal, hervul, ontkoppel, versien, verander, herstel of getoets word in 'n gebied waar so 'n handeling 'n gevaar of bedreiging sal skep nie.
- (5) Die persoon wat die instandhouding van 'n brandbeskermingstelsel doen, moet die eienaar of persoon in beheer van 'n perseel skriftelik in kennis stel van enige gebreke wat hy ontdek het en instandhouding wat gedoen is of nog gedoen moet word, en waar die persoon in beheer sodanige kennisgewing ontvang het, moet hy die eienaar onverwyld dienooreenkomstig inlig.
- (6) Die eienaar of persoon in beheer van 'n perseel moet die Beheerowerheid onmiddellik in kennis stel wanneer die brandbeskermingstelsel of 'n komponent daarvan ondiensbaar geraak het of aan diens onttrek is en moet die Beheerowerheid in kennis stel sodra die stelsel herstel is.
- (7) Die eienaar of persoon in beheer van 'n perseel moet alle stappe doen wat nodig geag word deur die Beheerowerheid om alternatiewe toerusting te verskaf ten einde die vlak van veiligheid in die perseel te handhaaf.

19. Inmenging met en toegang tot brandbeskermingstelsels en brandblussers

Geen persoon word toegelaat om 'n brandblusser of brandbeskermingstelsel minder doeltreffend, ondiensbaar of ontoeganklik te maak of daarmee te peuter of in te meng nie, behalwe soos wat nodig is tydens noodgevalle, instandhouding, oefening of voorgeskrewe toetsing.

20. Brandalarms en brandkrane

- (1) Sonder vergoeding aan die eienaar van 'n betrokke perseel kan die Beheerowerheid—
 - (a) 'n brandalarm;
 - (b) 'n transmissie-instrument vir oproepe van brand of ander noodgevalle; of
 - (c) 'n transmissie-instrument om inwoners teen 'n brand of ander noodgeval te waarsku;
 aan enige gebou, muur, heining, paal of boom laat aanbring.
- (2) Sonder vergoeding aan die eienaar van 'n betrokke perseel kan die Beheerowerheid die posisie van 'n brandkraan en brandalarm laat merk aan enige gebou, muur, heining, paal, boom, pad, randsteen of brandkraandeksel met 'n bord, dekal, metaalplaat of geverfde merker of op enige ander wyse.
- (3) Die Beheerowerheid kan te eniger tyd 'n brandalarm, ander transmissie-instrument in sub-artikel (1) bedoel, bord, dekal, metaalplaat of geverfde merker laat verwyder sonder vergoeding aan die eienaar van die betrokke perseel.
- (4) 'n Ongemagtigde persoon word verbied om 'n brandalarm, ander transmissie-instrument in sub-artikel (1) bedoel, bord, dekal, metaalplaat of geverfde merker te verwyder, te ontsier, te verander of te beskadig of daarmee te peuter.
- (5) Geen persoon mag 'n brandkraan minder doeltreffend, ondiensbaar of ontoeganklik maak of daarmee peuter of inmeng nie.

HOOFSTUK 5: OPENBARE VEILIGHEID

21. Voorkoming en beheer van oorbevolking

- (1) Voor die gebruik van die perseel vir vermaak of openbare byeenkomste waar die bevolking ingesluitend die personeel 50 mense oorskry, moet die eienaar of persoon in beheer van sodanige perseel 'n aansoek om 'n bevolkingsertifikaat aan die Beheerowerheid voorlê, soos in Bylae 2 van hierdie Verordening voorgeskryf.
- (2) Die eienaar of persoon in beheer van 'n perseel waarvoor 'n bevolkingsertifikaat benodig word, sal nie sodanige perseel benut indien 'n bevolkingsertifikaat nie deur die Beheerowerheid uitgereik is nie.
- (3) Die Beheerowerheid mag bykomende inligting van die aansoeker versoek.
- (4) Ondanks die bepaling van sub-artikel (1) kan die Beheerowerheid die eienaar of persoon in beheer van die perseel gelas om aansoek te doen om 'n tydelike of 'n permanente bevolkingsertifikaat, indien die perseel gebruik word ten opsigte van enige ander okkupasie in die Nasionale Bouregulasies (A20) beoog.

- (5) 'n Tydelike bevolkingstifikaat is geldig vir 'n tydperk van hoogstens 30 kalenderdae.
- (6) Die Beheerowerheid moet weier om die tydelike of permanente bevolkingstifikaat uit te reik as die perseel nie aan die vereistes van die Nasionale Bouregulasies (T1) voldoen nie, en waar die Beheerowerheid van mening is dat die nie-nakoming van die perseel reggestel kan word, moet hy die eienaar of persoon in beheer van sodanige perseel skriftelik gelas om alle redelike stappe te doen om die perseel veilig te maak voordat die perseel gebruik word en die tydelike of permanente bevolkingstifikaat uitgereik word.
- (7) Indien die Beheerowerheid te eniger tyd bewus word dat die gebruik van die perseel nie in ooreenstemming met die tydelike of permanente bevolkingstifikaat is nie, moet hy ingevolge artikels 4(2) of 6(1) en artikel 7 van hierdie Verordening optree.
- (8) Die tydelike en permanente bevolkingstifikaat is geldig net vir die perseel of deel van die perseel waarvoor dit uitgereik is, en wanneer veranderinge van okkupasie plaasvind of wysigings aangebring word aan die perseel waarvoor die stifikaat uitgereik is, moet die eienaar of persoon in beheer weer om die stifikaat aansoek doen in ooreenstemming met sub-artikel (1).
- (9) Die tydelike of permanente bevolkingstifikaat moet vertoon word op 'n duidelik sigbare en opvallende plek in of op die perseel waarvoor die stifikaat uitgereik is.
- (10) Die eienaar of persoon in beheer van die perseel moet oorbevolking voorkom deur die maksimum bevolking te beperk tot dit wat op die tydelike of permanente bevolkingstifikaat vermeld word.
- (11) 'n Persoon moet die perseel wat oorbevolk is, ontruim wanneer hy of sy gelas word om dit te doen deur die Beheerowerheid of die eienaar of persoon in beheer van die perseel.

22. Bywoning van 'n diens

- (1) Wanneer die Beheerowerheid van mening is dat 'n diens teenwoordig moet wees tydens 'n funksie op 'n plek wat vir vermaak of openbare byeenkoms gebruik word, kan hy in belang van openbare veiligheid en behoudens die vereistes van die diens, een of meer lede, 'n voertuig of toerusting van 'n diens verskaf om vir die duur van die funksie of 'n deel daarvan op die perseel teenwoordig te wees.
- (2) Wanneer die bywoning van 'n diens tydens 'n funksie op 'n plek wat vir vermaak of openbare byeenkoms gebruik word koste behels, kan die koste wat deur die Munisipaliteit aangegaan is, in ooreenstemming met artikel 9 van hierdie Verordening verhaal word van die persoon in beheer van die funksie.

23. Formulering van 'n noodontruimingsplan

- (1) Die eienaar of persoon in beheer van 'n skool, hospitaal, residensiële instelling, hotel, gastehuis, hostel of ander soortgelyke okkupasie wat 'n bevolking van meer as 25 persone (insluitende personeel) het, moet 'n noodontruimingsplan formuleer waarin die gepaste stappe uiteengesit word wat in die geval van 'n brand of ander dreigende gevaar deur die personeel of die okkuperders gedoen moet word.
- (2) Die Beheerowerheid kan die eienaar of persoon in beheer van 'n perseel, uitgesonderd dié in sub-artikel (1) bedoel, gelas om 'n noodontruimingsplan te formuleer waarin die gepaste stappe uiteengesit word wat in die geval van 'n brand of ander dreigende gevaar deur die personeel of die okkuperders gedoen moet word.
- (3) Die plan in sub-artikels (1) en (2) bedoel, moet voorberei word ooreenkomstig die riglyne vervat in Bylae 1 en deur die Brandweerhoof goedgekeur word. Die plan moet ook hersien word as 'n aspek daarvan nie meer toepaslik is nie of as die gebou waarvoor die plan ontwerp is, verander het.
- (4) Die noodontruimingsplan moet in sy geheel getoets word met 'n tussenpose van hoogstens ses maande of wanneer die plan hersien is, en 'n rekord van die toetsing moet in 'n register gehou word.
- (5) Die register in sub-artikel (4) bedoel, moet die volgende inligting bevat—
 - (a) die datum en tyd van die toets;
 - (b) die aantal deelnemers;
 - (c) die resultaat van die toets en enige regstellende stappe wat nodig is; en
 - (d) die naam en handtekening van die persoon wat oor die toets toesig gehou het.
- (6) Die register, tesame met die noodontruimingsplan, moet op die perseel beskikbaar wees vir insae deur die Beheerowerheid.
- (7) Die Beheerowerheid kan die formulering en implementering van die noodontruimingsplan evalueer en kan enige aanbevelings of regstellende stappe amptelik meedeel om die plan te verbeter of foute daarin reg te stel.

24. Vertoon van ontsnaproetplanne

- (1) In 'n hospitaal, residensiële instelling, hotel, gastehuis, hostel of ander soortgelyke okkupasie wat ontwerp of bedoel is vir gebruik deur pasiënte, inwoners of persone wat 'n tyd lank vertoef, ongeag die bevolking, moet die ontsnaproetplan op 'n opvallende plek vertoon word in enige kamer wat vir slaapdoeleindes ontwerp is.
- (2) Die vertoning van ontsnaproetplanne vir enige ander perseel is onderhewig aan die goedkeuring van die Beheerowerheid.

25. Versperring van leë geboue

Die eienaar of persoon in beheer van 'n gebou of deel daarvan wat leeg is, moet alle brandbare afval of vullis daaruit verwyder en alle vensters, deure en ander openinge in die gebou sluit, versper of andersins beveilig tot tevredenheid van die Munisipaliteit, wat die skepping van 'n brandgevaar as gevolg van die betreding deur 'n ongematigde persoon sal voorkom.

HOOFSTUK 6: HUISHOUDING

26. Brandbare afval en vullis

- (1) Die eienaar of persoon in beheer van 'n perseel of 'n deel daarvan mag nie toelaat dat brandbare afval of vullis in enige gebied of op enige wyse ophoop sodat dit 'n brandgevaar of ander dreigende gevaar skep nie.
- (2) Brandbare afval en vullis moet behoorlik opgeberg of weggedoen word ten einde 'n brandgevaar of ander dreigende gevaar te voorkom soos voorgeskryf in die toepaslike wetgewing wat oor die obergang en wegdoening van daardie spesifieke tipe brandbare afval en vullis handel, of by gebrek aan toepaslike wetgewing, soos deur die Beheerowerheid bepaal.

27. Stowwe

Die eenaar of persoon in beheer van 'n perseel of deel daarvan mag nie toelaat dat stowwe ophoop in hoeveelhede wat 'n brandgevaar of ander dreigende gevaar skep nie, en moet die stowwe opberg of wegdoen soos voorgeskryf in die toepaslike wetgewing wat oor die opberging en wegdoening van daardie spesifieke tipe stowwe handel.

28. Brandbare of vlambare stowwe en verbindings vir vee van vloere

- (1) Ondanks enige andersluidende bepalings in enige ander wet mag slegs goedgekeurde waterbasisoplossings of -skoonmaakmiddels, verbindings vir die vee van vloere en vetabsorbeerders vir skoonmaak-doeleindes gebruik word.
- (2) Die gebruik van saagsels of soortgelyke brandbare materiaal om brandbare of vlambare stowwe op te suig wat in die loop van 'n proses gestort of gemors is, is verbode.

29. Aanpaksels in skoorstene, rookgaskanale en -gange

Die eenaar of persoon in beheer van die perseel of 'n deel daarvan mag nie toelaat dat roet of enige ander brandbare stof in sulke hoeveelhede in skoorstene, rookgaskanale en -gange van die perseel aanpak dat dit 'n brandgevaar of ander dreigende gevaar skep nie.

30. Bronne van ontbranding

- (1) Rook en die dra van vuurhoutjies, die gebruik van verwarmings- of ander toestelle wat 'n oop vlam gebruik of die gebruik van enige vonktoerusting is verbode in gebiede wat brandbare of vlambare stowwe bevat, en waar toerusting of gereedskap nodig is vir die verrigting of instandhouding van 'n bedrywigheid, moet dit intrinsiek veilig en spesifiek vir daardie doel ontwerp wees.
- (2) Warm as, sintel of smeulende kole moet in nie-brandbare houers geplaas word en die houers moet op 'n nie-brandbare oppervlak of staander geplaas word.
- (3) 'n Toereikende afstand, soos geskik geag deur die Beheerowerheid, moet verskaf en gehandhaaf word tussen brandbare stowwe en verwarmings- of verligtingstoerusting of ander bronne van ontbranding.
- (4) Draagbare verwarmers moet beveilig word sodat dit nie kan omval nie, en die Beheerowerheid kan die gebruik van draagbare verwarmers verbied ten opsigte van okkupasies of situasies waar sodanige gebruik of werking 'n brandgevaar of ander dreigende gevaar sal skep.

31. Rook

- (1) Indien daar toestande bestaan wat rook 'n brandgevaar op 'n perseel maak, is rook verbode en moet **“Rook Verbode”**-tekens vertoon word soos deur die Beheerowerheid gelas, en die tekens moet aan SABS 1186: Deel 1 voldoen.
- (2) Geen persoon mag 'n **“Rook Verbode”**-teken verwyder nie.
- (3) (a) Geen persoon mag 'n sigaar, sigaret, pyp, tabak of ander stof aansteek of rook nie of andersins ander materiaal aan die brand steek nie of enige brandende of smeulende stof hou, besit, weggooi of plaas nie op enige plek waar dit uitdruklik verbode is om dit te doen.
(b) Die eenaar of persoon in beheer van die perseel mag nie enige persoon toelaat of vergunning verleen om 'n sigaar, sigaret, pyp, tabak of enige ander middel aan te steek of andersins ander materiaal aan die brand steek in enige plek waar dit uitdruklik verbied word nie;
- (4) Waar rook toegelaat word, moet daar voorsiening gemaak word vir die veilige wegdoening van die rookmateriaal en vuurhoutjies ten einde die skepping van 'n brandgevaar of ander dreigende gevaar te voorkom.

32. Elektriese toebehore, toerusting en toestelle

- (1) Geen persoon mag 'n elektriese kragpunt laat oorlaai of toelaat dat dit oorlaai word nie.
- (2) Geen persoon mag 'n elektriese toestel of verlengkoord op 'n manier wat waarskynlik 'n brandgevaar of ander dreigende gevaar kan skep, laat gebruik of toelaat dat dit so gebruik word nie.

33. Oopvlamtoestel

Geen persoon mag 'n oopvlamtoestel soos 'n kers, lantern of fakkel, maar nie daartoe beperk nie, op 'n manier wat waarskynlik 'n brandgevaar of ander dreigende gevaar kan skep, laat gebruik of toelaat dat dit so gebruik word nie.

HOOFSTUK 7: BRANDGEVARE EN BRANDSTROKE**34. Brandbare materiaal**

- (1) Geen persoon mag enige brandbare materiaal of 'n vlambare stof, hetsy binne of buite die perseel, opberg, vervoer, gebruik of vertoon of veroorsaak of toelaat dat dit opgeberg, vervoer, gebruik of vertoon word nie in hoeveelhede of in 'n posisie of op 'n wyse dat dit waarskynlik 'n brandgevaar of ander dreigende gevaar sal veroorsaak of skep nie.
- (2) Die eenaar of persoon in beheer van die perseel mag nie toelaat dat plantegroei daarop groei of ophoop of dat ander brandbare materiaal daarop ophoop nie op 'n wyse dat dit waarskynlik 'n brandgevaar of ander dreigende gevaar sal veroorsaak nie.
- (3) Geen persoon mag, of enige ander persoon toelaat om, enige vullis of brandbare materiaal te verbrand nie—
(a) sonder die vooraf skriftelike toestemming van die Brandweerhoof; of
(b) tensy die vullis of brandbare materiaal in 'n goedgekeurde verbrandingsapparaat verbrand word.
- (4) Onderworpe aan die jaarlikse kennisgewings gepubliseer deur die Minister van Waterwese en Bosbou, mag geen persoon 'n vuur maak of 'n ander persoon toelaat om 'n vuur te maak wat enige persoon, dier of eiendom in gevaar mag stel nie.
- (5) Enige persoon wat 'n vuur maak of 'n ander persoon toelaat om 'n vuur te maak, moet redelike stappe neem om te verseker dat die vuur nie enige persoon, dier of eiendom in gevaar stel nie.

35. Aansteek van vure en verbranding van brandbare materiaal en rookbeperkings

- (1) Die aansteek van vure en die wegdoen van brandbare materiaal deur verbranding is verbode, uitgesonderd in die omstandighede in hierdie artikel uiteengesit.

- (2) 'n Persoon mag 'n vuur aansteek of 'n oopvlamtoestel gebruik vir die doel van voedselbereiding of vir enige ander huishoudelike doel op 'n wyse wat nie 'n brandgevaar of ander dreigende gevaar sal veroorsaak nie of waar so 'n vuur nie deur enige ander wetgewing verbied word nie.
- (3) Die eienaar of persoon in beheer van die perseel wat gebruik word ten opsigte van 'n okkupasie van vermaak of openbare byeenkoms, moet toesien dat 'n kookvuur of oopvlamtoestel in aangewese gebiede geplaas word ten einde 'n brandgevaar of ander dreigende gevaar te voorkom.
- (4) Verbranding kan plaasvind op Staatsgrond, 'n plaas, 'n kleinhoewe of grond binne 'n geproklameerde dorp wat nie vir woondoeleindes gebruik word nie, mits daar vooraf goedkeuring van die Beheerowerheid verkry word, en daar moet skriftelik om sodanige goedkeuring aangesoek gedoen word nadat goedkeuring verkry is ingevolge die toepaslike wetgewing in Bylae 3 uiteengesit.
- (5) Indien toestande bestaan waar rook 'n brandgevaar op enige perseel mag veroorsaak, moet rook verbied word en **“Rook Verbode”**-tekens wat aan SANS 118/6: Deel 1 voldoen prominent vertoon word soos gelas deur die Beheerowerheid.
- (6) Geen persoon mag 'n **“Rook Verbode”**-teken verwyder of beskadig nie.
- (7) Geen persoon mag 'n sigaret of enige ander rookmateriale aansteek of rook nie, of andersins ander materiaal aansteek of aan die brand steek nie, of andersins enige aangesteekte of smeulende stof vashou of weggooi op enige plak waar dit uitdruklik verbode is.
- (8) Die eienaar of persoon in beheer van enige perseel mag nie toelaat of toestaan dat enige persoon 'n sigaret of enige ander rookmateriale aansteek of rook nie, of andersins ander materiaal aansteek of aan die brands teek nie, of andersins enige aangesteekte of smeulende stof vashou of weggooi op enige plek waar dit uitdruklik verbode is.
- (9) Waar rook toegelaat word, moet voldoende voorsiening gemaak word vir die veilige wegdoening van enige rookmateriale en vuurhoutjies.
- (10) Geen persoon mag nie 'n brandende vuurhoutjie of sigaret of enige ander brandende materiale of voorwerpe ingesluit materiale vatbaar vir self aansteking of vatbaar vir spontane ontbranding, op enige pad, in enige padreserwe of in enige ander openbare plek wegdoen of andersins wegmaak nie.
- (11) Waar enige vuurhoutjie, sigaret, rookmateriale of ander brandende materiale, ingesluit materiale vatbaar vir self aansteking of vatbaar vir spontane ontbranding, weggedoen word vanuit 'n voertuig of 'n pad, in enige padreserwe of enige ander plek, sal veronderstel word in die afwesigheid van bewys tot die teendeel, dat sodanige aksie deur die bestuurder van sodanige voertuig uitgevoer is.

36. Brandstroke/bane

- (1) Ondanks enigiets wat in die Nasionale Veld- en Bosbrandwet, 1998 (Wet 101 van 1998) vervat is, sal die eienaar of persoon in beheer van 'n perseel waarop daar plantegroei groei waar nodig (*n) voldoende brandstrook (-stroke) voorberei en instand hou om te verseker dat die risiko van 'n plantegroei-brand wat op die perseel ontstaan of van een perseel na die volgende versprei, tot die minimum beperk word;
- (2) Vir die doel van sub-artikel (1), 'n brandstrook beteken 'n area van nie minder as 5m in breedte, om die grens van die perseel, aangrensend met die grens aan alle kante, wat uit een of meer van die volgende bestaan—
 - (a) oop grond;
 - (b) gras wat nie hoogte van 50mm oorskry nie;
 - (c) grasperk of ontwikkelde tuin; of
 - (d) 'n pad of oprit.
- (3) Waar 'n eienaar of persoon in gebreke bly om 'n brandstrook voor te berei of instand te hou of waar die brandstrook volgens die mening van die Beheerowerheid onvoldoende vir die heersende omstandighede is, kan die Beheerowerheid ingevolge artikel 4 of 6 van hierdie Verordening optree.
- (4) Waar 'n brandstrook voorberei is, moet die plantmateriaal in die brandstrook uit die gebied verwyder word, en die wegdoening daarvan moet geskied op 'n wyse wat vir die Beheerowerheid aanvaarbaar is.
- (5) Sub-artikel (1) is nie van toepassing op gevalle waar 'n vrystelling ingevolge die Nasionale Wet op Veld en Bosbrande, 1998 (Wet 101 van 1998) verleen is nie.

HOOFSTUK 8: ONTVLAMBARE STOWWE

37. Toepassing van hierdie Hoofstuk

Ondanks die bepalings van die Wet op Gevaarhoudende Stowwe of die Wet op Beroepsgesondheid en Veiligheid reël hierdie Hoofstuk ontvlabare stowwe in die plaaslike regeringsfeer ten einde brandgevaar of ander dreigende gevare te voorkom en te verminder.

38. Opberging en gebruik van 'n ontvlabare stowwe

- (1) Voor die konstruksie van 'n nuwe installasie of die verandering van 'n bestaande installasie, hetsy tydelik of permanent, vir die opberging van 'n vlabare stof moet die eienaar of persoon in beheer van die installasie 'n bouplan aan die Munisipaliteit voorlê in ooreenstemming met die Nasionale Bouregulasies, en 'n afskrif van die goedgekeurde plan moet beskikbaar wees op die terrein waar die installasie gebou word.
- (2) Voor die ingebruikstelling van 'n bogrondse of ondergrondse opgaarteninstallasie, vloeibarepetroleumgasinstallasie of gepaard gaande pype moet die eienaar of persoon in beheer van die installasie verseker dat dit gedruktuets word in ooreenstemming met die bepalings van die Nasionale Bouregulasies (T1), SABS 0131: Dele 1 en 2, SABS 089: Deel 3 en SABS 087: Dele 1, 3 en 7 (wat ook al van toepassing is), in teenwoordigheid van die Beheerowerheid.
- (3) Ondanks sub-artikel (2) kan die Beheerowerheid vereis dat 'n bestaande bogrondse of ondergrondse opgaarteninstallasie, vloeibarepetroleumgasinstallasie of gepaardgaande pype gedruktuets word in ooreenstemming met die bepalings van die Nasionale Bouregulasies (T1).
- (4) Die Beheerowerheid moet minstens 48 uur voor die druktouets in kennis gestel word.
- (5) Voor die verandering van die perseel wat die brandveiligheid van 'n bestaande bogrondse of ondergrondse opgaarteninstallasie, vloeibarepetroleumgasinstallasie of gepaardgaande pype beïnvloed, moet die eienaar of persoon in beheer van die perseel die Beheerowerheid in kennis stel, wat kan vereis dat die perseel of installasie veilig gemaak moet word.

- (6) Die eienaar of persoon in beheer van 'n perseel mag nie—
- 'n ontlambare gas van meer as 38 kilogram; of
 - 'n ontlambare vloeistof van 'n gevaargroep (i), (ii), (iii) of (iv) van meer as 200 liter, opberg of gebruik nie tensy hy 'n sertifikaat vir ontlambare stowwe van die Beheerowerheid verkry het.

39. Sertifikaat vir Vlbare stowwe

- Die eienaar of persoon in beheer van die perseel wat 'n sertifikaat vir ontlambare stowwe benodig, soos in artikel 38(6) bedoel, moet 'n aansoek aan die Beheerowerheid voorlê, soos in Bylae 2 van hierdie Verordening voorgeskryf.
- Die Beheerowerheid kan bykomende inligting van die aansoeker verlang.
- Die Beheerowerheid moet weier om die sertifikaat vir ontlambare stowwe uit te reik indien die perseel nie aan die vereistes van die Nasionale Bouregulasies (T1) asook bykomende vereistes in hierdie Verordening uiteengesit, voldoen nie, en waar die Beheerowerheid van mening is dat die nie-nakoming van die perseel reggestel kan word, moet hy die eienaar of persoon in beheer van die perseel skriftelik gelas om alle redelike stappe te doen om die perseel veilig te maak voordat die perseel in ooreenstemming met artikel 38(6) gebruik word en die sertifikaat uitgereik word.
- 'n Sertifikaat vir ontlambare stowwe moet hernu word wanneer die hoeveelheid of klas van die ontlambare middel verander moet word of wanneer artikel 38(5) van toepassing is.
- Indien die Beheerowerheid te eniger tyd bewys word dat die gebruik van 'n perseel nie in ooreenstemming met die sertifikaat vir ontlambare stowwe is nie, moet hy ingevolge artikel 4(2) of 6(1) en artikel 7 van hierdie Verordening optree.
- Ondanks sub-artikel (5), wanneer na die mening van die Beheerowerheid 'n ontlambare stof opgeberg of gebruik word vir enige proses op 'n wyse wat gevaarlik is vir lewe of eiendom, of 'n installasie ongemagtig is, kan 'n bevel uitgereik word vir die verwydering van die ontlambare stowwe of installasie van die perseel.
- 'n Verskaffer mag nie—
 - meer as 38kg vlbare gas of 200 liters van 'n ontlambare vloeistof in gevaargroep (i), (ii) en (iii) of (iv), wat die geval ook al mag wees, aan enige persoon voorsien sonder bewys dat die persoon aan wie dit voorsien word in besit is van 'n geldige sertifikaat vir ontlambare stowwe soos in sub-artikel 38(6) beoog word nie; of
 - meer as 38kg ontlambare gas of meer as 200 liters ontlambare vloeistof in gevaargroepe (i), (ii) en (iii) of (iv), wat die geval ook al mag wees, aan enige perseel voorsien nie, tensy die eienaar of persoon in beheer van 'n perseel in besit is van 'n geldige sertifikaat vir ontlambare stowwe soos in artikel 38(6) nie beoog.
- 'n Sertifikaat vir ontlambare stowwes is geldig net—
 - vir die installasie waarvoor dit uitgereik is;
 - vir die toestand van die perseel ten tyde van uitreiking; en
 - vir die hoeveelhede in die sertifikaat vermeld.
- Die sertifikaat vir ontlambare stowwe moet te alle tye op die perseel beskikbaar wees vir insae.
- Die Beheerowerheid moet rekords hou van alle persele ten opsigte waarvan 'n sertifikaat vir ontlambare middels uitgereik, gewysig of hernu is.

40. Permanente of tydelike boggrondse opgaartenk vir 'n ontlambare vloeistof

- In hierdie artikel word net 'n permanente of tydelike boggrondse tenk wat vir die opberging van ontlambare vloeistowwe gebruik word, gereguleer.
- 'n Tydelike boggrondse opgaartenk, uitgesonderd by 'n massaopgaardepot, is na goeddunke van die Beheerowerheid toelaatbaar volgens die meriete van die situasie, mits daar aan die volgende vereistes voldoen word:
 - Dit moet 'n kapasiteit van hoogstens 9 000 liter hê en mag nie vir die opberging van ontlambare middels met 'n flitspunt onder 40 °C gebruik word nie.
 - Dit moet vir 'n tydperk van hoogstens ses maande op die perseel wees.
 - Die hele installasie moet voldoen aan SABS 0131: Deel 1 of SABS 0131: Deel 2, wat ook al toepaslik is.
 - 'n Skriftelike aansoek tesame met 'n plan moet aan die Beheerowerheid gestuur word minstens 14 dae voor die oprigting van die tenk, en skriftelike toestemming vir die oprigting van die tenk moet vooraf van die Beheerowerheid verkry word.
- Ondanks artikel 38(1), as 'n boggrondse opgaartenk met 'n groter kapasiteit nodig is of as die tenk 'n permanente installasie moet wees, moet 'n aanvaarbare rasonale ontwerp gebaseer op 'n tersaaklike nasionale of internasionale kode of standaard aan die Munisipaliteit voorgelê word vir goedkeuring ingevolge die Nasionale Bouregulasies (T1).
- Die ontwerpvereistes en konstruksie van 'n permanente tenk moet in ooreenstemming met tersaaklike nasionale of internasionale kodes wees.
- Die aangeslane kapasiteit van 'n permanente of tydelike tenk moet voldoende vryruimte bied om voorsiening te maak vir die uitsetting van die produk wat daarin gehou word as gevolg van die styging in temperatuur tydens opberging.
- 'n Permanente of tydelike tenk moet minstens 3,5 meter van grense, geboue en ander ontlambare middels of brandbare materiaal opgerig word.
- 'n Permanente of tydelike tenk moet op stewige gelyk grond geplaas word en die grond moet sterk genoeg wees om die massa van die tenk en die inhoud daarvan te dra.
- 'n Permanente of tydelike tenk moet 'n keermuur hê wat so ontwerp is dat dit 110% van die inhoud van die tenk binne die keermuur kan hou of, in die geval waar meer as een tenk in die keergebied is, moet die keermuur in ooreenstemming met die vereistes van SANS 0089 deel 1 wees.
- Voldoende voorsorgmaatreëls moet getref word om storting te voorkom wanneer 'n tenk volgemaak word.

- (10) Voldoende brandblussers, soos deur die Beheerowerheid bepaal, moet in weervaste kaste naby 'n tenk verskaf word.
- (11) Simboliese veiligheidstekens wat **“Rook verbode”**, **“Geen kaal ligte”** en **“Gevaar”** aandui, moet by 'n tenk verskaf word, en die tekens moet aan SABS 1186: Deel 1 voldoen.
- (12) Die ontvlambare vloeistof in die tenk moet duidelik geïdentifiseer word deur gebruik te maak van die Hazchem-plakkate in SABS 0232: Deel 1 gelys.
- (13) 'n Elektriese of 'n binnebrandenjinaangedrewe pomp moet verskaf word en so geplaas word dat die gevaar dat die vlambare vloeistof kan ontsteek, uitgeskakel word.
- (14) Die elektriese installasie wat met die bogrondse opgaartenk gepaard gaan, moet aan SABS 0108 en SANS 10089: Deel 2 voldoen.

41. Ondergrondse opgaartenk vir 'n vlambare vloeistof

Die installasie van ondergrondse opgaartenks, pompe, voerders en pype by vulstasies en verbruikersinstallasies moet in ooreenstemming met die Nasionale Bouregulasies (T1) gelees met SABS 0400, SANS 10089: Deel 3 en SABS 0131: Deel 3 wees.

42. Grootmaatopgaardepot vir vlambare stowwe

Die hantering, opgaring en verspreiding van ontvlambare stowwe by grootmaatdepots moet in ooreenstemming met die Nasionale Bouregulasies (T1) gelees met SANS 10089: Deel 1 wees.

43. Klein installasies vir vloeibare petroleumgas

Vloeibarepetroleumgasinstallasies wat gasopbergingshouers met 'n individuele waterkapasiteit van hoogstens 500 liter en 'n gekombineerde waterkapasiteit van hoogstens 3 000 liter per installasie behels, moet in ooreenstemming met SANS 10087: Deel 1 geïnstalleer en hanteer word.

44. Vloeibaargemaakte petroleumgasinstallasies in mobiele eenhede en klein nie-permanente geboue

'n Vloeibaargemaakte petroleumgasinstallasie in mobiele eenhede en klein, nie-permanente geboue sal in ooreenstemming met SANS 10087: Deel 2 wees.

45. Die voorsiening van brandstof aan vorkhyseretrokke en ander vloeibaargemaakte petroleumgasaangedrewe voertuie

Die voorsiening van brandstof aan vorkhyseretrokke en ander vloeibaargemaakte petroleumgasaangedrewe voertuie moet in ooreenstemming met SANS 10087: Deel 8 wees.

46. Die gebruik van vloeibaargemaakte petroleum en saamgeperste natuurlike gasse as enjinbrandstof

Die gebruik van vloeibaargemaakte petroleum en saamgeperste natuurlike gasse as 'n brandstof vir binnebrandenjins en vir die werking van toerusting wat gebou is vir, of omgebou is om vloeibaargemaakte petroleumgas te kan gebruik, sal ten volle aan SANS 10097 deel 6 voldoen.

47. Mobiele vulstasies vir hervulbare vloeibaargemaakte petroleumgas (VPG)—houers

- (1) Die gebruik van 'n mobiele vulstasie vir die hervul van vloeibaargemaakte petroleumgashouers word verbied.
- (2) Geen persoon mag 'n hervulbare vloeibaargemaakte petroleumgas-houer by 'n mobiele vulstasie laat volmaak nie.

48. Die berging en vul van hervulbare vloeibaargemaakte petroleumgashouers

Bergings- en vullerterreine wat gebruik word vir hervul vloeibaargemaakte petroleumgashouers met 'n inhoud van hoogstens 9 kg moet in ooreenstemming met SANS 10087: Deel 8 wees.

49. Massahouer vir vloeibare petroleumgas

Die uitleg, ontwerp en bedryf van installasies vir die opberging van 'n massavloeibarepetroleumhouer en verwante fasiliteite moet in ooreenstemming met die Nasionale Bouregulasies (T1) gelees met SABS 087: Deel 3 wees.

50. Beëindiging van die opberging en gebruik van vlambare stowwe

- (1) As 'n bogrondse of ondergrondse tenkinstallasie, vloeibarepetroleum-gasinstallasie of verwante pype nie meer vir die opgaring of gebruik van 'n vlambare stof nodig is nie, moet die eienaar of persoon in beheer van die perseel waarop die installasie opererig is—
 - (a) binne sewe dae na die beëindiging, die Beheerowerheid skriftelik daarvan in kennis stel;
 - (b) binne 30 dae na die beëindiging, die vlambare stowwe van die installasie verwyder en dit veilig maak;
 - (c) binne ses maande na die beëindiging, die installasie, insluitende enige verwante pype, volledig vanaf die perseel verwyder, tensy die Beheerowerheid anders gelas; en
 - (d) 'n openbare voetpad, sygaardjie, straat of pad wat versteur is deur die verwydering, tot tevredenheid van die Munisipaliteit herstel binne 'n tydperk van sewe dae na afhandeling van die verwydering van die installasie.
- (2) Indien die verwydering van 'n ondergrondse tenkinstallasie die stabiliteit van 'n perseel nadelig raak, moet die eienaar of persoon in beheer van die installasie skriftelik die Beheerowerheid in kennis stel en die nodige voorkomende maatreëls tref.

51. Aanmelding van ongelukke

Indien 'n ongeluk plaasvind waarby 'n vlambare stof betrokke is en wat lei tot 'n brand, 'n ontploffing, storting of verlies van 'n vlambare stof, asook persoonlike besering of dood, moet die eienaar of persoon in beheer van die perseel die Beheerowerheid onmiddellik in kennis stel.

52. Bewaarplekke vir vlambare stowwe

- (1) Die konstruksie van 'n bewaarplek vir vlambare stowwe moet in ooreenstemming met die Nasionale Bouregulasies (T1) gelees met SABS 0400 wees.
- (2) Die vloer moet van betonkonstruksie of ander ondeurlatende materiaal wees en moet onder die deurvlak versink wees of 'n drumpel insluit
- (3) Die versinking of drumpel moet so diep of hoog wees dat dit in die geval van 'n storting die hoeveelheid vlambare vloeistof soos op die sertifikaat vir vlambare stowwe getoon en 'n bykomende 10% van die hoeveelheid in die sertifikaat vermeld, kan bevat.

- (4) Ondanks die Nasionale Bouregulasies (T1) gelees met SABS 0400—
- moet die daksamestel van 'n bewaarplek vir vlambare stowwe bestaan uit 'n betonblad wat 'n brandweerstand van twee uur kan bied, as dit deel van 'n ander gebou uitmaak;
 - moet die ventilasie van 'n bewaarplek vir vlambare stowwe geskied deur die gebruik van lugstene in die buitemure in 'n verhouding van een lugsteen nominaal bokant die drumpelvlak en een lugsteen in die boonste derde van die muur per 5 m² van die muuropervlakte of deel daarvan, sodat dampe nie in die bewaarplek kan versamel nie;
 - moet die lugstene aan die binnekant en die buitekant bedek word met diggeweefde korrosiebestande draadgaas met 'n minimum maastelling van 1 100 per meter; en
 - moet die draadgaas met metaalstroke, 'n metaalraam of sement in posisie gehou word.
- (5) Indien die Beheerowerheid dit vereis, moet die bewaarplek vir vlambare stowwe geventileer word deur 'n meganiese ventilasiestelsel wat deur die Munisipaliteit goedgekeur is en aan die volgende vereistes voldoen:
- Die ventilasiestelsel moet intrinsiek veilig wees en 30 lugveranderings per uur verskaf en deurlopend funksioneer.
 - Die waaiertreppunt moet nominaal bokant drumpelhoogte wees en moet uitblaas deur 'n vertikale metaalkanaal wat minstens 1 meter bo dakhoogte of minstens 3,6 meter bo grondvlak eindig, wat ook al die grootste is.
 - Kanaalmateriaal wat buite die bewaarplek is maar verbind is met die res van die gebou, moet op die plek waar dit die bewaarplek verlaat, toegerus word met 'n branddemper met 'n brandweerstand van twee uur.
 - Die kanaal moet so kort as moontlik wees en mag nie skerp draaie hê nie.
- (6) Ondanks die Nasionale Bouregulasies (T1), gelees met SABS 0400, mag die Beheerowerheid toelaat dat 'n onvlambare pakhuis van nie-brandbare materiaal gemaak moet word, mits dit na buite oopmaak en dat daar aan alle tersaaklike veiligheidsafstande voldoen word.
- (7) Indien die Beheerowerheid dit vereis, moet 'n bewaarplek vir vlambare stowwe se deur 'n D-klas branddeur wees wat aan SABS 1253 voldoen.
- (8) Ondanks die Nasionale Bouregulasies (T1), gelees met SABS 0400, moet kunsmatige verligting in die bewaarplek vir vlambare stowwe geskied deur elektriese ligte met dampbestande toebehore waarvan die drade deur naatlose staalleipype loop, en die skakelaars vir sodanige ligte moet buite die bewaarplek geleë wees.
- (9) Geen ander elektriese apparaat mag in die bewaarplek vir vlambare stowwe geïnstalleer word nie.
- (10) (a) 'n Ontvlambare Bewaarplek wat meer as 5000 liter onvlambare vloeistof berg moet voorsien word van 'n skuimtoevoerpyp wat uit 'n 65 millimeter oombliklike inpaskoppeling bestaan wat met 'n terugslagvoerklep toegerus is en sagte staal pypwerk wat na die binnekant lei. Waar nodig gegag kan die Beheerowerheid meer as een skuimtoevoerpyp vereis.
- (b) Die skuimtoevoerpyp en pypwerk moet voldoende verspreiding van die skuim verseker.
- (c) Die skuimtoevoerpyp moet geïdentifiseer word met 'n teken wat die woorde **“Skuimtoevoerpyp”** in blokletters van 50 millimeter vertoon.
- (11) Rakke wat in die bewaarplek vir vlambare stowwe opgerig word, moet van nie-brandbare materiaal wees.
- (12) Die onvlambare bewaarplek moet geïdentifiseer word deur die woorde **“Bewaarplek vir Vlambare Stowwe—Flammable Store—Isitoro Indawo Yokugcina Izixhobo Ezithatha Lula Umlilo”**, en die toelaatbare hoeveelheid wat in die onvlambare bewaarplek toegelaat moet word moet in hoofletters van 50 millimeter blokletters aangedui word aan die binnekant sowel as die buitekant van alle deure wat regstreeks met die bewaarplek verbind is.
- (13) Die eienaar of persoon in beheer van 'n bewaarplek vir vlambare stowwe moet verseker dat die bewaarplek vir vlambare stowwe se deure gesluit gehou word wanneer die bewaarplek nie gebruik word nie.
- (14) 'n Persoon mag nie 'n bewaarplek vir vlambare stowwe binnegaan of toelaat dat dit binnegaan word nie sonder die toestemming van die eienaar of persoon in beheer van die perseel.
- (15) Voldoende brandblussers, soos deur die Beheerowerheid bepaal, moet teen die buitemuur van die bewaarplek vir vlambare stowwe gemonteer word op 'n opvallende en maklik bereikbare plek.
- (16) Enige handgereedskap wat in die bewaarplek vir vlambare stowwe gebruik word, moet intrinsiek veilig wees.
- (17) 'n Persoon mag nie 'n bewaarplek vir vlambare stowwe vir enige ander doel as die doel wat op die sertifikaat vir vlambare stowwe aangedui word, gebruik of toelaat dat dit aldus gebruik word nie, tensy die bewaarplek nie as 'n bewaarplek vir vlambare stowwe gebruik word nie en die Beheerowerheid in kennis gestel is deur die volgende procedure—
- binne sewe dae na die beëindiging, stel die Beheerowerheid skriftelik in kennis daarvan;
 - binne 30 dae na die beëindiging, verwyder die vlambare stowwe uit die bewaarplek vir vlambare stowwe en maak dit veilig; en
 - binne 30 dae na die beëindiging, verwyder alle tekens.
- (18) Behoudens die bepalinge van hierdie artikel kan die Beheerowerheid bykomende vereistes stel om die brandveiligheid van 'n bewaarplek vir vlambare stowwe te verbeter.

53. Hantering en opberging van houers

- Alle houers vir vlambare stowwe moet toe gehou word wanneer dit nie gebruik word nie.
- 'n Persoon mag nie vlambare vloeistowwe uit 'n houer met 'n kapasiteit van meer as 20 liter neem nie tensy die houer met 'n behoorlik geseëlde pomp of kraan toegerus is.
- Houers vir vlambare vloeistowwe moet geëtiketteer en gemerk wees met woorde en dekals wat die vlambare stowwe daarin vervat en die gevaar van die vloeistowwe aandui.
- Houers vir vlambare vloeistowwe moet deur 'n bevoegde persoon gas- of dampvry verklaar word voordat enige verandering of herstelwerk daaraan gedoen word.

- (5) Alle houers vir vlambare stowwe moet so vervaardig en in stand gehou word dat dit redelikerwys veilig is teen beskadiging en dat lekkasie van vlambare stowwe of dampe daaruit voorkom word.
- (6) 'n Leë houer vir vlambare stowwe moet in 'n bewaarplek vir vlambare stowwe geplaas word.
- (7) Waar 'n bewaarplek vir vlambare stowwe nie vir die opberging van leë houers vir vlambare stowwe beskikbaar is nie, kan die Beheerowerheid sodanige opberging in die ope lug toelaat, mits—
 - (a) die opbergingsgebied in 'n posisie en so groot is dat dit na die mening van die Beheerowerheid nie 'n brandgevaar of ander dreigende gevaar sal veroorsaak nie;
 - (b) die opbergingsgebied goed geventileer en omring is deur 'n draadmaasheining en—
 - (i) die heiningpale van staal of gewapende beton is;
 - (ii) 'n hek het wat na buite oopmaak en wat gesluit gehou word wanneer dit nie gebruik word nie; en
 - (iii) wanneer die vloeroppervlakte groter as 10m² is, 'n by-komende ontsnaphek geïnstalleer is, toegerus met 'n grendel of ander soortgelyke sluittoestel wat van binne af sonder 'n sleutel oopgemaak kan word;
 - (c) die opbergingsgebied vry is van plantegroei en 'n nie-brandbare stewige gelyk basis het;
 - (d) 'n afstand van twee meter rondom die omheinde gebied vry is van gras, onkruid en soortgelyke brandbare materiaal;
 - (e) wanneer die opbergingsgebied 'n dak het, die konstruksie van die dak en steunstruktuur van nie-brandbare materiaal is;
 - (f) oop vlamme, sweiswerk, snywerk en rook verbode is in of naby die opbergingsgebied en tekens prominent vertoon word op die heining en aan SABS 1186: Deel 1 voldoen; en
 - (g) brandbestrydingstoerusting geïnstalleer is soos deur die Beheerowerheid bepaal.
- (8) 'n Leë houer vir vlambare stowwe moet dig toe wees met 'n prop of ander geskikte stopper.

54. Spuitkamers of -hokkies

'n Spuitkamer of -hokkie of gebied aangewys vir die toediening van 'n vlambare stof moet op so 'n wyse gebou en toegerus wees dat dit voldoen aan die Algemene Gesondheidsregulasies uitgevaardig kragtens die Wet op Beroepsgesondheid en Veiligheid.

55. Vloeibarepetroleumgashouers

- (1) 'n Vloeibarepetroleumgashouer moet vervaardig, in stand gehou en getoets word in ooreenstemming met SABS 087: Deel 1 en SABS 019.
- (2) 'n Vloeibarepetroleumgashouer moet op so 'n wyse gebruik en opgeberg word dat skade of lekkasie van vloeistof of damp daaruit voorkom word.
- (3) 'n Vloeibarepetroleumgashouer met 'n kapasiteit van hoogstens nege kilogram moet in ooreenstemming met SABS 087: Deel 7 volgemaak en opgeberg word.

56. Hoërisiko Installasies

- (1) Ondanks enigiets vervat in die Beroepsgesondheid- en Veiligheidswet, (Wet 85 van 1993) en die Hoërisiko Installasies Regulasies, (R692 van 2001), mag die Beheerowerheid vereis dat 'n risikoberaming op die perseel of gedeelte van die perseel gedoen word waar 'n installasie of 'n hoeveelheid van 'n middel teenwoordig is wat volgens die mening van die Beheerowerheid 'n risiko inhou wat die gesondheid en veiligheid van die werknemers en die publiek kan beïnvloed.
- (2) 'n Risikoberaming moet deur 'n Goedgekeurde Inspeksie Owerheid gedoen word en moet aan die vereistes van Regulasie 5 van die Hoërisiko Installasies Regulasies voldoen.

HOOFSTUK 9: VERVOER VAN GEVAARHOUDENDE GOEDERE

57. Sertifikaat vir gevaarhoudende goedere

- (1) Die operateur van 'n voertuig wat ontwerp is vir die vervoer van ontvlambare materiaal wat meer as die vrygestelde hoeveelheid soos vervat in Bylae A van die SABS 0232-1, mag nie met sodanige voertuig binne die jurisdiksie van die Beheerowerheid werk nie tensy hy 'n sertifikaat vir gevaarhoudende goedere verkry het wat deur 'n brandweerdienst ingevolge die Nasionale Padverkeerswet uitgereik is.
- (2) 'n Operateur van 'n voertuig in sub-artikel (1) bedoel, moet 'n aansoek aan die Beheerowerheid voorlê soos in Bylae 2 van hierdie Verordening voorgeskryf.
- (3) Die Beheerowerheid kan bykomende inligting van die aansoeker aanvra.
- (4) Die Beheerowerheid moet weier om die sertifikaat vir gevaarhoudende goedere uit te reik indien 'n voertuig nie voldoen nie aan die vereistes van SANS 10087: Deel 4, SANS 10089: Deel 1, SABS 0230, SABS 1398 en SABS 1518 (wat ook al op die voertuig van toepassing is), en waar die Beheerowerheid van mening is dat die nie-nakoming van 'n voertuig reggestel kan word, moet hy die operateur van 'n voertuig skriftelik gelas om alle redelike stappe te doen om die gebreke reg te stel alvorens die voertuig in ooreenstemming met sub-artikel (1) en die sertifikaat vir gevaarhoudende goedere gebruik word.
- (5) 'n Sertifikaat vir gevaarhoudende goedere moet jaarliks hernu word, voor of op die datum op die sertifikaat vir gevaarhoudende goedere aangedui of telkens wanneer groot instandhouding of herstelwerk aan die voertuig gedoen is.
- (6) Indien die Beheerowerheid te eniger tyd bewus word dat die gebruik van 'n voertuig nie in ooreenstemming met die sertifikaat vir gevaarhoudende goedere is nie, moet hy ingevolge artikel 4(2) of 6(1) en artikel 7 van hierdie Verordening optree.
- (7) 'n Afsender mag nie 'n vlambare stof aan die operateur van 'n voertuig in sub-artikel (1) bedoel verskaf nie tensy die operateur in besit is van 'n geldige sertifikaat vir gevaarhoudende goedere wat deur die Beheerowerheid uitgereik is.
- (8) 'n Geadresseerde mag nie 'n vlambare stof van 'n operateur van 'n voertuig in sub-artikel (1) bedoel, ontvang nie tensy die operateur aan die vereistes in sub-artikel (7) voldoen.

- (9) 'n Sertifikaat vir gevaarhoudende goedere is geldig slegs—
- vir die voertuig waarvoor dit uitgereik is;
 - vir die toestand van die voertuig ten tyde van uitreiking; en
 - vir die hoeveelhede op die sertifikaat vermeld.
- (10) Die sertifikaat vir gevaarhoudende goedere moet te alle tye vir insae beskikbaar wees in die voertuig in sub-artikel (1) bedoel.
- (11) Die Beheerowerheid moet rekords hou van alle voertuie ten opsigte waarvan 'n sertifikaat vir gevaarhoudende goedere uitgereik, gewysig of hernu is.

HOOFSTUK 10: VUURWERKE

58. Vuurwerke permitte

Vuurwerke word geregleer deur die bepalings van die Wet op Plofstowwe, 1956 (Wet 26 van 1956), en Regulasies, of gewysigde of vervangendewet-gewing daarvan en die Munisipale Verordening op die Beheer van Vuurwerke ten einde geraasoorlas, brandgevaar of ander risiko's te beperk of te voorkom.

HOOFSTUK 11: ALGEMENE BEPALINGS

59. Diensleweringreëlings

- (1) Ten einde optimale dienslewering ingevolge hierdie Verordening te verseker, kan die Munisipaliteit ooreenkomste aangaan met die Distriks Munisipaliteit met wie wetgewende en uitvoerende gesag gedeel word, ten opsigte van die volgende—
- die praktiese reëlings met betrekking tot die uitvoering van die bepalings van hierdie Verordening;
 - die stel en afdwing van voorwaardes wat betrekking het op die funksies en bevoegdheede;
 - meganismes vir die beslegting van geskille wat mag ontstaan oor die uitoefening van funksies en bevoegdheede ingevolge hierdie Verordening of die aangeleenthede waarvoor onderling ooreengekom is;
 - enige ander aangeleentheid wat deur die betrokke partye nodig geag word om optimale dienslewering ingevolge hierdie Verordening of ander voorskrifte te verseker.

60. Vrystellings

- (1) Enigiemand mag skriftelik by die Munisipaliteit aansoek doen om vrystelling van enige bepaling van hierdie Verordening.
- (2) Die Munisipaliteit mag—
- skriftelik vrystelling verleen en die tydperk waarvoor sodanige vrystelling verleen word, bepaal en vasstel;
 - enige vrystelling of voorwaarde in 'n vrystelling wysig of kanselleer; of
 - weier om vrystelling toe te staan.
- (3) 'n Vrystelling tree nie in werking voordat die aansoeker skriftelik onderneem het om te voldoen aan die voorwaardes wat deur die Munisipaliteit opgelê word nie; Met dien verstande verder dat indien die aansoeker met die betrokke aktiwiteit begin voordat sodanige onderneming aan die Munisipaliteit voorgelê is die vrystelling verval.
- (4) Indien daar nie aan 'n voorwaarde van 'n vrystelling voldoen is nie, verval die vrystelling onmiddelik.

61. Bediening van dokumente en geregtelike stappe

- (1) Wanneer enige kennisgewing, bevel, aanskrywing of ander dokument gemagtig is of nodig is om bedien te word op 'n persoon ingevolge hierdie Verordening, word dit geag effektief en na behore aan sodanige persoon beteken te wees—
- wanneer dit persoonlik aan hom afgelewer is;
 - wanneer dit by sy plek van inwoning of besigheid in die Republiek gelaat is by 'n persoon wat duidelik ouer as sestiende jaar is;
 - wanneer dit gepos is per geregistreerde of gesertifiseerde pos aan sy laaste bekende woon- of besigheidsadres in die Republiek en 'n erkenning van die versending verskaf word;
 - indien sy adres in die Republiek onbekend is, wanneer dit aan sy agent of verteenwoordiger in die Republiek bedien is op so 'n manier soos bepaal deur paragraaf (a), (b) of (c); of
 - indien sy adres en agent in die Republiek onbekend is, wanneer dit opsigtelik vertoon word op die vaste eiendom, indien enige, waarop dit betrekking het.
- (2) Wanneer enige kennisgewing, bevel, aanskrywing of ander dokument soos die voorgenoemde gemagtig is of bedien moet word aan 'n persoon omdat hy die eienaar of bewoner is of was of 'n ander reg hou met betrekking tot vaste eiendom, sal dit nie nodig wees om hom by name te noem nie, maar sal dit voldoende wees as hy daarin beskryf word as die eienaar, bewoner of houer van sodanige vaste eiendom of ander reg, wat ook al die geval mag wees.

62. Beperking van aanspreeklikheid

- (1) Die Munisipaliteit is nie aanspreeklik nie vir enige skade of verlies wat veroorsaak is deur—
- die uitoefening van enige bevoegdheid of die verrigting van enige plig te goeder trou ingevolge hierdie Verordening; of
 - die versuim om enige bevoegdheid uit te oefen of om enige funksie of plig te goeder trou ingevolge hierdie Verordening te verrig.

63. Staat gebind

Hierdie Verordening bind die Staat en enige persoon in diens van die Staat.

64. Misdrywe en strawwe

- (1) Enige persoon wat voortgaan om 'n oortreding te pleeg nadat kennis aan hom gegee is om met voortsetting van die oortreding te staak, of nadat hy skuldig bevind is aan sodanige oortreding en daarmee voortgaan, is skuldig aan 'n voortdurende misdryf.
- (2) Enige persoon wat—
- enige van die bepalings van hierdie Verordening, voorwaardes of vereistes gestel, oortree of versuim om daaraan te voldoen; of
 - enige bevel wat hierkragtens gemaak is of enige kennisgewing wat in verband hiermee beteken is, oortree of versuim om daaraan te voldoen; of
 - 'n valse verklaring affê of vals misleidende inligting verstrek welwetende dit is vals of misleidend; is skuldig aan 'n misdryf en strafbaar met—
 - 'n boete of gevangenisstraf, of beide sodanige boete en sodanige gevangenisstraf;
 - in die geval van 'n voortdurende misdryf, met 'n addisionele boete, of 'n addisionele tydperk van gevangenisstraf of beide sodanige addisionele boete en gevangenisstraf vir elke dag wat sodanige misdryf voortduur; en
 - 'n verdere bedrag gelyk aan enige koste en uitgawes wat na bevinding van die hof deur die Munisipaliteit aangegaan is as gevolg van sodanige oortreding of versuim.
- (2) Die Beheerowerheid moet 'n persoon wat skuldig bevind is, gelas om die betrokke oortreding of gebrek reg te stel binne 'n tydperk deur die Beheerowerheid bepaal.

65. Herroeping van wette en voorbehoudsbepalings

- (1) Die volgende Verordeninge word hierby herroep—

P.K. 511/1982	Mosselbaai Munisipaliteit: Verordening insake Vlambare vloeistof	In die geheel
P.K. 699/1982	Mosselbaai Munisipaliteit: Verordeninge insake Vloeibare Petroleum Gas	In die geheel

- (2) 'n Sertifikaat wat uitgereik is, 'n skriftelike kennisgewing wat beteken is of enige ander afdwingingshandeling wat verrig is ingevolge 'n Verordening wat by sub-artikel (1) herroep is binne ses maande voor die inwerkingtreding van hierdie Verordening, word geag 'n sertifikaat, kennisgewing of afdwingingshandeling te wees wat deur 'n Beheerowerheid ingevolge hierdie Verordening uitgereik, beteken of verrig is.

66. Kort titel en inwerkingtreding

Hierdie Verordening heet die Mosselbaai Verordening op Gemeenskapsbrand-veiligheid en tree in werking op die datum van publikasie in die **Provinsiale Koerant**.

BYLAE 1**RIGLYNE VIR NOODONTRUIMINGSPLANNE****1. Inhoud van planne**

Elke noodontruimingsplan beoog in Artikel 38 moet ten minste die inligting onder die hoofde hieronder bevat:

- (1) Noodtelefoonnommers
- 'n Lys van alle relevante noodtelefoonnommers.
- (2) Algemene inligting
- die fisiese adres van die perseel;
 - 'n beskrywing van die aktiwiteite op die perseel;
 - die getal persone teenwoordig op die perseel op enige tyd;
 - 'n aanduiding van enige beheerkamer op die perseel;
 - 'n aanduiding van enige alarmstelsel op die perseel; en
 - die besonderhede en kontakdetails van elke verantwoordelike persoon in die geval van 'n noodgeval.
- (3) Area studie
- 'n Area studie wat die volgende aanspreek:
- 'n geskiedenis van noodinsidente op die perseel;
 - enige belangrike of relevante kenmerke of grondeienskappe van die perseel; en
 - enige inligting in verband met aangrensende persele wat relevant mag wees tot ontruiming in 'n noodgeval.
- (4) Sosio-ekonomiese of ander bedreigings
- Enige sosio-ekonomiese of ander bedreigings en hul potensiële impak op die perseel.
- (5) Detail van beskikbare toerusting
- Besonderhede en detail aangaande die posisie van die volgende toerusting—
- toerusting in die beheerkamer;
 - brandbestryding en eerstehulptoerusting op die perseel; en

- (c) enige ander toerusting wat relevant mag wees in 'n noodgeval.
- (6) Die noodspan
Besonderhede en detail aangaande die kontakbesonderhede en identiteit van die noodspan, ingesluit—
- sy bestuur;
 - die kontinuïteitsbeamptes;
 - die brandspanne; en
 - die eerstehulpspanne.
- (7) Pligte van noodspanlede
Die pligte en verantwoordelikhede van lede van die noodspan.
- (8) Aksieplanne en noodprosedures
Details van die spesifieke aksieplanne en noodprosedures van toepassing op die perseel.
- (9) Bouplanne en kaarte
Die bouplanne van die perseel en enige relevante topografiese kaart moet by die ontruimingsplan ingesluit wees.
- (10) Noodplanregister
Die plan moet insluit—
- 'n opgedateerde register van die noodontruimingsplan;
 - 'n opgedateerde oefeningsregister vir die noodontruimingsplan; en
 - 'n bomdreigement vraelys.

2. Hersiening van noodontruimingsplanne

- 'n Noodontruimingsplan moet deur die eienaar of okkupeerder van die perseel betrokke hersien en opdateer word ten minste eenmaal elke jaar en wanneer ookal 'n lid van die bestuur van die noodspan ophou om by die perseel te werk.
- Wanneer 'n noodontruimingsplan hersien en opdateer word, moet die eienaar of okkupeerder van die perseel betrokke verseker dat alle ou planne op die perseel of in besit van die bestuur van die noodspan ingeneem en vernietig word ten einde enige verwarring aangaande die geldigheid van die ontruimingsplan te elimineer.

3. Noodontruimingsoefeninge

- 'n Noodontruimingsplan behoort ten minste twee maal elke jaar geoefen te word en die deelname van al die persone wat in die gebou betrokke werk of woon behels.
- Die eienaar of persoon in beheer van 'n gebou behoort alle persone wat in 'n noodontruimingsoefening betrokke gaan wees ten minste 21 dae kennis van die oefening te gee.

4. Noodontruimingsbewustheid

Elke persoon wat op 'n perseel werk of woon moet bewus wees van die noodontruimingsplan vir daardie perseel.

5. Opleiding van persone

Elke persoon wat op 'n perseel met 'n noodontruimingsplan werk of woon behoort paslik opgelei te wees in—

- eerstehulp of brandbestryding;
- noodhulp;
- noodontruimingsprosedures; en
- noodbestuurstechnieke.

BYLAE 2

VORMS

- Aansoek om bevolkingsertifikaat
- Bevolkingsertifikaat
- Aansoek om sertifikaat vir vlambare stowwe
- Sertifikaat vir vlambare stowwe
- Aansoek om sertifikaat vir gevaarhoudende stowwe
- Sertifikaat vir gevaarhoudende stowwe

<ol style="list-style-type: none"> 1) The Controlling Authority may refuse to issue the certificate applied for if the premises do not comply with the requirements of the National Building Regulations. 2) The Controlling Authority may prescribe any additional conditions deemed necessary to render the premises safe prior to the issuing of the certificate. 3) The certificate is valid only for the premises for which it is issued and is not transferable. 4) If the occupancy or ownership of the premises change, the owner or person in charge must apply for a new certificate. 	
Signature of applicant	
Print Name	
Date	
Address	
For Controlling Authority: (Signature)	
Print Name	
Date	
A certificate fee of R_____ is payable to THE MUNICIPALITY OF MOSSEL BAY in respect of this application and the subsequent inspection.	

B. Population Certificate

For Official use only						MOSSEL BAY MUNICIPALITY					
Permanent / Temporary (Delete which is not applicable)											
Application No. _____											
File No. _____											
Population Certificate This population certificate is issued in terms of section 21 of the Community Fire Safety By-law.											
Name of certificated owner:						Telephone No.					
						Cell No.					
Name of certificated business:						Telephone No.					
						Cell No.					
Occupancy:											
Erf No:											
The venue is situated on the _____						floor of the premises (ground, 1 st , 2 nd ect)					
Street address:											
Suburb:						Code					
Details of Premises											
Number of floors in the building						Number of floors occupied by the venue					
Square meters of usable area per floor of the venue						Approved Population					
						Number of exits per floor					
Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()
						Maximum population per floor					
						Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()
						<ol style="list-style-type: none"> 1) The certificate is issued in terms of section 21 of the Community Fire Safety By-law and is valid only for the premises for which it was issued. 2) If the occupancy or ownership of the premises change, the owner or person incharge must apply for a new certificate. 3) The certificate must be displayed in a clearly visible and conspicuous position in the premises for which it was issued. 					
For Controlling Authority (signature)											
Print name											
Date											

C. Flammable Substance Certificate Application

For official use only			
Application No. _____		MOSEL BAY MUNICIPALITY	
File No. _____			
Flammable Substance Application Application for the storage and use of flammable substances in terms of section 38(1) of the Community Fire Safety By-law.			
Name of applicant:			
Trading as:			
Type of business, e.g. shop:			
ERF No.			
Street address:			
Suburb:		Code	
Manner of storage Each installation/tank or flammable store must be individually itemised	Itemised quantity of products e.g. 1x23 m ³ tank, 2x5x48 kg LPG manifold, contents of flammable store	Product e.g. petrol, diesel, LPG	
See reverse side for additional information			
Remarks:			
Signature of applicant:			
Address:			
Telephone No:			
For Controlling Authority: (signature)			
Print name:			
A certificate fee of R _____ is payable to THE MUNICIPALITY OF MOSEL BAY in respect of this application and the subsequent inspection.			
Controlling Authority: _____			Date:
Name of receiving official: _____			Designation :

D. Flammable Substance Certificate

For official use only			
Application No. _____		MOSSEL BAY MUNICIPALITY	
File No. _____			
Certificate No. _____			
Flammable Substance Certificate			
Permission for the storage and use of flammable substances in terms of section 37(6) of the Community Fire Safety By-law			
Name of applicant:			
Trading as:			
Type of business, e.g. shop:			
ERF No.			
Street address:			
Suburb:		Code	
In terms of section 37(6) of the Community Fire Safety By-law the above-mentioned premises are certified to store and/or use the following flammable substances			
Manner of storage	Itemised quantity of products	Product	
Each installation/tank or flammable store must be individually itemised	e.g. 1x23 m ³ tank, 2x5x48 kg LPG manifold, contents of flammable store	e.g. petrol, diesel, LPG	
See reverse side for additional information			
This certificate is issued by THE MUNICIPALITY OF MOSSEL BAY and is valid until _____			
Date of Renewal _____			
Date of Expiry _____			
For Controlling Authority (signature) _____ Date of issue _____			
Name of issuing official (Print Name) _____ Designation. _____			

E. Dangerous Goods Certificate Application

For official use only			
Application No. _____		MOSSEL BAY MUNICIPALITY	
File No. _____			
Dangerous Goods Certificate Application in respect of flammable materials.			
Application for a dangerous goods certificate in terms of The National Road Traffic Act (No. 93 of 1996)			
Address of operator			
Name of operator:			
Trading as:			
ERF No.			
Street address:			
Suburb:		Code	
City			
Location of vehicle			
ERF No.			
Street address:			
Suburb:		Code	
City			
Details of vehicle for which a certificate of registration is required			
Type or class of vehicle			
Vehicle Registration No.			
Dangerous Goods Registration number			
Tare			
Load			
Make			
Number of tanks			
Capacity of tanks			
Year of manufacture of tank			
Engine No. (if applicable)			
Chassis No.			
Quantity of flammable substance to be conveyed			
Flammable liquid (<i>l</i>)			
Flammable gas (<i>kg</i>)			
Flammable solid (<i>kg</i>)			
Remarks:			
Operator (signature)			
Address:		Print name:	
Telephone No:		Fax No:	
For Controlling Authority: (signature)			

For official use only

A certificate fee is payable to **THE MUNICIPALITY OF MOSSEL BAY** in respect of this application and the Subsequent inspection.

Signature of receiving official _____

Date:

Name of receiving official: _____

Designation :

F. Dangerous Goods Certificate

For official use only			
Application No. _____		MOSEL BAY MUNICIPALITY	
File No. _____			
Dangerous Goods Certificate in respect of flammable materials.			
Dangerous goods certificate issued in terms of The National Road Traffic Act (No. 93 of 1996)			
This is to certify that the vehicle, particulars of which are given below, has been examined and found to comply with the relevant sections of S.A.B.S 0230 for the conveyance of flammable substances notwithstanding that such vehicle is subject to all other applicable legislation.			
Details of Operator			
Name of Operator			
Trading as:			
Street Address			
Suburb		Code	
City			
Details of Vehicle			
Type or class of vehicle			
Registration No.			
Dangerous Goods Registration Number			
Tare			
Load			
Make			
Number of tanks			
Capacity of tanks			
Year of manufacture			
Engine No. (if applicable)			
Chassis No.			
Quantity of flammable substance to be conveyed			
Flammable liquid (<i>l</i>)			
Flammable gas (<i>kg</i>)			
Flammable solid (<i>kg</i>)			
This certificate of registration is not a warranty of fitness of the vehicle herein described and any operator, driver or other person interested should satisfy themselves as to the roadworthiness, construction and condition of the aforementioned vehicle.			
This certificate is issued by THE MUNICIPALITY OF MOSEL BAY and is valid until _____			
Date of Renewal _____			
Date of Expiry _____			
Controlling Authority (Signature) _____		Date of issue _____	
Name of issuing official (Print name) _____		Designation. _____	

SCHEDULE 3**APPLICABLE LEGISLATION**

With reference to section 35(4): -

Title	No.
Atmospheric Pollution Prevention Act, 1965	Act 45 of 1965
Conservation of Agricultural Resources Act, 1983	Act 43 of 1983
Forest Act, 1984	Act 122 of 1984
National Forest Act, 1998	Act 84 of 1998
National Veld and Forest Fire Act, 1998	Act 101 of 1998
National Water Act, 1998	Act 36 of 1998

SCHEDULE 4**SABS CODES OF PRACTICE AND SPECIFICATIONS**

SABS Code	Title
SABS 019	Portable metal containers for compressed gas – basic design, manufacture, use and maintenance.
SABS Code	Title
SANS 10087: Part 1	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 1: Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500l and a combined water capacity not exceeding 3000l per installation.
SANS 10087: Part 3	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 3: Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 5000l.
SANS 10087: Part 4	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 4: Transportation of liquefied petroleum gas in bulk by road.
SANS 10087: Part 6	The handling, storage, and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 6: The application of liquefied petroleum and compressed natural gases as engine fuels for internal combustion engines.
SANS 10087: Part 7	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 7: Storage and filling sites for refillable liquefied

	petroleum gas (LPG) containers of capacity not exceeding 9 kg.
SANS 10087 Part 10	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations Part 10: Mobile filling stations for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 kg.
SANS 10089: Part 1	The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations.
SANS 10089: Part 2	The petroleum industry, Part 2: Electrical installations in the distribution and marketing sector
SABS 0105: Part 1	The classification, use and control of fire fighting equipment, Part 1: Portable fire extinguishers.

SABS Code	Title
SABS 0108	The classification of hazardous locations and the selection of apparatus for use in such locations.
SABS 0131: Part 2	The handling and storage of liquid fuel, Part 2: Large consumer premises.
SABS 0142	The wiring of premises.
SABS 0177: Part 5	The testing of materials, components and elements used in buildings: Non-combustibility at 750°C of building materials.
SABS 193	Fire dampers.
SABS 0228	The identification and classification of dangerous substances and goods.
SABS 0230	Transportation of dangerous goods – Inspection requirements for road vehicles.
SABS 0232: Part 1	Transportation of dangerous goods – Emergency information systems, Part 1: Emergency information systems for road transportation.
SABS 0400	The application of the National Building Regulations.
SABS 1186: Part 1	Symbolic safety signs, Part 1: Standard signs and general requirements.
SABS 1253	Fire doors and fire shutters.
SABS 1398	Road tank vehicles for flammable liquids.
SABS 1475: Part 1	The production of reconditioned fire fighting equipment, Part 1: Portable rechargeable fire extinguishers.
SABS 1518	Transportation of dangerous goods – Design requirements for road tankers.
SABS 1571	Transportable rechargeable fire extinguishers.
SABS 1573	Portable rechargeable fire extinguishers – Foam type extinguishers.

MOSSEL BAY MUNICIPALITY**BY-LAW RELATING TO THE CONTROL OF FIREWORKS**

Under the provisions of section 156(2) of the Constitution of the Republic of South Africa, 1996, the Mossel Bay Municipality enacts as follows:—

1. Definitions

(1) In this By-law, unless the context otherwise indicates means—

“**approval**” approval granted by the Municipality including by an authorised official, and “approve” has a corresponding meaning;

“**authorised officer**” an employee of the Municipality or any other person who is appointed or authorised thereto to perform any act, function, task or duly related to the provisions of this By-law, or exercise any power in terms of this By-law; and “**officer**” has a corresponding meaning;

“**designated area**” a place designated as such in terms of section 4 of this By-law;

“**fireworks**” shall have the meaning assigned thereto in the Explosive Act 26 of 1956 and the Regulations framed there under, and includes any pyrotechnic substance which—

- (a) is manufactured for the purposes of amusement or entertainment; and
- (b) is divided into such classes as may be prescribed;

and shall also include any article or thing commonly recognized as a firework;

“**Municipality**” means the Municipality of Mossel Bay established in terms of section 12 of the Municipal Structures Act, 117 of 1998, and includes duly authorised agent, service provider or any employee thereof acting in connection with this By-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such agent, service provider or employee;

“**public place**” means any square, park recreation ground, beach, sports ground, sanitary lane or open space which has—

- (a) been provided, reserved or set apart for use by the public or at any time been dedicated to the public; or
- (b) been used by the public without interruption for the period of at least thirty years; or
- (c) at any time been declared or rendered such by the Municipality or other component authority;

“**street**” means any street, road, cycle path, thoroughfare or any other place, including—

- (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 object belonging to such road, street or thoroughfare, which has at any time been—
 - (i) dedicated to public; or
 - (ii) used without interruption by the public for a period of at least thirty years; or
 - (iii) declared or rendered such by the Municipality or other component authority; or
 - (iv) constructed by a local authority; and
- (v) any land, with or without buildings or structures thereon, which is shown as a street on—
 - i. any plan of subdivision or diagram approved by the Municipality or other component authority and acted upon; or
 - ii. any general plan as defined in the Land Survey Act, 1997 (Act 8 of 1997), registered or filed in a deeds registry or Surveyor General’s office;

unless such land is on such plan or diagram described as a private street.

Administration and enforcement

- (2) (a) The Director: Community Services is responsible for the administration and enforcement of this By-law.
- (b) The Director may delegate in writing any power or duty granted to him in terms of this By-law to a competent official in his Directorate.

2. Interpretation

- (1) For the purpose of this By-law a reference to any legislation shall be a reference to that legislation and the regulations promulgated there under, as applicable at the date of promulgation of this By-law and as amended or re-enacted from time to time, or new replacement legislation thereof.
- (2) This By-law shall be construed as an addition to the Municipality’s existing By-laws and to the extent that should conflict arise between the Municipality’s existing By-laws regulating fireworks, if any, and this By-law, the provision of this By-law shall prevail.

3. Principles and objectives

The Municipality, aware of its duty to provide a safe and healthy environment, in this By-law regulates the discharge of fireworks with the aim to prevent and reduce fire hazards, noise nuisance and the safeguarding of its residents and property and to minimize the effects of fireworks on animals and pets.

4. Designation of places and conditions

- (1) The Municipality may, subject to such conditions as the Municipality may require, designate any public place or street or any part thereof within the municipal area as the only place at which fireworks may be discharged.
- (2) The Municipality may, on application of the owner or lawful occupier of any private open space as defined in the applicable zoning scheme regulations in its area of jurisdiction, designate such private open space as a place where fireworks may be discharged.

- (3) The list of places designated in terms of sub-sections (1) and (2) or any amendment thereof must be published by the Municipality.
- (4) The Municipality may impose conditions as to the dates on which, periods of time and hours when the discharge of fireworks may take place on any designated area and may further impose conditions as to the manner of discharge.

5. Discharge of fireworks

- (1) No person may discharge any fireworks outside an area designated by the Municipality in terms of section 4 of this By-law.
- (2) No person may use theatrical pyrotechnics on other fireworks during a live performance, film or television recording without receiving prior permission from the Municipality and having obtained a permit from the Chief Fire Officer.
- (3) No person shall operate a public display of fireworks on any premises without—
 - (a) written permission of the chief inspector of explosives, the Municipality and that of the owner or lessee of the dwelling, building, site or structure;
 - (b) verifiable proof of public liability insurance of a type and amount proportional to possible risks associated with the display.
- (4) A permit for the operation of a public fireworks display must be applied for at least 14 days before the date of the discharge of the fireworks and will be subject to compliance with any conditions a controlling authority may impose.
- (5) A fireworks certificate or permit is valid only in respect of—
 - (a) the premises and public fireworks display for which it was issued;
 - (b) the owner, person in charge or person whose name appears on the certificate or permit;
 - (c) the state of the premises at the time of issue; and
 - (d) the quantities and types of fireworks or theatrical pyrotechnics stated on the certificate or permit.
- (6) A fireworks permit is issued to a specific person and is valid for a set time period or until the conditions of approval change or the permit is withdrawn or suspended.

6. Seizure of fireworks

A peace officer may take into his or her possession any fireworks found by him or her in contravention of sections 4 and 5 of this By-law and such fireworks must be dealt with in terms of the relevant provisions of the Criminal Procedures Act, 1977 (Act 51 of 1977) relating to seizure and disposal.

7. Offences and penalties

- (1) Any person who continues to commit an offence after notice has been served on him or fails to cease committing such offence after he has been convicted of such offence, is guilty of a continuing offence.
- (2) Any person who—
 - (a) fails to comply with an authorised official instructions given in terms of this By-law;
 - (b) fails to comply with any notice issued in terms of this By-law; or
 - (c) contravenes any provisions of this By-law; or
 - (d) wilfully obstructs an authorised official in the execution of his or her duties under this By-law;shall be guilty of an offence and liable on conviction to a penalty of—
 - (a) a fine or to imprisonment or both such fine and imprisonment;
 - (b) in the case of a continuing offence, to an additional fine or to an additional period of imprisonment or both for every day such offence continues; and
 - (c) a further amount equal to any cost and expenses found by the court to be incurred by the Municipality as a result of such contravention or failure.

8. Revocation of By-laws

The provisions of any By-laws previously promulgated by the Municipality or by any of the disestablished municipalities now incorporated in the Municipality, are hereby repealed as far as they relate to matters provided for in this By-law.

9. Short title and commencement

This By-law is known as the By-Law Relating to the Control of Fireworks, and commences on the date of publication thereof in the Provincial Gazette.

MUNISIPALITEIT MOSSELBAAI
VERORDENING INSAKE DIE BEHEER VAN VUURWERKE

Kragtens die bepalings van artikel 156(2) van die Grondwet van die Republiek van Suid-Afrika, 1996, verorden die Mosselbaai Munisipaliteit soos volg:-.

1. Definisies

(1) In hierdie Verordening, tensy uit die samehang anders blyk, beteken—

“**aangewese gebied**” ’n plek as sodanig aangewys ingevolge artikel 4 van hierdie Verordening;

“**gemagtigde beampte**” ’n werknemer van die Munisipaliteit of ’n ander persoon wat aangestel of gemagtig is om enige handeling, funksie, taak of plig te verrig wat verband hou met aangeleenthede in hierdie Verordening vervat, of om enige bevoegdheid ingevolge hierdie Verordening uit te voer; en het “**beampte**” ’n ooreenstemmende betekenis;

“**goedkeuring**” goedkeuring deur die Munisipaliteit verleen met inbegrip van ’n gemagtigde amptenaar, en het “**goedkeur**” ’n ooreenstemmende betekenis;

“**Munisipaliteit**” die Munisipaliteit van Mosselbaai gestig in terme van artikel 12 van die Munisipale Strukturewet, 117 van 1998, en sluit in enige behoorlik gevolmagtigde agent of diensverskaffer of werknemer daarvan handelende ingevolge hierdie Verordening uit hoofde van ’n bevoegdheid van die Munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde agent, diens-verskaffer of werknemer;

“**openbare plek**” beteken enige plein, park, ontspanningsterrein, strand, sportterrein, steeg of oop ruimte wat—

- (a) voorsien, gereserveer of opsy gesit is vir gebruik deur die publiek of wat ter eniger tyd aan die publiek toegewy is; of
- (b) sonder onderbreking vir ’n tydperk van ten minste dertig jaar deur die publiek gebruik is; of
- (c) ter eniger tyd as sodanig deur die Munisipaliteit of ander bevoegde owerheid verklaar of gelewer is;

“**straat**” enige straat, pad, fietspad, deurpad of enige ander plek, met inbegrip van—

- (a) die rand van enige sodanige pad, straat of deurpad;
 - (b) enige voetpad, sypaadje of soortgelyke voetganger gedeelte van ’n padreserwe;
 - (c) enige brug, veerboot of drif wat deur enige sodanige pad, straat of deurpad gekruis word;
 - (d) enige ander voorwerp wat aan sodanige pad, straat of deurpad behoort, wat te eniger tyd—
 - (i) aan die publiek toegewy is; of
 - (ii) vir ’n tydperk van ten minste dertig jaar sonder onderbreking deur die publiek gebruik is; of
 - (iii) deur die Munisipaliteit of ander bevoegde owerheid as sodanig verklaar of mee gehandel is; of
 - (iv) deur ’n plaaslike owerheid opgerig is; en
 - (v) enige grond, met of sonder geboue of strukture daarop, wat as ’n straat aangedui word op—
 - i. enige onderverdelingsplan of diagram goedgekeur deur die Munisipaliteit of ander bevoegde owerheid, en waarvolgens gehandel word; of
 - ii. enige algemene plan soos omskryf in die Grondopneming-wet, 1997 (Wet 8 van 1997), wat in ’n akteskantoor of in die Landmeter-Generaal se kantoor geregistreer of geliasseer is;
- tensy sodanige grond op sodanige plan of diagram as ’n private straat beskryf word;

“**vuurwerke**” het die betekenis daaraan geheg soos in die Wet op Plofstowwe, Wet 26 van 1956 en die regulasies daaronder uitgereik omskryf, soos gewysig en sluit in enige pirotegniese stof wat—

- (a) vervaardig word met die oog op pret of vermaak; en
 - (b) verdeel word in sodanige klasse as wat voorgeskryf mag word;
- en sal ook enige artikel of ding insluit wat algemeen as ’n vuurwerk beskou word.

Administrasie en afdwinging

- (2) (a) Die Direkteur: Gemeenskapsdienste is verantwoordelik vir die administrasie en afdwinging van hierdie Verordening.
- (b) Die Direkteur kan ’n bevoegdheid of plig wat ingevolge hierdie Verordening aan hom verleen is, skriftelik deleger aan ’n bevoegde beampte in sy Direktoraat.

2. Vertolking

- (1) Vir die doel van hierdie Verordening sal ’n verwysing na enige wetgewing geag word as ’n verwysing na daardie wetgewing en die regulasies daaronder afgekondig soos van toepassing op die datum van afkondiging van hierdie Verordening, en soos van tyd tot tyd gewysig of weer uitgevaardig, of nuwe vervangende wetgewing daarvan.
- (2) Hierdie Verordening sal as ’n toevoeging tot die Munisipaliteit se bestaande Verordeninge beskou word, dermate dat sou daar konflik tussen die Munisipaliteit se bestaande Verordeninge wat vuurwerke reguleer, indien enige, en hierdie munisipale Verordening ontstaan, die bepalinge van hierdie Verordening sal geld.

3. Beginsels en oogmerke

Die Munisipaliteit, bewus van sy plig om ’n veilige en gesonde omgewing te verskaf, reguleer in hierdie Verordening die afvoer van vuurwerke met die doel om brandgevaar en geraasoorlas te beperk en te voorkom en sy inwoners en eiendom te beveilig en om die gevolge van vuurwerke vir diere en troeteldiere tot die minimum te beperk.

4. Aanwys van plekke en voorwaardes

- (1) Die Munisipaliteit kan enige openbare plek of straat of enige deel daarvan binne die munisipale gebied aanwys as die enigste plek waar vuurwerke afgevuur mag word, onderhewig aan sodanige voorwaardes wat bepaal mag word.
- (2) Die Munisipaliteit kan, op aansoek van die eienaar of wettige bewoner van enige private oop ruimte soos omskryf in die toepaslike soneringskema-regulasies binne sy regsgebied, sodanige private oop ruimte aanwys as 'n plek waar vuurwerke afgevuur mag word.
- (3) Die lys plekke aangewys ingevolge sub-artikels (1) en (2), of enige wysiging daaraan, moet deur die Munisipaliteit bekend gemaak word.
- (4) Die Munisipaliteit kan voorwaardes voorskryf ten opsigte van die datums, tye en ure waarop die afvuur van vuurwerke in enige aangewese gebied mag plaasvind, en kan ook verdere voorwaardes ten opsigte van die wyse van afvuur voorskryf.

5. Afvuur van vuurwerke

- (1) Geen persoon mag enige vuurwerke afvuur buite 'n gebied wat ingevolge artikel 4 van hierdie Verordening deur die Munisipaliteit aangewys is nie.
- (2) Geen persoon mag teater-vuurwerk-kuns of ander vuurwerke vertoning tydens 'n lewendige vertoning, film- of televisie-opname gebruik sonder om vooraf Munisipale toestemming te verkry en 'n permit deur die Brandweerhoof uitgereik was nie.
- (3) Geen persoon mag 'n openbare vuurwerkvertoning op enige perseel lewer sonder—
 - (a) die skriftelike toestemming van die hoofinspekteur van plofstowwe, die Munisipaliteit en die eienaar of bewoner van die gebou, huis, perseel of strukture nie;
 - (b) kontroleerbare bewys van 'n publieke aanspreeklikheidspolis van aard en omvang proporsioneel tot die maatskappelijke risiko inherent van sodanige vertoning.
- (4) Die aansoek om 'n permit vir die bedryf van 'n openbare vuurwerke vertoning moet ten minste 14 dae voor die afvuur van die vuurwerke geskied en is onderworpe aan voldoening aan enige voorwaardes wat 'n Beheerowerheid mag voorgeskryf.
- (5) 'n Vuurwerksertifikaat of -permit is slegs geldig ten opsigte van—
 - (a) die perseel en openbare vuurwerkvertoning waarvoor dit uitgereik was;
 - (b) die eienaar, persoon in beheer of die persoon wie se naam op die sertifikaat of permit verskyn;
 - (c) die toestand van die perseel ten tye van die uitreiking; en
 - (d) die hoeveelheid en soorte vuurwerke of pirotegniese effekte wat op die sertifikaat of permit aangebring is.
- (6) 'n Vuurwerkepermit word aan 'n spesifieke persoon uitgereik en is vir 'n vasgestelde tyd geldig of totdat die voorwaardes vir goedkeuring verander of die sertifikaat of permit ingetrek of opgeskort word.

6. Beslaglegging op vuurwerke

'n Vredesbeampte kan beslag lê op enige vuurwerke wat deur hom of haar gevind word in die oortreding van artikels 4 en 5 van hierdie Verordening, en sodanige vuurwerke moet mee gehandel word ingevolge die toepaslike bepalinge van die Strafproseswet, 1977 (Wet 51 van 1977) wat met beslaglegging en beskikking verband hou.

7. Oortreding en strawwe

- (1) Enige persoon wat voortgaan om 'n oortreding te pleeg nadat kennis aan hom gegee is om voortsetting van die oortreding te staak, of nadat hy skuldig bevind is aan 'n sodanige oortreding en daarmee voortgaan, is skuldig aan 'n voortdurende oortreding.
- (2) Enigeen wat—
 - (a) in gebreke bly om te voldoen aan 'n gemagtigde beampte se instruksies gegee ingevolge hierdie Verordening; of
 - (b) in gebreke bly om te voldoen aan enige kennisgewing uitgereik ingevolge hierdie Verordening; of
 - (c) enige bepalinge van hierdie Verordening oortree; of
 - (d) opsetlik 'n gemagtigde beampte in die uitvoer van sy of haar pligte kragtens hierdie Verordening dwarsboom—
 sal skuldig wees aan 'n oortreding en by skuldigbevinding strafbaar wees met 'n straf van—
 - (a) 'n boete of gevangenisstraf, of sodanige boete en gevangenisstraf;
 - (b) in die geval van 'n voortdurende oortreding, 'n addisionele boete of addisionele gevangenisstraf of beide vir elke dag wat die misdryf voortduur; en
 - (c) 'n verdere bedrag gelykstaande aan enige koste en uitgawes wat na die hof se bevinding as gevolg van sodanige oortreding of versuim deur die Munisipaliteit aangegaan is.

8. Herroeping van Verordeninge

Die bepalinge van enige Verordeninge wat vroeër deur die Munisipaliteit of deur enige van die afgeskafte Munisipaliteite wat nou by die Munisipaliteit geïnkorporeer is, uitgevaardig is, word hiermee herroep in soverre dit met die aangeleentheid waarvoor in hierdie Verordening voorsiening gemaak word, verband hou.

9. Kort titel en inwerkingtreding

Hierdie Verordening heet die Verordening insake die Beheer van Vuurwerke, en tree in werking op die datum van publikasie daarvan in die Provinsiale Koerant.

MOSSEL BAY MUNICIPALITY
BY-LAW RELATING TO WATER SERVICES

To provide for procedures, methods practices and control measures, to regulate the use and manage the water supply and sanitation services and matters like application, termination, limitation and discontinuation of water services.

Under the provisions of section 156(2) of the Constitution of the Republic of South Africa, 1996, the Mossel Bay Municipality enacts as follows:—

CHAPTER 1: GENERAL PROVISIONS

PART 1: DEFINITIONS

1. (1) In this By-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa, the English text prevails in the event of an inconsistency between the different texts and unless the context otherwise indicates:—

“accommodation unit” in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for any purpose;

“Act” means the Water Services Act, 1997 (Act No. 108 of 1997), as amended from time to time;

“approved” means approved by the Municipality;

“authorised agent” means a person authorised by the Municipality to perform any act, function or duty in terms of, or exercise any power under this By-law;

“authorised officer” an employee of the Municipality or any other person who is appointed or authorised thereto by the Municipality to perform any act, function or duty related to the provisions of this By-law, or exercise any power in terms of this By-law; and “officer” has a corresponding meaning;

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

“borehole” a hole sunk into the earth and includes a well, well point, excavation, spring or any artificially constructed or improved underground cavity which can be used for the purpose of intercepting, collecting or storing water in or removing water from an aquifer;

“Building Regulations” means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);

“communal water services work” means a consumer connection through which water services are supplied to more than one person;

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

“connecting point” means the point at which the drainage installation joins the connecting sewer;

“connecting sewer” means a pipe owned by the Municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way leave or by agreement;

“consumer” means—

- (a) any occupier of any premises to which or on which the Municipality has agreed to provide water services or is actually providing water services, or if there be no occupier, then any person who has entered into a current agreement with the Municipality for the provision of water services to or on such premises, or, if there be no such person, then the owner of the premises; provided that where water services are provided through a single connection to a number of occupiers, it shall mean the occupier, or person, to whom the Municipality has agreed to provide water services; or

- (b) a person that obtains access to water services provided through a communal water services work;

“director” means the employee of the Municipality in charge of a Directorate;

“drain” means that portion of the drainage installation that conveys sewage within any premises;

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

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

“duly qualified sampler” means a person or accredited company who takes samples for analysis from the sewage disposal and storm water disposal systems and from public waters and who has been certified to do so by an authorised agent;

“effluent” means any liquid whether or not containing matter in solution or suspension;

“emergency” means any situation that poses a risk or potential risk to life, health, the environment or property;

“environmental cost” means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident;

“fire hydrant” means a water installation that conveys water for fire fighting purposes only;

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

“flood level (1 in 50 year)” means that level reached by flood waters resulting from a storm of a frequency of 1 in 50 years;

“flood plain (1 in 50 year)” means the area subject to inundation by flood waters from a storm of a frequency of 1 in 50 years;

“grey water” means waste water resulting from the use of water for domestic purposes but does not include human excreta;

“high strength sewage” means sewage with a strength or quality greater than standard domestic effluent;

“industrial effluent” means effluent emanating from industrial use of water, includes for purposes of this By-law, any effluent other than standard domestic effluent or storm water;

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

“main” means a pipe, other than a connection pipe, vesting in the Municipality and used by it for the purpose of conveying water to a consumer;

“measuring device” means any method, procedure, process or device, apparatus, installation that enables the quantity of water services provided to be quantified and includes a method, procedure or process whereby quantity is estimated or assumed;

“meter” means a water meter as defined by the Regulations published in terms of the Trade Metology Act, 1973 (Act No. 77 of 1973), or, in the case of water meters of size greater than 100 mm, a device which measures the quantity of water passing through it;

“Municipality” means the Municipality of Mossel Bay established in terms of section 12 of the Municipal Structures Act, 117 of 1998, and includes duly authorised agent, service provider or any employee thereof acting in connection with this By-law by virtue of a power vested in the Municipality and delegated or sub-delegated to such agent service provider or employee;

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

“owner” means—

- (a) the person in whom from time to time is vested the legal title to premises;
- (b) in a 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 any case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;
- (d) in the case of premises for which a lease agreement of 10 years or longer has been entered into, the lessee thereof;
- (e) in relation to—
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property; or
 - (ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

“person” means any natural or juristic person and included a local government body or like authority, a company or close corporation incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

“pollution” means the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it—

- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or
- (b) harmful or potentially harmful to the welfare, health or safety of human beings and to any aquatic or non-aquatic organism;

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

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No. 9 of 1927), or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937); or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986);

“prescribed tariff or charge” means a charge prescribed by the Municipality;

“public notice” means notice to the public in a manner determined by the Municipality;

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

“sanitation services” has the same meaning assigned to it in terms of the Act and includes for purposes of this By-law water for industrial purposes and the disposal of industrial effluent;

“sea outfalls” means the discharge of effluent directly into the sea;

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

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

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

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

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

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

“terminal water fitting” means a water fitting at an outlet of a water installation that controls the discharge of water from a water installation;

“trade premises” means premises upon which industrial effluent is produced;

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

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

“**water services**” has the same meaning assigned to it in terms of the Act and includes for purposes of this By-law purified sewage, water for industrial purposes and the disposal of industrial effluent;

“**water supply services**” has the same meaning assigned to it in terms of the Act and includes for purposes of this By-law water for industrial purposes and the disposal of industrial effluent;

“**water supply system**” means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are vested in the Municipality and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;

“**wet industry**” means an industry which discharges industrial effluent; and

“**working day**” means a day other than a Saturday, Sunday or public holiday.

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

- (a) the Act will bear that meaning; and
 - (b) the National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1977), the Building Regulations will in respect of Chapter 3 bear that meaning, unless the context indicates otherwise.
- (3) Any reference in Chapter 1 of this By-law to water services or services must be interpreted as referring to water supply services or sanitation services depending on the services to which it is applicable.

Administration and enforcement

(4) (a) The Director: Financial Services and Director: Civil Services, where applicable, is responsible for the administration and enforcement of this By-law.

(b) A Director may delegate any power or duty granted to him in terms of this By-law to a competent official in his Directorate.

PART 2: APPLICATION FOR WATER SERVICES

2. Application for water services

- (1) No person shall gain access to water services from the water supply system, sewage disposal system or through any other sanitation services unless he or she has applied to the Municipality on the prescribed form for such services for a specific purpose and to which such application has been agreed.
- (2) The Municipality may refuse to provide a water connection.
- (3) Where a premises or consumer are provided with water services, it shall be deemed that an agreement in terms of sub-section (1) exists.
- (4) The Municipality must on application for the provision of water services by a consumer inform that consumer of the different levels of services available and the tariffs and/or charges associated with each level of services.
- (5) A consumer must elect the available level of services to be provided to him.
- (6) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such services are available or that the Municipality's water supply service allows for such alteration and that any costs and expenditure associated with altering the level of services will be payable by the consumer.
- (7) An application agreed to by the Municipality shall constitute an agreement between the Municipality and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.
- (8) A consumer shall be liable for all the prescribed tariffs, fees and/or charges in respect of water services and availability fees rendered to him or her until the agreement has been terminated in accordance with this By-law or until such time as any arrears have been paid.
- (9) In preparing an application form for water services the Municipality will ensure that the document and the process of interaction with the owner, consumer or any other person making application are understood by that owner, consumer or other person. In the case of illiterate or similarly disadvantaged persons, the Municipality will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.
- (10) An application form will require at least the following minimum information—
 - (a) certification by an authorised agent that the applicant is aware of and understands the contents of the form; acceptance by the consumer of the provisions of the By-law and acceptance of liability for the cost of water services rendered until the agreement is terminated or until such time as any arrears have been paid;
 - (b) name of consumer;
 - (c) address or stand number of premises to or on which water services are to be rendered or the communal water services work where water services will be used;
 - (d) address where accounts will be sent;
 - (e) source of income of the applicant;
 - (f) name and address of the applicant's employer, where appropriate;
 - (g) if water will be supplied, the purpose for which the water is to be used; and
 - (h) the agreed date on which the provision of water services will commence.

- (11) Water services rendered to a consumer are subject to the provisions of this By-law, the conditions contained in the relevant agreement and relevant legal requirements.
- (12) If a Municipality refuses an application for the provision of water services, is unable to render such water services on the date requested for such provision of water services to commence or is unable to render the water services, the Municipality will inform the consumer of such refusal and/or inability, the reasons therefore and, if applicable, when the Municipality will be able to provide such water services.

3. Special agreements for water services

The Municipality may enter into a special agreement for the provision of water services to—

- (a) an applicant inside its area of jurisdiction, if the services applied for necessitates the imposition of conditions not contained in the prescribed form; and
- (b) an applicant outside its area of jurisdiction, if such application has been approved by the Municipality having jurisdiction in the area in which the premises is situated.

PART 3: TARIFFS AND CHARGES

4. Prescribed tariffs and charges for water services

All tariffs and or charges payable in respect of water services rendered by the Municipality in terms of this By-law, including but not limited to the payment of connection, fixed or any additional charges or interest in respect of failure to pay such tariffs or charges on the specified date, will be set by the Municipality by a resolution passed by the Municipality in accordance with—

- (a) prescribed policies;
- (b) any By-law in respect thereof; and
- (c) any regulations in terms of section 10 of the Act.

5. Fixed charges for water services

- (1) The Municipality may, in addition to the tariffs or charges prescribed for water services actually provided, levy a monthly fixed charge, annual fixed charge or once-off fixed charge in respect of the provision of water services in accordance with—
 - (a) prescribed policies;
 - (b) any By-law in respect thereof; and
 - (c) any regulations in terms of section 10 of the Act.
- (2) Where a fixed charge is levied in terms of sub-section (1), it shall be payable by every owner or consumer in respect of water services provided by the Municipality whether or not the water services are being used.

PART 4: PAYMENT

6. Payment of deposit

- (1) Every consumer must on application for the provision of water services and before such water services will be provided by the Municipality, deposit with the Municipality a sum of money as determined by the Municipality from time to time except in the case of a pre-payment measuring device being used by the Municipality.
- (2) The Municipality may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.
- (3) The Municipality may from time to time review the sum of money deposited by a consumer in terms of sub-section (1) and, in accordance with such review—
 - (a) require that an additional amount be deposited by the consumer; or
 - (b) refund to the consumer such an amount as may be held by the Municipality in excess of the reviewed deposit.
 - (c) increase the deposit if the consumer is in default of payment for water services.
- (4) Subject to sub-section (5), an amount deposited with the Municipality in terms of sub-sections (1) or (2) shall not be regarded as being in payment or part payment of an account due for water services rendered.
- (5) If, upon the written termination of the agreement for the provision of water services, an amount remains due to the Municipality in respect of water services rendered to the consumer, the Municipality may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer.
- (6) No interest shall be payable by the Municipality on the amount of a deposit held by it in terms of this section.
- (7) An agreement for the provision of water services may contain a condition that a deposit shall be forfeited to the Municipality if it has not been claimed within twelve months of the termination of the agreement.

7. Payment for water services and responsibility for compliance with this By-law

- (1) Water services provided by the Municipality to a consumer shall be paid for by the consumer at the prescribed tariff or charge set in accordance with sections 4 and 5, for the particular category of water services provided.
- (2) A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof.
- (3) The Municipality may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements and may render an account to a consumer for the services so estimated.
- (4)
 - (a) The owner of the premises is responsible for ensuring compliance with this By-law in respect of all or any matters relating to any installation.
 - (b) The consumer is responsible for compliance with the By-law in respect of matters relating to the use of any installation.

- (5) No clearance certificate for transfer shall be issued in respect of new developments or subdivisions unless the water supply, sanitation and stormwater installations have been completed to the satisfaction of the Municipality and the conditions of approval have been complied with.

PART 5: ACCOUNTS

8. (1) Monthly accounts will be rendered to consumers for the amount due and payable, at the address last recorded with the Municipality or its authorised agent.
- (2) Failure by the Municipality to render an account does not relieve a consumer of the obligation to pay any amount due and payable.

PART 6: TERMINATION, LIMITATION AND DISCONTINUATION OF WATER SERVICES

9. Termination of agreement for the provision of water services

- (1) A consumer may terminate an agreement for the provision of water services by giving to the Municipality notice in writing of his intention to do so.
- (2) The Director may, by notice in writing of not less than thirty days, advise a consumer of the termination of his agreement for the provision of water services if—
- (a) he has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the Municipality for the continuation of the agreement;
 - (b) he has failed to comply with the provisions of this By-law and has failed to rectify such failure on notice in terms of section 19;
 - (c) in terms of an arrangement made by it with another water services institution to provide water services to the consumer.
- (3) The Director may, after having given reasonable notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.

10. Limitation and/or discontinuation of water services provided

- (1) The Director may limit or discontinue water services provided in terms of this By-law —
- (a) on failure to pay the prescribed tariffs or charges on the date specified in the Municipality's By-law relating to credit control;
 - (b) on failure to comply with any other provisions of this By-law, after notice in terms of section 19 was given;
 - (c) at the written request of a consumer;
 - (d) if the agreement for the provision of services has been terminated in terms of section 9 and it has not received an application for subsequent services to the premises within a period of thirty (30) days of such termination;
 - (e) the building on the premises to which services were provided has been demolished;
 - (f) if the consumer has interfered with a limited or discontinued service; or
 - (g) in an emergency and circumstances envisaged in Chapter 2, Part 7.
- (2) The Municipality will not be liable for any damages or claims that may arise from the limitation or discontinuation of water services provided in terms of sub-section (1).

11. Restoration of water services

When a consumer enters into an agreement for the payment of the arrears amount in instalments after the receipt of a final demand notice or a discontinuation notice, the water services will be restored to the type of service the consumer elected in terms of the agreement for the provision of water services, within seven (7) working days.

PART 7: GENERAL PROVISIONS

12. Responsibility for compliance with this by-law

- (1) The owner of premises is responsible for ensuring compliance with this By-law in respect of all or any matters relating to any installation.
- (2) The consumer is responsible for compliance with this By-law in respect of matters relating to the use of any installation.

13. Exemption

- (1) The Municipality may refuse or grant any application for approval, authorisation or exemption and impose conditions, requirements or restrictions it may require or deems appropriate.
- (2) The Municipality may, in writing exempt an owner, consumer, any other person or category of owners, consumers or other persons from complying with a provision of this By-law, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, provided that the Municipality or its authorised agent shall not grant exemption from any section of this By-law that may result in—
- (a) the wastage or excessive consumption of water;
 - (b) the evasion or avoidance of water restrictions;
 - (c) significant negative effects on public health, safety or the environment;
 - (d) the non-payment for services;
 - (e) the installation of pipes and fittings which are not approved in terms of this By-law; and
 - (f) the Act, or any regulations made in terms thereof, is not complied with;
 - (g) tampering with the connecting pipe or measuring device.
- (3) The Municipality may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of sub-section (1).

14. Unauthorised use of water services

- (1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the Municipality for the rendering of those services.
- (2) The Director may, irrespective of any other action it may take against such person in terms of this By-law, by written notice order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services without an agreement with the Municipality for the rendering of those services—
 - (a) to apply for such services in terms of section 2; and
 - (b) to undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of this By-law.
- (3) The provisions of section 19 shall apply to a notice in terms of sub-section (2) above.

15. Change in purpose for which water services are used

Where the purpose or extent for which water services are used is changed, the consumer must enter into a new agreement with the Municipality.

16. Interference with water supply system or any sanitation services

- (1) No person other than the Municipality shall manage, operate or maintain the water supply system or any sanitation system unless authorised by this By-law or an authorised agent.
- (2) No person other than the Municipality shall effect a connection to the water supply system or sewage disposal system or render any other sanitation services.

17. Obstruction of access to water supply system or any sanitation services

- (1) No person shall prevent or restrict physical access to the water supply system or sewage disposal system.
- (2) If a person contravenes sub-section (1), the Director may—
 - (a) by written notice require such person to restore access at his or her own expense within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

18. Notices and documents

- (1) A notice or document issued by the Municipality in terms of this By-law must be deemed to be duly authorised if the authorised agent signs it.
- (2) If a notice or document is to be served on an owner, consumer or any other person in terms of this By-law such service shall be effected by—
 - (b) delivering it to him personally or to his or her duly authorised agent;
 - (c) delivering it at his residence, village or place of business or employment to a person not less than sixteen years of age and apparently residing or employed there;
 - (d) if he has nominated an address for legal purposes, delivering it to such an address;
 - (e) if he has not nominated an address for legal purposes, delivering it to the address given by him in his or her application for the provision of water services, for the reception of an account for by the provision of water services;
 - (f) sending by pre-paid registered or certified post addressed to his last known address;
 - (g) in the case of a legal person, by delivering it at the registered office or business premises of such legal person; or
 - (h) if service cannot be effected in terms of sub-sections (a) to (f), affixing it to a principal door of entry to the premises concerned.
- (3) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of delivery or sending of such notice.

19. Power to serve and compliance with notices

- (1) The Director may, by written notice, order an owner, consumer or any other person who fails, by act or omission, to comply with the provisions of this By-law or with any condition imposed thereunder to remedy such breach within a period specified in the notice.
- (2) If a person fails to comply with a written notice served on him by the Municipality in terms of this By-law within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including—
 - (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
 - (b) limiting or discontinuing the provision of services; and
 - (c) instituting legal proceedings.
- (3) A notice in terms of sub-section (1) will—
 - (a) give details of the provision of the By-law not complied with;
 - (b) give the owner, consumer or other person a reasonable opportunity to make written representations and state his case to the Municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
 - (c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;
 - (d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and

- (e) indicate that the Municipality—
 - (i) may undertake such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, consumer or other person; and
 - (ii) may take any other action it deems necessary to ensure compliance.
- (4) In the event of an emergency the Municipality may without prior notice undertake the work required by sub-section (3)(e)(i) and recover the costs from such person.
- (5) The costs recoverable by the Municipality in terms of sub-sections (3) and (4) is the full cost associated with that work and includes, but is not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

20. Power of entry and inspection

A Municipality may enter and inspect any premises—

- (a) for the purposes set out in and in accordance with the provisions of section 80 of the Act;
- (b) for any purpose connected with the implementation of this By-law, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation;
- (c) for any purpose connected with the enforcement of this By-law, at all reasonable times.

21. General

- (1) No person shall make a false statement or furnish false or misleading information to the Municipality or falsify a document issued in terms of this By-law.
- (2) Any person who continues to commit an offence after notice has been served on him or fails to cease committing such offence after he has been convicted of such offence, is guilty of a continuing offence.

22. Offences

- (1) No person may—
 - (a) Unlawfully, intentionally or negligently interfere with any water services works of the Municipality;
 - (b) refuse or neglect to provide information or provide false or misleading information reasonably requested by the Municipality;
 - (c) refuse to give access required by a Municipality in terms of section 20;
 - (d) obstruct or hinder a Municipality in the exercise of his or her powers or performance of his or her functions or duties under this By-law;
 - (e) contravene or fail to comply with a provision or prescription of this By-law;
 - (f) contravene or fail to comply with a condition or prohibition imposed in terms of this By-law;
 - (g) contravene or fail to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption or authority in terms of this By-law; or
 - (h) fail to comply with the terms of a notice served upon him or her in terms of this By-law.
- (2) Any person who contravenes any of the provisions of sub-section (1) shall be guilty of an offence and liable on conviction to—
 - (a) a fine or 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 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.

CHAPTER 2: WATER SUPPLY SERVICES

PART 1: CONNECTION TO WATER SUPPLY SYSTEM

23. Provision of connection pipe

- (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the prescribed charge for the installation of such a pipe.
- (2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Director may agree to the extension, modification or upgrading, subject to such conditions as it may impose.

24. Location of connection pipe

- (1) A connection pipe provided and installed by the Director or its authorised agent shall—
 - (a) be located in a position agreed to between the owner and the Director and be of a suitable size as determined by the Director;
 - (b) terminate at—
 - (i) the boundary of the land owned by or vested in the Municipality, or over which it has a servitude or other right; or
 - (ii) the outlet of the water meter if it is situated on the premises; or
 - (iii) the isolating valve if it is situated on the premises.

- (2) In reaching agreement with an owner concerning the location of a connection pipe, the Director shall ensure that the owner is aware of—
- (a) practical restrictions that may exist regarding the location of a connection pipe;
 - (b) the cost implications of the various possible locations of the connection pipe;
 - (c) whether or not the Director requires the owner to indicate the location of the connection pipe by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the Director to connect to such installation.
- (3) A Director may at the request of any person agree, subject to such conditions as it deem necessary may, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for any extension of the water installation to the connecting point designated by the Director and for obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (4) An owner must pay the prescribed connection charge.

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

- (1) Notwithstanding the provisions of section 23 only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the Director may, at its discretion, provide and install either—
- (a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
 - (b) a separate measuring device for each accommodation unit or any number thereof.
- (3) Where the Municipality has installed a single measuring device as contemplated in sub-section (2)(a), the owner or the person having the charge or management of the premises, as the case may be—
- (a) must, if the Director so requires, install and maintain on each branch pipe extending from the connection pipe to the different accommodation units—
 - (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (b) will be liable to the Municipality for the tariffs and charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Notwithstanding sub-section (1), the Director may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising sectional title units if, in the opinion of the Municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (5) Where the provision of more than one connection pipe is authorised under sub-section (4), the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.

26. Interconnection between premises or water installations

An owner of premises shall ensure that no interconnection exists between—

- (a) the water installation on his premises and the water installation on other premises; or
- (b) where several accommodation units are situated on the same premises, the water installations of the accommodation units; unless he has obtained the prior written consent of the Director, and complies with any conditions that it may have imposed.

27. Disconnection of water installation from connection pipe

The Director may disconnect a water installation from the connection pipe and remove the connection pipe if—

- (a) the agreement for supply has been terminated in terms of section 9 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been demolished.

PART 2: COMMUNAL WATER SERVICES WORKS

28. Provision of a water services work for supply to several consumers

The Municipality may install a communal water services work for the provision of water services to several consumers at a location it deems appropriate, provided that the consumers to whom water services will be provided through that water services work has been consulted in respect of the level of service, tariff that will be payable and location of the work.

PART 3: TEMPORARY SUPPLY

29. Water supplied from a hydrant or other water point

- (1) The Director may authorise a temporary supply of water to be taken from one or more fire hydrants or other service point specified by it, subject to such conditions and period as may be prescribed by it.
- (2) A person who desires a temporary supply of water referred to in sub-section (1) must apply for such water services in terms of section 2.
- (3) The supply of water in terms of sub-section (1) must be measured.
- (4) The Municipality may for purposes of measuring provide a portable water meter to be returned to the Municipality on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant, shall remain the property of the Municipality and will be provided subject any conditions imposed by the Director.

PART 4: STANDARDS AND GENERAL CONDITIONS OF SUPPLY

30. Quantity, quality and pressure

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

31. General conditions of supply

- (1) The Director may specify the maximum height to which water will be supplied from the water supply system. Where a consumer requires an uninterrupted supply, or water to be supplied at a specific height or pressure, rate of flow, standard or quality the consumer will be responsible to make his own arrangements therefore.
- (2) The Director may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (3) If in the opinion of the Director the consumption of water by a consumer adversely affects the supply of water to another consumer, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned consumer in order to ensure a reasonable supply of water to the other consumer and will inform that consumer of such restrictions.

PART 5: MEASUREMENT OF WATER SUPPLY SERVICES

32. Measurement of water supply services

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

33. Quantity of water supplied to consumer

- (1) For purposes of assessing the quantity of water measured by a measuring device installed by the Municipality on the premises of a consumer or, where applicable, estimated or determined by the Director in terms of any provision of this By-law, it will, for the purposes of this By-law, be deemed, unless the contrary can be proved, that—
 - (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
 - (b) the measuring device was accurate during such period;
 - (c) the entries in the records of the Municipality were correctly made; and
 - (d) if water was supplied to, or taken by a consumer without its passing through a measuring device, the estimate by the Director of the quantity of such water was correct.
- (2) Where water supplied by the Municipality to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the Municipality, the Director may for the purpose of rendering an account estimate, in accordance with sub-section (3), the quantity of water supplied to the consumer during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer.
- (3) For the purposes of sub-section (2), an estimate of the quantity of water supplied to a consumer shall be based on, as the Director may decide—
 - (a) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months' period prior to the date on which the taking of water in the manner mentioned in sub-section (2) was discovered; or

- (b) the average monthly consumption on the premises registered over three succeeding measuring periods after the date referred to in sub-section (3)(a).
- (4) Nothing in this By-law shall be construed as imposing on the Municipality an obligation to cause any measuring device installed on any premises to be measured at the end of every month or any other fixed period, and the Director may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device and render an account to a consumer for the quantity of water so estimated.
- (5) The Director may, on receipt from the consumer of written notice of not less than seven (7) days and subject to payment of the prescribed charge, measure the quantity of water supplied to consumer at a time or on a day other than that upon which it would normally be measured.
- (6) If a contravention of section 32 occurs, the consumer shall pay to the Municipality the cost of such quantity of water as in the Director opinion was supplied to him.
- (7) Until such time that a measuring device has been installed in respect of water supplied to a consumer, the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises is situated, during a specific period.
- (8) Where in the opinion of the Municipality it is not reasonably possible or cost effective to measure water supplied to each consumer within a determined zone, the Municipality may in terms of its tariff policy determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.

34. Defective measurement

If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him is defective he may take the steps as provided for in the Municipality's By-law relating to credit control and debt collection.

35. Special measurement

- (1) If the Director wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may by written notice advise the owner concerned of its intention to install a measuring device at such point in the water installation as it may specify.
- (2) The installation of a measuring device referred to in sub-section (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the Municipality.
- (3) The provisions of sections 32(5) and (6) shall apply insofar as they may be applicable in respect of a measuring device installed in terms of sub-section (1).

36. Reduction of amount payable for water wasted

A consumer may be entitled to a reduction of the amount payable for water losses in a water installation in accordance with an approved policy.

PART 6: INSTALLATION WORK

37. Approval of installation work

- (1) If an owner wishes to have installation work done, he must first obtain the Municipality's written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS Code 0400 or for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- (2) Application for the approval referred to in sub-section (1) shall be made on the prescribed form and shall be accompanied by—
 - (a) the prescribed charge, if applicable;
 - (b) copies of the drawings as prescribed by the Director, giving information in the form required by clause 4.1.1 of SABS Code 0252: Part I; and
 - (c) a certificate certifying that the installation has been designed in accordance with SABS Code 0252 : Part I or has been designed on a rational basis.
- (3) The provisions of sub-sections (1) and (2) shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- (4) Authority given in terms of sub-section (1) shall lapse at the expiry of a period of twenty-four months after the first day of the month succeeding the month in which the authority is given.
- (5) A complete set of approved drawings of installation work shall be available at the site of the work at all times until such work has been completed, where approval was required in terms of sub-section (1).
- (6) If installation work has been done in contravention of sub-section (1) or (2), the Director may by written notice require the owner of the premises concerned to—
 - (a) comply with that regulation within a specified period;
 - (b) if work is in progress, to cease the work; and
 - (c) to remove all such work which does not comply with this By-law.

38. Provision and maintenance of water installations

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

39. Use of pipes and water fittings to be authorised

- (1) No person shall, without the prior written authority of the Director, install or use a pipe or water fitting in a water installation within the Municipality's area of jurisdiction unless it is included in the Schedule of Approved Pipes and Fittings as compiled by the Municipality.
- (2) Application for the inclusion of a pipe or water fitting in the Schedule referred to in sub-section (1) must be made on the form prescribed by the Director and be accompanied by the prescribed charge.
- (3) A pipe or water fitting may be included in the schedule referred to in sub-section (1) if—
 - (a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or
 - (b) it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS Mark specification or a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years.
- (4) The Director may, in respect of any pipe or water fitting included in the schedule, impose such additional conditions, as it may deem necessary in respect of the use or method of installation thereof.
- (5) A pipe or water fitting shall be removed from the Schedule if it—
 - (a) no longer complies with the criteria upon which its inclusion was based; or
 - (b) is no longer suitable for the purpose for which its use was accepted.
- (6) The current schedule shall be available for inspection at the Municipality at any time during working hours.

40. Labelling of terminal water fittings and appliances

All terminal water fittings and appliances using or discharging water shall be marked, or have included within the packaging of the item, the following information—

- (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate;
- (b) the flow rates, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following water pressures—
 - (i) 20 kPa
 - (ii) 100 kPa
 - (iii) 400 kPa

PART 7: WATER POLLUTION, RESTRICTION AND WASTEFUL USE OF WATER

41. Owner to prevent pollution of water

An owner of a premises shall provide and maintain approved measures to prevent the entry of a substance, which may be a danger to health or adversely affect the portability of water or affect its fitness for use, into—

- (a) the water supply system;
- (b) any part of the water installation on his premises;
- (c) any storm water system;
- (d) any sewage disposal system; and
- (e) the environment.

42. Water restrictions and conservation

- (1) The Municipality may impose measures to limit, discontinue or restrict the use of water for the promotion of water conservation. After the Municipality has determined that it wishes to limit, restrict or discontinue the supply of water services or the use of water, or wishes to impose measures to restrict or limit the use of water for the promotion of water conservation, the Municipality must immediately cause to be conspicuously displayed at all the offices and libraries of the Municipality as well as at such other places as may be determined, a public notice containing the Council's Resolution. A copy of the notice must as soon as possible be published in the local newspaper.
- (2) The Municipality may by sub-section (1) public notice in the event of a water shortage, drought, disaster or for any other sound reason—
 - (a) prohibit, restrict or limit the provision of water supply services or consumption of water in the whole or part of its area of jurisdiction in general or for—
 - (i) specified purposes;
 - (ii) during specified hours of the day or on specified days; and
 - (iii) in a specified manner;
 - (b) determine and impose—
 - (i) limits on the quantity of water that may be consumed over a specified period;
 - (ii) charges additional to those prescribed, in respect of the supply of water in excess of a limit contemplated in sub-section (2)(b)(i); and
 - (iii) a general surcharge on the prescribed charges in respect of the supply of water; and
 - (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- (3) The Municipality may limit the application of the provision of a notice in sub-section (1) to specified areas and/or categories of consumer, premises and activities and may permit deviations and exemptions from, and the relaxation of, any of such provisions on reasonable grounds.

- (4) The Municipality may—
- (a) take, or by written notice require a consumer at his own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of sub-section (1); or
 - (b) discontinue or, for such period as it may deem fit, limit the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of sub-section (1), subject to notice in terms of section 19.
- (5) The provisions of this section shall also apply in respect of water supplied directly by the Municipality to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of sub-section (1).

Water conservation: storage tanks

- (6) (a) The Municipality may require that the owner of any site shall provide suitable means for the control and collection of accumulated stormwater which may run off from any earthworks, building or paving.
- (b) Such means of stormwater collection may be in addition to or in combination with any other requirements or measures.
- (c) Any means of stormwater collection on any site may include—
- (i) the instalment of a storage tank of a specific class, volume or standard; and
 - (ii) in the case of a building on such site, roof valleys and gutters and downpipes, or where gutters and downpipes have not been provide, other means of ensuring that stormwater from any roof is controlled and collected.

Policy for Conservation and Demand Management

- (7) (a) The Municipality may in a policy document impose measures for water restriction, conservation and demand management practices and may determine the form and manner in which the restriction, conservation and demand management practices shall be applicable and for incidental matters.
- (b) The application of the provisions of the policy may be limited to specific areas and/or categories of consumers, premises and activities and may permit deviations and exemptions from, and the relaxation of any such provisions on reasonable grounds.
- (c) Any person contravening the provisions or conditions of the policy, is guilty of an offence.

43. Unlawful waste of water

- (1) No owner or consumer shall permit negligently or wilfully—
- (a) the purposeless or wasteful discharge of water from terminal water fittings or permit such discharge;
 - (b) pipes or water fittings to leak;
 - (c) the use of maladjusted or defective water fittings ore permit such use;
 - (d) an overflow of water to persist; or
 - (e) an inefficient use of water or allow an inefficient use of water to persist.
- (2) An owner shall repair or replace any part of his water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in sub-section (1).
- (3) If an owner fails to take measures as contemplated in sub-section (2), the Director shall, by written notice in terms of section 7.8, require the owner to comply with the provisions of sub-section (1).
- (4) A consumer shall ensure that any equipment or plant connected to his water installation uses water in an efficient manner.
- (5) The Director may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Director.

PART 8: GENERAL PROVISIONS

44. Water from other sources

- (1) No person may use, or permit to be used, any water obtained from a source other than the Municipality water supply for domestic consumption, unless the water concerned has been approved by the Director for that purpose and in accordance with the conditions determined by the Director.

Notification of boreholes

- (2) The Director may, by public notice, require the owner of any premises within the area of jurisdiction of the Municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require.
- (3) Subject to the provisions of sub-section (4) may no one sink, or dig, or cause or permit to be sunk or dug, a well, well point or borehole, unless the Director is provided with at least 30 days written notice of his intention to do so, which also must state the proposed location and the purpose for which the water is to be used.
- (4) The Director may require the owner or occupier of any premises who intends to sink a borehole or well to undertake an environmental impact assessment for such intended borehole or well, or a study in order to assess any impact on the wellbeing of the community to the satisfaction of the Municipality before sinking the borehole or well.
- (5) Boreholes are subject to any requirements of the National Water Act, 1998 (Act No. 36 of 1998) or any other relevant legislation.

- (6) The Director may by notice to an owner or occupier or by public notice require owners and occupiers who have existing boreholes used for water services to—
- (a) obtain approval from the Director for the use of a borehole for water services in accordance with sections 6, 7 and 22 of the Act;
 - (b) adhere to conditions imposed by it in respect of the use of a borehole for water services; and
 - (c) to pay a fixed charge imposed by it in respect of the use of such a borehole.
- (7) Every owner of premises must ensure that any well, well point, borehole or any other excavation located on his premises—
- (a) is adequately safeguarded from creating a danger risk or nuisance; and
 - (b) is not filled in any way, or with material, that may cause an adjacent well, well point, borehole or any underground source of water to become polluted or contaminated.

45. Sampling of water

- (1) The Director may take samples of water obtained from a source, authorised in terms of sections 6 or 7 of the Act, other than the water supply system for domestic purposes and cause the samples to be tested for compliance with any national standards prescribed in terms of section 9 of the Act.
- (2) The prescribed charge for the taking and testing of the samples referred to in sub-section (1) shall be paid by the person to whom approval to use the water for potable water was granted in terms of section 6(1) of the Act.

46. Supply of non-potable water by municipality

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

47. Testing of pressure in water supply systems

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

48. Pipes in streets or public places

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

49. Use of grey water

No person shall use grey water or permit such water to be used, except with the prior written permission of the Director and subject to such conditions as it may impose.

CHAPTER 3: SANITATION SERVICES

PART 1: STANDARDS AND GENERAL PROVISIONS

50. Standards and general provisions

Sanitation services provided by the Municipality will comply with the minimum standards set for the provision of sanitation services in terms of the section 9 of the Act.

51. Objectionable discharge to sewage disposal system

- (1) No person shall discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance—
 - (a) which does not comply with the standards and criteria prescribed;
 - (b) which contains any substance in such concentration as will produce or be likely to produce in the effluent produced for discharge at any sewage treatment plant or sea outfalls discharge point or in any public water any offensive, or otherwise undesirable taste, colour, odour, temperature or any foam;
 - (c) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use, or treated to produce sludge for disposal;
 - (d) which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;
 - (e) which contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant or discharge from any sea outfalls not complying with standards prescribed under the National Water Act, 1998 (Act No. 36 of 1998);
 - (f) which may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by the Municipality for the sewage disposal system, other than in compliance with the permissions issued in terms of this By-law; and
 - (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (2) No person shall cause or permit any storm water to enter the sewage disposal system.

- (3) The Director may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures which would ensure compliance with this By-law and to report such findings to an official or authorised person.
- (4) If any person contravenes any provision of sub-section (1) or sub-section (2) he or she shall within twelve hours, or earlier if possible, advise the Municipality of the details of the contravention and the reasons for it.

PART 2: ON-SITE SANITATION SERVICES AND ASSOCIATED SERVICES

52. Application for infrastructure

- (1) If an agreement for on-site sanitation and associated services in accordance with section 2 exists and no infrastructure in connection therewith exists on the premises, the owner must immediately make application on the approved form and—
 - (a) pay the prescribed charge for the installation of necessary infra-structure; or
 - (b) with the approval by the Director and at the request of the owner, install the connecting sewer or on-site sanitation services in accordance with the specifications of the Municipality.
- (2) The Director may specify the type of on-site sanitation services to be installed.

53. Services associated with on-site sanitation services

The removal or collection of conservancy tank contents, night soil or the emptying of pits will be undertaken by the Municipality in accordance with a removal and collection schedule determined by the Director, in the areas where the Municipality do not render this service, the service is undertaken by private contractors on request by the occupier of the premises.

54. Charges in respect of services associated with on-site sanitation services

- (1) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will cover all the operating and maintenance costs in the removal of the pit contents, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues.
- (2) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will be based on the volume removed by vacuum tank or otherwise.
- (3) If the volume of conservancy tank contents, night soil or the emptying of pits removed or collected cannot be quantified by the Director or contractor a fixed charge may be charged.
- (4) Charges may be in form of a monthly contribution or it may be levied as a single payment when the service is rendered.

PART 3: SEWAGE DISPOSAL

55. Provision of a connecting sewer

- (1) If an agreement for the use of the sewage disposal system in accordance with section 2 exists and no connecting sewer exists in respect of the premises, the owner must immediately make application on the approved form and—
 - (a) pay the prescribed charge for the installation of such a connecting sewer; or
 - (b) with the approval by the Director and at the request of the owner, install the connecting sewer in accordance with any specifications of the Municipality.
- (2) If an application is made for use of the sewage disposal system to a premises which is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Director may agree to the extension subject to such conditions as it may impose.

56. Location of connecting sewer

- (1) A connecting sewer provided and installed by the Municipality or owner in terms of section 55 shall—
 - (a) be located in a position agreed to between the owner and the Director and be of a size determined by an authorised officer;
 - (b) terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the Municipality or over which it has a servitude or other right or when sub-section (3) applies, at the connecting point designated in terms of that sub-section;
- (2) In reaching agreement with an owner concerning the location of a connecting sewer, the Director shall ensure that the owner is aware of—
 - (a) practical restrictions that may exist regarding the location of a connecting sewer pipe;
 - (b) the cost implications of the various possible locations of the connecting sewer;
 - (c) whether or not the Municipality requires the owner to fix the location of the connecting sewer by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the Municipality to connect to such installation.
- (3) The Director may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises; provided that the applicant shall be responsible for any extension of the drainage installation to the connecting point designated by the Director and for obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (4) An owner must pay the prescribed connection charge.
- (5) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations the rate and time of discharge into the sewer shall be subject to the approval of the Director.

57. Provision of one connecting sewer for several consumers on same premises

- (1) Notwithstanding the provisions of section 56 only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.

- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the disposal of sewage from such premises for the purpose of disposal from the different accommodation units, the Director may, in its discretion, provide and install either—
- (a) a single connecting sewer in respect of the premises as a whole or any number of such accommodation units; or
 - (b) a separate connecting sewer for each accommodation unit or any number thereof.
- (3) Where the Municipality has installed a single connecting sewer as contemplated in sub-section (2)(a), the owner or the person having the charge or management of the premises, as the case may be—
- (a) must if the Director so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units—
 - (i) a separate connecting sewer; and
 - (ii) an isolating valve;
 - (b) will be liable to the Municipality for the tariffs and charges in terms of the Tariff Policy for all sewage disposed from the premises through such a single connecting sewer, irrespective of the different quantities disposed by the different consumers served by such connecting sewer.
- (4) Notwithstanding sub-section (1), the Director may authorise that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the Director, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.
- (5) Where the provision of more than one connecting sewer is authorised by the Director under sub-section (4), the tariffs and charges for the provision of a connecting sewer is payable in respect of each sewage connection so provided.

58. Interconnection between premises

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

59. Disconnection of draining installation from connecting sewer

The Director may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if—

- (a) the agreement for provision has been terminated in terms of section 9 and it has not received an application for subsequent provision to the premises served by the sewer within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been demolished.

PART 4: SEWAGE DELIVERED BY ROAD HAULAGE

60. Acceptance of sewage delivered by road haulage

The Director may, at its discretion, and subject to such conditions as it may specify, accept sewage delivered to the Municipality's sewage treatment plants by road haulage for disposal.

61. Written permission for delivery of sewage by road haulage

- (1) No person shall discharge sewage into the municipality's sewage treatment plants by road haulage except with the written permission of the Director and subject to such period and any conditions that may be imposed in terms of the written permission.
- (2) The charges for any sewage delivered for disposal to the Municipality's sewage treatment plants shall be assessed by the Municipality in accordance with the prescribed tariffs or charges.

62. Conditions for delivery of sewage by road haulage

When sewage is delivered by road haulage—

- (a) the time of delivery shall be arranged with the Director; and
- (b) the nature and composition of the sewage shall be established to the satisfaction of the Director prior to the discharge thereof and no person shall deliver sewage that does not comply with the standards laid down.

63. Withdrawal of permission for delivery of sewage by road haulage

The Director may withdraw any permission, after giving written notice if its intention to a person permitted to discharge sewage by road haul if the person—

- (a) fails to ensure that the sewage so delivered conforms to the standards prescribed in the Municipality's By-law for the discharge of industrial effluent, as applicable, or in the written permission; or
- (b) fails or refuses to comply with any notice lawfully served on him or her in terms of this By-law or contravenes any provisions of this By-law or any condition imposed on him in terms of any permission granted to him; and
- (c) fails to pay the assessed charges in respect of any sewage delivered.

PART 5 : PURIFIED SEWAGE

64. Use of purified sewage

- (1) The Director may on application in terms of section 2, agree to supply purified sewage to a consumer, subject to such terms and conditions as the Director may impose.
- (2) No warranty, expressed or implied, shall be supplied by the Municipality in respect of the suitability of the purified sewage for the purpose for which the supply was granted.

- (3) The supply of purified sewage shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss arising to himself, herself or others arising directly or indirectly there from, including the consequences of any bona fide fault of the Municipality or the malfunction of a treatment plant.

65. Disposal of industrial effluent and trade premises

The disposal of industrial effluent must be done according to the municipal By-law for discharge of Industrial Effluent.

PART 6: DRAINAGE INSTALLATIONS

66. Construction or installation of drainage installations

- (1) Any drainage installation constructed or installed must comply with any applicable specifications in terms of the Building Regulations and any standards prescribed in terms of the Act.
- (2) (a) Where the draining installation is a pit latrine it must be of the ventilated improved pit latrine type or equivalent having—
- (i) a pit of 2 m³ capacity;
 - (ii) lining as required;
 - (iii) a slab designated to support the superimposed loading; and
 - (iv) protection preventing children from falling into the pit;
- (b) The ventilated improved pit latrine must conform with the following specifications—
- (i) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place;
 - (ii) the ventilation pipe must project not less than 0.5 m above the nearest roof, must be of at least 150 mm in diameter, and must be installed vertically with no bend;
 - (iii) the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition. The superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
 - (iv) the opening through the slab must be of adequate size as to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It shall be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
 - (v) must be sited in a position that is independent of the residential structure;
 - (vi) must be sited in positions that are accessible to road vehicles having a width of 3.0m in order to facilitate the emptying of the pit;
 - (vii) in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable and will not crack under stress;
 - (viii) in situations where the ground in which the pit is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil;
 - (ix) the latrine must have access to water for washing hands.

67. Drains in street or public places

No person shall for the purpose of conveying sewage derived from whatever source, lay or construct a drain on, in or under a street, public place or other land owned by, vested in, or under the control of the Municipality, except with the prior written permission of the Municipality and subject to such conditions as it may impose.

68. Construction by municipality

The Municipality may agree with the owner of any premises that any drainage work which such owner desires, or is required to construct in terms of this By-law or the Building Regulations, will be constructed by the Municipality against payment, in advance or on demand, of all costs associated with such construction.

69. Maintenance of drainage installation

- (1) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.
- (2) Any person who requests the Municipality to clear a drainage installation will be liable to pay the prescribed tariff.
- (3) The Director may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof and recover from the owner or occupier the cost of such inspection and test, calculated at the rate specified in the prescribed tariff or charges.

70. Installation of pre-treatment facility

The Director may require that any new premises must be provided with a minimum pre-treatment facility of a type specified by it prior to that premises being connected to the sewage disposal system.

71. Protection from ingress of floodwaters

Where a premise is situated in the 1 in 50 year's flood plain the top level of service access holes, inspection chambers and gullies is to be above the 1 in 50 years flood level, except, in the case of service access holes and inspection chambers, where the cover is secured in place by approved means.

72. Repeal of By-laws

The By-law listed hereunder is hereby repealed:

- (a) Great Brak River Municipality: Water Supply By-law—PN 215/2000 dated 19 May 2000.
- (b) Mossel Bay Municipality: Water Supply By-law Ä PN 795/1991.

73. Short title and commencement

This By-law shall be known as the By-law relating to Water Services of the Mossel Bay Municipality and shall come into operation on the date of publication thereof in the Provincial Gazette.

20 November 2009

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MOSELBAAI MUNISIPALITEIT VERORDENING INSAKE WATERVOORSIENING

Om voorsiening te maak vir prosedures, metodes, praktyke en beheermaatreëls vir die gebruik en bestuur van watervoorsiening-, en sanitiesdienste en aangeleenthede soos aansoeke, beëindiging, inkorting en staking van waterdienste.

Kragtens die bepalings van artikel 156(2) van die Grondwet van die Republiek van Suid-Afrika, 1996, verorden die Mosselbaai Munisipaliteit soos volg:—

HOOFSTUK 1: ALGEMENE BEPALINGS

DEEL 1: WOORDBEPALING

1. (1) In hierdie Verordening sluit woorde wat die manlike geslag aandui ook die vroulike geslag in, sluit enkelvoudige woorde die meervoud daarvan in en andersom, geld die Engelse teks in die geval van 'n teenstrydigheid en tensy dit uit die samehang anders blyk, beteken—

“behoorlik gekwalifiseerde toetsers” persoon of geakkrediteerde maatskappy wat monsters vir ontleding uit die rioolvuil-, stormwaterwegdoenstelsels en openbare water haal en wat die sertifisering vir sodanige werksaamheid van 'n gevolmagtigde het;

“besoedeling” die inbring van enige stof in die watervoorsieningstelsel, 'n waterinstallasie of waterbron wat regstreeks of onregstreeks die fisieke, chemiese of biologiese eienskappe van die water daarin aangetref, sodanig kan verander dat dit-

- (a) minder geskik is vir die doel waarvoor dit redelikerwys verwag is om voor gebruik te word; of
- (b) skadelik of potensieel skadelik is vir die welsyn, gesondheid of veiligheid van mense en vir enige waterlewende of ander organisme;

“beste uitvoerbare omgewingsopsie” die opsie wat op die lang- sowel as die kort termyn en teen koste wat vir die samelewing aanvaarbaar is, die grootste voordeel vir of die minste skade aan die omgewing as 'n geheel inhou;

“boorgat” 'n gat in die grond geboor, ook 'n put, uitgraving, syfergat, fontein of enige kunsmatig opgerigte of verbeterde ondergrondse holte wat gebruik kan word vir die doeleindes van-

- (a) die onderskepping, versameling of opgaar van water in of die verwydering van water vanuit 'n waterdraer;
- (b) die waarneming en versameling van gewewens en inligting oor water in 'n waterdraer; of
- (c) die hervulling van 'n waterdraer;

“Bouregulasies” die Nasionale Bouregulasies uitgevaardig ingevolge die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet Nr 103 van 1977);

“brandkraan” 'n installasie bedoel waaruit water slegs vir brandbestrydings-doeleindes geneem mag word;

“direkteur” die werknemer van die Munisipaliteit wat aan die hoof staan van 'n Direktooraat;

“dienspyp” 'n pyp wat deel uitmaak van 'n waterinstallasie wat op enige perseel deur die eienaar of okkupeerder van die perseel voorsien en geïnstalleer is en verbind is of verbind staan te word met 'n verbindingspyp om die waterinstallasie op die perseel te bedien;

“eienaar” beteken—

- (a) die persoon in wie die eiendomsreg ten opsigte van die perseel van tyd tot tyd setel;
- (b) in 'n geval waar die eiendomsreg in 'n persoon setel wat insolvent of oorlede is, of wat hoegenaamd onder enige aard van regsonbevoegdheid verkeer, die persoon by wie die bevoegdheid as kurator, trustee, eksekuteur, administreerder, geregtelike bestuurder, likwidateur of ander regsvertegenwoordiger vir die administrasie en beheer van die perseel berus;
- (c) in enige geval waar die Munisipaliteit nie in staat is om die identiteit van so 'n persoon vas te stel nie, 'n persoon wat op die voordeel van die gebruik van sodanige perseel, of 'n gebou of geboue daarop, geregtig is;
- (d) in die geval van 'n perseel waarvoor 'n huurooreenkoms gesluit is van 10 jaar en langer, die huurder daarvan;
- (e) met betrekking tot—
 - (i) 'n stuk grond afgebaken op 'n deelplan wat ingevolge die Wet op Deeltitels, 1986 (Wet Nr 95 van 1986) geregistreer is, die ontwikkelaar of die regspersoon ten opsigte van die gemeenskaplike eiendom, of
 - (ii) 'n gedeelte soos omskryf in die Wet op Deeltitels, 1986 (Wet Nr 95 van 1986), die persoon in wie se naam sodanige gedeelte ingevolge 'n deeltitelakte geregistreer is, en sluit dit die regmatig aangestelde verteenwoordiger van sodanige persoon in;

“eindpunt-watertoehoeersels” watertoehoeersels by 'n uitloop van 'n water-installasie wat die loslaat van water uit 'n waterinstallasie beheer;

“gemeenskapswaterdienstewerk” 'n verbruikersverbinding waardeur water-dienste aan meer as een persoon verskaf word;

“gevolmagtigde agent” 'n persoon deur die Munisipaliteit gemagtig om enige handeling, werksaamheid of plig uit te voer ingevolge, of enige bevoegdheid kragtens hierdie Verordening te verrig;

“gemagtigde beampte” 'n werknemer van die Munisipaliteit of 'n ander persoon wat deur die Munisipaliteit aangestel of gemagtig is om enige handeling, funksie of taak te verrig wat verband hou met aangeleenthede in hierdie Verordening vervat, of om enige bevoegdheid ingevolge hierdie Verordening uit te voer; en het “beampte” 'n ooreenstemmende betekenis.

“goedgekeurde” goedgekeur deur die Munisipaliteit;

“grys water” afvalwater afkomstig van die gebruik van huishoudelike water, maar sluit nie menslike uitskeidings in nie;

“**handelsperseel**” ’n perseel waarop nywerheidsuitvloei sel gegeneer word;

“**hoë konsentrasie rioolvuil**” rioolvuil met ’n konsentrasie of gehalte wat hoër is as standaard huishoudelike uitvloei sel;

“**hooftoevoerpy p**” enige pyp, uitgesonderd ’n verbindingspy p, wat in die Mosselbaai Munisipaliteit setel en gebruik word vir die vervoer van water na ’n verbruiker;

“**installasiewerk**” werk ten opsigte van die konstruksie van of uitgeoer in ’n waterinstallasie;

“**meetmiddel**” enige metode, prosedure, proses, instrument, apparaat of installasie wat die kwantifisering van gelewerde waterdienste moontlik maak en sluit dit ’n metode, prosedure of proses in waarvolgens die hoeveelheid water wat deur dit loop, te skat of aanneem;

“**meter**” ’n watermeter soos omskryf in die Regulasies uitgereik ingevolge die Wet op Handelsmetologie, 1973 (Wet 77 van 1973), of, in die geval van watermeters meer as 100mm in grootte, ’n toestel wat die hoeveelheid water wat deur dit loop, meet;

“**Munisipaliteit**” die Munisipaliteit van Mosselbaai gestig in terme van artikel 12 van die Munisipale Strukturewet, 117 van 1998, in enige behoorlik gevormagtigde agent of diensverskaffer of enige werknemer daarvan handelende ingevolge hierdie Verordening uit hoofde van ’n bevoegdheid van die Munisipaliteit wat gedelegeer of gesubdelegeer is aan gemelde diensverskaffer, agent of werknemer;

“**natbedryf**” ’n bedyf wat bedryfsuitvloei sel loslaat;

“**nywerheidsuitvloei sel**” uitvloei sel wat uit die nywerheidsgebruik van water voortspruit, wat vir doeleindes van hierdie Verordening alle uitvloei sels, met uitsondering van standaard huishoudelike uitvloei sel en stormwater, insluit;

“**noodgeval**” enige situasie wat ’n risiko of potensieële risiko vir lewe, gesondheid, die omgewing of eiendom inhou;

“**okkupeerder**” ’n persoon wat enige perseel of gedeelte daarvan okkupeer, sonder inagneming van die reg ingevolge waarvan hy die perseel okkupeer;

“**omgewingskoste**” die volle omvang van die nodige koste om die omgewing te herstel na dieselfde toestand waarin dit voor die skadelike voorval was;

“**openbare kennisgewing**” kennisgewing aan die publiek op ’n wyse soos deur die Munisipaliteit bepaal;

“**openbare water**” enige rivier, waterloop, baai, riviermonding, die see en enige ander water ten opsigte waarvan die publiek ’n gebruiksreg of ’n toegangsreg geniet;

“**perseel**” enige stuk grond waarop die buitenste oppervlakgrense aangedui is op—

- (a) ’n algemene plan of diagram wat ingevolge die Opmetingswet, 1927 (Wet Nr 9 van 1927) of die Registrasie van Aktes Wet, 1937 (Wet Nr 47 van 1937) geregistreer is; of
- (b) ’n deelplan geregistreer ingevolge die Wet op Deeltitels, 1986 (Wet Nr 95 van 1986);

“**perseelrioleringsinstallasie**” ’n stelsel op enige terrein geleë waarvan die eiendom in die terrein eienaar setel en wat gebruik word of beoog is om gebruik staan te word vir of in verband met die opvang, opgaring, behandeling of vervoer van rioolvuil op daardie terrein na die verbindingspunt, en sluit dit perseelriole, bybehoorsels, toestelle, septiese tenks, riooltenks, putlatrines en private pompinstallasies in wat deel uitmaak van of bykomstig is tot sodanige stelsel;

“**perseelrioleringswerk**” die insluiting van enige perseelriool, sanitêre toestel, watervoorsieningsapparaat, vuilwater- of ander pyp of enige werk wat in verband staan met die loslaat van vloeistof of vaste stof in enige perseelriool of riool of wat andersins in verband staan met die riolering van enige terrein;

“**perseelriool**” daardie gedeelte van die perseelrioleringsinstallasie wat rioolvuil op enige terrein vervoer;

“**persoon**” ’n natuurlike of juridiese persoon, en sluit in plaaslike regeringsliggaam of soortgelyke owerheid, ’n maatskappy of beslote korporasie wat ingevolge enige wet ingelyf is, ’n groep persone, afgesien daarvan of hulle ingelyf is of nie, ’n statutêre liggaam, openbare nutsliggaam of ’n vrywillige vereniging of trust;

“**riool**” enige pyp of leipyp wat die eiendom is van of setel in die Munisipaliteit en wat gebruik kan word vir die vervoer van riool vanaf die verbindingsriool, met uitsluiting van ’n perseelriool, soos omskryf;

“**rioolvuil**” enige vuilwaterafvoer, nywerheidsuitvloei sel, standaard huishoudelike uitvloei sel, en ander vloeibare afval, hetsy afsonderlik, hetsy gesamentlik, maar met uitsluiting van stormwater;

“**rioolvuilwegdoenstelsel**” die strukture, pype, kleppe, pompe, meters of ander toebehoorsels wat in die vervoer van riool deur die rioolnetstelsel gebruik word en behandeling by die verwerkingsaanleg onder beheer van die Munisipaliteit en wat ook deur die Munisipaliteit in verband met die wegdoen van rioolvuil gebruik kan word;

“**sanitasiedienste**” dieselfde as wat ingevolge die Wet daaraan geheg word en sluit dit vir doeleindes van hierdie Verordening water vir nywerheidsdoel-eindes en die wegdoen van nywerheidsafvloei sel in;

“**see uitloop**” die uitlaat van uitvloei sel in die see;

“**standaard huishoudelike uitvloei sel**” huishoudelike uitvloei sel met voorgeskrewe konsentrasie-eienskappe ten opsigte van chemiese suurstofvereistes en afskarebare vaste stowwe as synde geskik vir die loslaat van rioolvuil vanaf huishoudelike persele binne die gebied van jurisdiksie van die Munisipaliteit, maar met uitsluiting van nywerheidsuitvloei sel;

“**stormwater**” water wat die gevolg van natuurlike neerslag of versameling is, met insluiting van reënwater, ondergrondwater of fonteinwater;

“**uitvloei sel**” enige vloeistof, hetsy dit opgeloste stowwe of stowwe in suspensie bevat;

“**verbindingspunt**” die punt waar die perseelrioleringsinstallasie en die verbindingsriool by mekaar aansluit;

“**verbindingspy p**” ’n pyp waarvan die eiendom in die Munisipaliteit setel en wat deur die Munisipaliteit geïnstalleer is met die doel om water vanaf ’n hooftoevoer na ’n waterinstallasie te voer en sluit dit ’n “kommunikasiepy p” waarna in SABS 0252 Deel 1 verwys word in;

“**verbindingsriool**” ’n pyp wat deur die Munisipaliteit besit en geïnstalleer is met die doel om rioolvuil vanaf ’n perseelrioleringsinstallasie op ’n perseel weg te voer na ’n perseelriool buite die grense van daardie perseel of binne ’n serwituuksgebied of binne ’n gebied wat aan ’n toegangsverlof of ’n ooreenkoms onderhewig is;

“verbruiker” beteken—

- (a) enige okkupeerder van enige perseel waartoe of waarop die Munisipaliteit onderneem het om waterdienste te verskaf, of reeds verskaf, of, waar daar geen okkupeerder is nie, enige persoon met wie die Munisipaliteit ’n tans-geldende ooreenkoms aangegaan het vir die voorsiening van waterdienste na of op sodanige perseel, of, indien daar geen sodanige persoon is nie, die eienaar van die perseel; met dien verstande, waar waterdienste deur middel van ’n enkelverbinding aan ’n aantal okkupeerders voorsien word, dan die okkupeerder of persoon waarmee die Munisipaliteit ooreengekom het om waterdienste te verskaf; of

- (b) ’n persoon wat toegang tot waterdienste verkry wat deur middel van ’n gemeenskapswaterdiensstelsel voorsien word;

“vloedhoogterand (1 in 50 jaar)” daardie hoogte wat deur vloedwater weens ’n storm met ’n frekwensie van 1 in 50 jaar bereik is;

“vloedvlakte” (1 in 50 jaar)” die area onderhewig aan oorstroming deur vloedwater weens ’n storm met ’n frekwensie van 1 in 50 jaar;

“voorgeskrewe tarief of heffing” ’n heffing deur die Munisipaliteit voorgeskryf;

“waterdienste” dieselfde as die betekenis ingevolge die Wet en sluit dit vir doeleindes van hierdie Verordening gesuiwerde rioolwater, water vir nywerheidsdoeleindes en die wegdoen van nywerheidsuitvloei in;

“waterinstallasie” die pype en watertoehoeorsels wat op enige perseel geleë is en in die eienaar van die perseel setel en wat gebruik word of bedoel is om gebruik te word in verband met die gebruik van water op sodanige perseel, met insluiting van ’n pyp en watertoehoeorsels buite die grense van die perseel geleë, wat óf verbind is aan die verbindingpyp met betrekking tot sodanige perseel óf andersins met die toestemming van die Munisipaliteit gelê is;

“waterlewingstelsel vir ’n vasgestelde hoeveelheid” ’n waterinstallasie wat ’n vasgestelde hoeveelheid water op enige enkele dag aan ’n verbruiker verskaf;

“watertoehoeorsel” ’n onderdeel van ’n waterinstallasie, met uitsluiting van ’n pyp, waardeur water beweeg of waarin dit geberg word;

“watervoorsieningsdienste” dieselfde as die betekenis ingevolge die Wet en sluit dit vir doeleindes van hierdie Verordening water vir nywerheidsdoeleindes en die wegdoen van nywerheidsafvloei in;

“watervoorsieningstelsel” die strukture, brugkanale, pype, kleppe, pompe, meters of ander byhoeorsels wat daarmee in verband staan, wat in die Munisipaliteit setel en deur die Munisipaliteit gebruik word of bedoel is om gebruik te word in verband met die voorsiening van water, en sluit dit enige gedeelte van die stelsel in;

“werkdag” ’n dag uitgesonderd ’n Saterdag, Sondag of openbare vakansiedag;

“Wet” die Wet op Waterdienste, 1997 (Wet Nr 108 van 1997), soos van tyd tot tyd gewysig; en

“wooneenheid” met betrekking tot enige perseel, ’n gebou of gedeelte van ’n gebou, bewoon of gebruik of bedoel vir die bewoning of gebruik vir enige doeleinde;

- (2) Enige woord wat in hierdie Verordening gebruik word en waaraan ’n betekenis geheg is in—

- (a) die Wet, sal daardie betekenis hê; en

- (b) die Wet op Nasionale Bouregulasies en Boustandaarde, 1977 (Wet Nr 103 van 1977), die Bouregulasies sal ten opsigte van Hoofstuk III daardie betekenis hê, tensy dit uit die samehang daarvan anders dui.

- (3) Enige verwysing na waterdienste of dienste in Hoofstuk 1 van hierdie Verordening, moet uitgelê word as verwysend na watervoorsieningsdienste of sanitasiedienste, afhangende van die dienste waarop dit van toepassing is.

Administrasie en afdwinging

- (4) (a) Die Direkteur: Finansiële Dienste en die Direkteur: Siviele Dienste, waar van toepassing, is verantwoordelik vir die administrasie en afdwinging van hierdie Verordening.

- (b) Die Direkteur kan ’n bevoegdheid of plig wat ingevolge hierdie Verordening aan hom verleen is, skriftelik delegeer aan ’n bevoegde beampte in sy Direkoraat.

DEEL 2: AANSOEK OM WATERDIENSTE

2. Aansoek om waterdienste

- (1) Geen persoon sal vanuit die watervoorsieningstelsel, rioolvuilwegdoenstelsel of deur middel van enige ander sanitasiedienste toegang tot waterdienste bekom nie tensy hy of sy by die Munisipaliteit op die voorgeskrewe vorm om sodanige dienste vir ’n spesifieke doel aansoek gedoen het en daar daarop ooreengekom is.
- (2) Die Munisipaliteit mag weier om ’n wateraansluiting te voorsien.
- (3) Nadat ’n perseel of verbruiker van waterdienste voorsien is, sal dit geag word dat ’n ooreenkoms soos in sub-artikel (1) beoog, tot stand gekom het.
- (4) By ontvangs van ’n verbruiker se aansoek om voorsiening van waterdienste, moet die Munisipaliteit daardie verbruiker in kennis stel van die verskillende beskikbare diensvlakke, asook die tariewe en/of heffings van toepassing op elke vlak.
- (5) Die verbruiker moet sy keuse uitoefen ten opsigte van die beskikbare diensvlak wat aan hom verskaf moet word.
- (6) ’n Verbruiker kan te eniger tyd aansoek doen om die wysiging van die vlak wat aanvanklik verkies is ingevolge die ooreenkoms aangegaan, mits sodanige dienste beskikbaar is en die Munisipaliteit se watervoorsieningstelsel dit toelaat, met dien verstande verder dat die verbruiker alle koste en uitgawes verbonde aan so ’n verandering van diensvlak sal betaal.
- (7) ’n Aansoek waartoe die Munisipaliteit ingestem het, sal ’n ooreenkoms tussen die Munisipaliteit en die verbruiker tot gevolg hê, en sodanige ooreenkoms sal op ’n datum in die ooreenkoms na verwys of bepaal, in werking tree.
- (8) ’n Verbruiker sal aanspreeklik wees vir alle voorgeskrewe tariewe, gelde en/of heffings en beskikbaarheidsgelde, ten aansien van waterdienste aan hom voorsien, tot en met beëindiging van die ooreenkoms ingevolge hierdie Verordening of tot tyd en wyl enige agterstallige rekening betaal is.

- (9) By voltooiing van 'n aansoekvorm vir waterdienste, moet die Munisipaliteit toesien dat die eienaar, verbruiker of enige ander aansoeker die dokument en die proses van interaksie verstaan. In geval van ongeletterde of soortgelyk benadeelde persone, moet die Munisipaliteit redelike stappe doen ten einde te verseker dat die persoon bewus is van die inhoud van die aansoekvorm en dat hy of sy dit verstaan.
- (10) Minstens die volgende inligting moet op die aansoekvorm aangebring word—
- sertifisering deur 'n gemagtigde verteenwoordiger dat die aansoeker bewus is van en die inhoud van die vorm verstaan;
 - aanvaarding deur die verbruiker van die bepalings van die Verordening en aanvaarding van aanspreeklikheid vir die koste verbonde aan gelewerde waterdienste tot met beëindiging van die ooreenkoms of tot tyd en wyl enige agterstallige rekening betaal is;
 - die naam van die verbruiker;
 - die adres of erfnummer van die perseel waarheen of waarop waterdienste gelewer moet word of die gemeenskapswaterdiensstelsel waar waterdienste gebruik sal word;
 - die adres waarheen rekenings gestuur moet word;
 - die bron van die aansoeker se inkomste;
 - indien van toepassing, die naam en adres van die aansoeker se werkgewer;
 - indien water voorsien sou word, die doel waarvoor die water aangewend sal word; en
 - die ooreengekome datum waarop die verskaffing van waterdienste aanvang sal neem.
- (11) Waterdienste wat aan 'n verbruiker verskaf word, is onderhewig aan die bepalings van hierdie Verordening, die ter saaklike ooreenkoms en ander regsvereistes.
- (12) Indien die Munisipaliteit 'n aansoek om die voorsiening van waterdienste weier, of nie in staat is om sodanige waterdienste op die aangevraagde datum vir die aanvang van sodanige dienste te verskaf nie, of nie in staat is om die waterdienste te verskaf nie, moet die Munisipaliteit die verbruiker in kennis stel van sodanige weiering en/of onvermoë en, indien van toepassing, wanneer die Munisipaliteit in staat sal wees om sodanige waterdiens te lewer.

3. Spesiale ooreenkomste vir waterdienste

Die Munisipaliteit mag 'n spesiale ooreenkoms sluit vir die voorsiening van waterdienste aan—

- 'n aansoeker binne sy gebied van jurisdiksie, indien die dienste waarom aansoek gedoen is die oplegging van voorwaardes noodsaak wat nie in die voorgeskrewe vorm vervat is nie; en
- 'n aansoeker buite sy gebied van jurisdiksie, indien sodanige aansoek goedgekeur is deur die Munisipaliteit met jurisdiksie in die gebied waarin die perseel geleë is.

DEEL 3: TARIWE EN HEFFINGS

4. Voorgeskrewe tariewe en heffings vir waterdienste

Alle tariewe en heffings betaalbaar ten opsigte van waterdienste deur die Munisipaliteit ingevolge hierdie Verordening gelewer, insluitend, maar nie daartoe beperk nie, die betaling van aansluitingsfooie, vasgestelde tariewe of enige bykomende tariewe of rente ten aansien van die nie-betaling van sodanige tariewe of heffings teen die voorafbepaalde datum, sal deur die Munisipaliteit bepaal word in ooreenstemming met—

- die voorgeskrewe beleide;
- enige Verordening ten opsigte daarvan; en
- enige regulasies ingevolge artikel 10 van die Wet.

5. Vasgestelde heffings vir waterdienste

- Benewens die voorgeskrewe tariewe of heffings vir werklik gelewerde waterdienste, kan die Munisipaliteit 'n vasgestelde maandelikse heffing, 'n vasgestelde jaarlikse heffing of 'n vasgestelde eenmalige heffing ten aansien van waterdienste voorskryf, in ooreenstemming met—
 - voorgeskrewe beleide;
 - enige Verordening ten opsigte daarvan; en
 - enige regulasies ingevolge artikel 10 van die Wet.
- Waar 'n vasgestelde heffing ingevolge sub-artikel (1) voorgeskryf is, sal dit deur elke eienaar of verbruiker betaalbaar wees ten opsigte van waterdienste wat die Munisipaliteit voorsien het, ongeag of sodanige waterdienste gebruik is, al dan nie.

DEEL 4: BETALING

6. Betaling van deposito

- Tydens aansoek om die voorsiening van waterdienste en voordat die Munisipaliteit sodanige waterdienste voorsien, moet elke verbruiker 'n deposito, soos van tyd tot tyd deur die Munisipaliteit bepaal, deponeer, behoudens wanneer die Munisipaliteit 'n vooruitbetalingsmeettoestel gebruik.
- Die Munisipaliteit kan van 'n verbruiker aan wie waterdienste voorsien is en wat nie van tevore, vir watter rede ookal, om betaling van 'n deposito gevra is nie, vereis om 'n deposito binne 'n bepaalde tydperk op versoek, te betaal.
- Die Munisipaliteit mag van tyd tot tyd die bedrag wat deur die verbruiker in terme van sub-artikel (1) gedeponeer is, hersien en in ooreenstemming met sodanige hersiening—
 - vereis dat 'n addisionele bedrag deur die verbruiker gedeponeer word; of
 - aan die verbruiker sodanige bedrag wat deur Die Munisipaliteit gehou is en die hersiene deposito bedrag oorskry, terugbetaal;
 - die bedrag verhoog in gevalle waar wanbetaling van die waterdienste rekening plaasvind.

- (4) Onderhewig aan sub-artikel (5), 'n bedrag gedeponeer by die Munisipaliteit in terme van sub-artikel (1) en (2), sal nie geag word as betaling of gedeeltelike betaling vir 'n rekening uitstaande vir waterdienste gelewer nie.
- (5) Indien, met die skriftelike beëindiging van die ooreenkoms vir die voorsiening van waterdienste, 'n bedrag steeds uitstaande is aan die Munisipaliteit in terme van waterdienste gelewer aan die verbruiker, mag die Munisipaliteit die deposito aanwend as betaling of gedeeltelike betaling van die uitstaande bedrag en enige balans aan die verbruiker terugbetaal.
- (6) Die Munisipaliteit sal geen rente betaal op die depositoheffings wat dit ingevolge hierdie artikel hou nie.
- (7) 'n Ooreenkoms vir die voorsiening van waterdienste mag 'n bepaling bevat waarvolgens 'n deposito aan die Munisipaliteit verbeur sal word indien dit nie binne twaalf maande na beëindiging van die ooreenkoms opgeëis word nie.

7. Betaling vir gelewerde waterdienste en verantwoordelikheid vir nakoming van hierdie Verordening

- (1) 'n Verbruiker sal vir waterdienste wat deur die Munisipaliteit voorsien word, teen die voorgestelde tarief of heffing betaal wat in ooreenstemming met artikels 4 en 5 vir die bepaalde kategorie waterdiens voorgeskryf is.
- (2) Die verbruiker sal verantwoordelik wees vir betaling vir alle waterdienste wat vanaf die datum van sluiting van die ooreenkoms tot die datum van beëindiging daarvan aan hom of haar gelewer is.
- (3) Die Munisipaliteit mag die hoeveelheid waterdienste wat in 'n bepaalde periode of periodes binne die tydvak tussen agtereenvolgende metings voorsien is, beraam, en mag 'n rekening aan 'n verbruiker lewer vir die dienste waarvan die hoeveelheid aldus beraam is.
- (4) (a) Die eienaar van die perseel sal verantwoordelik wees vir nakoming ten opsigte van alle of sommige aangeleenthede betreffende die water installasies; en
(b) Die verbruiker sal verantwoordelik wees vir nakoming van die bepalings van hierdie Verordening ten opsigte van die gebruik van enige waterinstallasie.
- (5) Geen uitklaring sertifikaat vir oordrag sal ten opsigte van nuwe ontwikkelings of onderverdelings uitgereik word nie, tensy die watertoevoer, sanitasie en stormwater dienste tot bevrediging van die Munisipaliteit voorsien of installeer is en die voorwaardes van goedkeuring nagekom is.

DEEL 5: REKENINGE

8. Rekeninge

- (1) Maandelikse rekenings vir die bedrag uitstaande en betaalbaar moet aan verbruikers gelewer word by die laaste adres in die Munisipaliteit se rekords aangeteken.
- (2) Versuim deur die Munisipaliteit om 'n rekening te lewer, onthef die verbruiker nie van sy of haar verpligting om enige bedrag uitstaande en betaalbaar te betaal nie.

DEEL 6: BEËINDIGING, INKORTING EN STAKING VAN WATERDIENSTE

9. Beëindiging van ooreenkoms vir die voorsiening van waterdienste

- (1) 'n Verbruiker kan 'n ooreenkoms vir die voorsiening van waterdienste beëindig deur skriftelik kennis van sy voorneme om dit te doen, aan die Munisipaliteit te voorsien.
- (2) Die Direkteur kan 'n verbruiker van die beëindiging van sy of haar ooreenkoms vir die voorsiening van waterdienste in kennis stel deur middel van skriftelike kennisgewing van nie minder as 30 dae indien—
 - (a) hy nie die waterdienste tydens die voorafgaande ses maande gebruik het nie, en geen bevredigende reëlings met die Munisipaliteit getref het vir die voortbestaan van die ooreenkoms nie;
 - (b) hy versuim het om 'n bepaling van hierdie Verordening na te kom en in gebreke gebly het om sodanige versuim in ooreenstemming met kennisgewing ingevolge artikel 19 te herstel;
 - (c) 'n reëling met 'n ander waterdiensstiggaam aangegaan is om waterdienste aan daardie verbruiker te lewer.
- (3) Die Direkteur kan, nadat redelike kennis gegee is, 'n ooreenkoms vir die voorsiening van waterdienste beëindig indien die verbruiker die perseel ten aansien waarvan die ooreenkoms geld, ontruim het.

10. Inkorting en/of staking van gelewerde waterdienste

- (1) Die Direkteur kan die waterdienste wat ingevolge hierdie Verordening voorsien word, inkort of staak—
 - (a) by versuim om betaling te doen van die voorgeskrewe tariewe of heffings voor of op die datum in die Munisipaliteit se Verordening rakende kredietbeheer bepaal;
 - (b) by versuim om aan enige ander bepalings van hierdie Verordening te voldoen nadat kennis ingevolge artikel 19 gegee is;
 - (c) op die skriftelike versoek van 'n verbruiker;
 - (d) indien die ooreenkoms vir die lewering van waterdienste ingevolge artikel 9 beëindig is en die Munisipaliteit nie 'n aansoek vir latere dienste na die perseel binne 30 (dertig) dae na sodanige beëindiging ontvang het nie;
 - (e) die gebou op die perseel waarheen dienste voorsien is, gesloop is;
 - (f) indien die verbruiker met 'n ingekorte of gestaakte diens ingemeng het;
 - (g) in 'n noodgeval en omstandighede soos in Hoofstuk 2, Deel 7 voorsien.
- (2) Die Munisipaliteit sal nie vir enige skade of eise wat moontlik uit die in sub-artikel (1) bepaalde inkorting of staking mag voortspruit, aanspreeklik wees nie.

11. Herstelling van waterdienste

Wanneer 'n verbruiker 'n ooreenkoms aangaan om die betaling van 'n agterstallige rekening in paaiemente te doen, nadat 'n finale aanmaning, kennisgewing of kennisgewing vir die staking van die lewering van waterdienste ontvang is, sal die waterdienste herstel word binne 7 (sewe) werksdae tot die tipe diens wat die verbruiker gekies het in terme van die voorsiening van waterdienste.

DEEL 7: ALGEMENE BEPALINGS**12. Verantwoordelikheid vir die nakoming van hierdie Verordening**

- (1) Die eienaar van 'n perseel is daarvoor verantwoordelik om die nakoming van hierdie Verordening ten opsigte van alle of enige aangeleenthede met betrekking tot enige installasie, te verseker.
- (2) Die verbruiker is verantwoordelik vir die nakoming van hierdie Verordening ten opsigte van aangeleenthede met betrekking tot die gebruik van enige installasie.

13. Vrystelling

- (1) By die ontvangs van enige aansoek om goedkeuring, magtiging of vrystelling in terme van hierdie Verordening, mag die Munisipaliteit sodanige aansoek goedkeur of weier, of onderhewig maak aan vereistes, voorwaardes en beperkings wat dit nodig ag om op te lê.
- (2) Die Munisipaliteit kan 'n eienaar, verbruiker, enige ander persoon of kategorie eienaars, verbruikers of ander persone skriftelik vrystel van die nakoming van 'n bepaling van hierdie Verordening, onderhewig aan sodanige voorwaardes as wat dit mag voorskryf, indien dit daarvan oortuig is dat die afdwinging of werking van daardie bepaling onredelik sou wees; met dien verstande dat die Munisipaliteit nie vrystelling van enige artikel van hierdie Verordening sal verleen nie indien dit kan aanleiding gee tot—
 - (a) die verkwisting of buitensporige verbruik van water;
 - (b) die ontwyking of ontduiking van waterbeperkings;
 - (c) betekenisvolle negatiewe uitwerkings op openbare gesondheid, veiligheid of die omgewing;
 - (d) die nie-betaling vir dienste;
 - (e) die installing van pype en bybehoorsels wat nie ingevolge hierdie Verordening goedgekeur is nie; en
 - (f) nie-nakoming van die Wet of enige regulasies uitgevaardig ingevolge daarvan;
 - (g) peustering met 'n aansluitingspyp of meetinstrument.
- (3) Die Munisipaliteit kan te eniger tyd na skriftelike kennisgewing van minstens dertig dae enige vrystelling wat ingevolge sub-artikel (1) verleen is, terugtrek.

14. Ongemagtigde gebruik van waterdienste

- (1) Geen persoon mag toegang tot waterdienste vanuit die watervoorsiening- stelsel, rioolvuilwegdoen-stelsel of enige ander sanitasiedienste bekom nie tensy hy of sy 'n ooreenkoms met die Munisipaliteit vir die voorsiening van daardie dienste aangegaan het.
- (2) Afgesien van die instel van enige ander stappe ingevolge hierdie Verordening teen 'n persoon wat sonder 'n ooreenkoms met die Munisipaliteit vir die lewering van waterdienste, sodanige dienste vanuit die watervoorsiening-stelsel, rioolvuilwegdoenstelsel of enige ander sanitasiedienste bekom het, kan die Direkteur so 'n persoon by wyse van skriftelike kennisgewing aansê—
 - (a) om aansoek te doen vir sodanige dienste ingevolge artikel 2; en
 - (b) om sodanige werk te onderneem as wat nodig mag wees om die verbruikersinstallasie waardeur toegang bekom is, aan die voorskrifte van hierdie Verordening te laat voldoen.
- (3) Die bepalinge van artikel 19 sal geld ten opsigte van 'n kennisgewing ingevolge sub-artikel (2) hierbo.

15. Verandering van doel waarvoor waterdienste gebruik word

Wanneer die doel of omvang waarvoor waterdienste gebruik word, verander, moet die verbruiker 'n nuwe ooreenkoms met die Munisipaliteit aangaan.

16. Inmenging met watervoorsieningstelsel of enige sanitasiedienste

- (1) Niemand behalwe die Munisipaliteit mag die watervoorsieningstelsel of enige sanitêre stelsel bestuur, bedien of onderhou sonder magtiging uit hoofde van hierdie Verordening of deur 'n gevolmagtigde nie.
- (2) Niemand behalwe die Munisipaliteit mag 'n verbinding aan die watervoorsieningstelsel of rioolvuilwegdoenstelsel aanbring of enige ander sanitasiedienste verrig nie.

17. Versperring van toegang tot watervoorsieningstelsel of enige sanitasiedienste

- (1) Niemand mag fisieke toegang tot die watervoorsieningstelsel of rioolvuil-wegdoenstelsel voorkom of beperk nie.
- (2) By die nie-nakoming van sub-artikel (1), kan die Direkteur—
 - (a) sodanige persoon deur middel van skriftelike kennisgewing aansê om op sy of haar eie onkoste toegang binne 'n bepaalde tydperk te herstel;
 - (b) indien dit van mening is dat die aangeleentheid 'n saak van dringendheid is, sonder vooraf kennisgewing die toegang herstel en die koste van sodanige persoon verhaal.

18. Kennisgewings en dokumente

- (1) Enige kennisgewing of dokument wat ingevolge hierdie Verordening deur die Munisipaliteit uitgereik word, en deur die gevolmagtigde onderteken is, sal geag behoorlik gemaak te wees.
- (2) Indien 'n kennisgewing of dokument ingevolge hierdie Verordening op 'n eienaar, verbruiker of enige ander persoon beteken moet word, sal sodanige betekening uitgevoer word—
 - (a) deur dit persoonlik aan hom of sy gevolmagtigde te lewer;
 - (b) deur dit by sy woonplek, dorp of sakeperseel of werkplek aan 'n persoon te lewer wat nie jonger as sestien jaar oud is nie en wat oënskynlik daar woon of werk.
 - (c) indien hy 'n adres vir regsdoeleindes aangewys het, die aflewering daarvan by so 'n adres;

- (d) indien hy nie 'n adres vir regsdoeleindes aangewys het nie, die aflewering daarvan by die adres wat hy in sy aansoek vir die voorsiening van waterdienste aangewys het as die adres vir die ontvangs van rekenings vir die voorsiening van waterdienste;
 - (e) deur dit per vooruitbetaalde geregistreerde of gesertifiseerde pos na sy laaste bekende adres te versend;
 - (f) in die geval van 'n regs persoon, deur die aflewering daarvan by die geregistreerde kantoor of sakeperseel van sodanige regs persoon; of
 - (g) indien betekening nie ingevolge subparagrafe (a) tot (f) uitgevoer kan word nie, deur dit op die hooftoegangsdeur van die betrokke perseel aan te heg.
- (3) Wanneer nakoming van 'n kennisgewing binne 'n bepaalde aantal werkdae geverg word, sal die tydperk geag word 'n aanvang te neem op die dag van lewering of versending van sodanige kennisgewing.

19. Bevoegdheid om kennisgewings te beteken en nakoming

- (1) Die Direkteur kan by wyse van skriftelike kennisgewing 'n eienaar, verbruiker of enige ander persoon wat deur sy optrede of late versuim om te voldoen aan die bepalings van hierdie Verordening of aan enige voorwaarde ingevolge daarvan opgelê, gelas om sodanige versuim of nie-nakoming aan te suiwer of te herstel binne 'n tydperk in die kennisgewing vermeld.
- (2) Indien 'n persoon versuim om binne die voorgeskrewe tydperk aan 'n kennisgewing van die Munisipaliteit ingevolge hierdie Verordening te voldoen, kan dit sodanige stappe doen as wat dit nodig ag om nakoming te verseker, insluitend—
 - (a) om self die nodige werk te verrig en die koste verbonde aan sodanige werk of optrede van daardie eienaar, verbruiker of ander persoon te verhaal;
 - (b) die inkorting of staking van die lewering van dienste; en
 - (c) die instel van regsaksie.
- (3) 'n Kennisgewing ingevolge sub-artikel (1) moet—
 - (a) besonderhede verskaf van die Verordening waaraan nie voldoen is nie;
 - (b) die eienaar, verbruiker of ander persoon 'n redelike geleentheid bied om skriftelike verhoër te rig en sy saak binne 'n voorgeskrewe tydperk skriftelik aan die Munisipaliteit te stel, tensy sodanige geleentheid voor die uitreiking van die kennisgewing aan die eienaar, verbruiker of ander persoon gegun was;
 - (c) die stappe wat die eienaar, verbruiker of ander persoon te doen staan ten einde die versuim te herstel, voorskryf;
 - (d) die tydperk waarbinne die eienaar, verbruiker of ander persoon die voorgeskrewe stappe moet uitvoer ten einde sodanige versuim te herstel; en
 - (e) aandui dat die Munisipaliteit—
 - (i) sodanige werk as wat nodig mag wees om die versuim te herstel, self mag onderneem indien daar nie aan die kennisgewing voldoen word nie en dat enige koste wat met sodanige werk gepaard mag gaan, van die eienaar, verbruiker of ander persoon verhaal mag word; en
 - (ii) enige ander stappe wat dit goed dink mag instel ten einde nakoming te verseker.
- (4) In 'n noodgeval mag die Munisipaliteit sonder kennisgewing enige werk wat ingevolge sub-artikel (3)(e)(i) vereis word, self vooraf onderneem en die koste daaraan verbonde van sodanige persoon verhaal.
- (5) Die koste wat ingevolge sub-artikels (3) en (4) deur die Munisipaliteit verhaalbaar is, is die volle omvang van die koste wat met sodanige werk gepaard gaan, met insluiting, sonder om daartoe beperk te wees, van enige opsporingsondersoek, opnames, planne, spesifikasies, bylaes van hoeveelhede, toesig, administratiewe heffings, die gebruik van gereedskap, die arbeidskoste verbonde aan die versteuring of herstel van enige gedeelte van 'n straat of terrein wat deur die werksaamheid geraak word, sowel as die omgewingskoste.

20. Bevoegdheid om te betree en te inspekteer

Die Direkteur mag enige perseel betree en inspekteer—

- (a) vir die doeleindes uiteengesit in en ingevolge die bepalings van artikel 80 van die Wet;
- (b) te alle redelike tye, vir enige oogmerk wat in verband staan met die uitoefening of afdwinging van hierdie Verordening, na die lewering van skriftelike kennisgewing van die voorneme om aldus op te tree, tensy dit 'n noodgeval is;
- (c) te alle redelike tye vir enige oogmerk wat verband hou met die afdwinging van hierdie Verordening.

21. Algemeen

- (1) Niemand mag 'n valse of misleidende verklaring maak of vals inligting verskaf aan die Munisipaliteit nie, of 'n dokument ingevolge hierdie Verordening uitgereik, vervals nie.
- (2) Enige persoon wat voortgaan om 'n oortreding te pleeg nadat kennis aan hom gegee is om voortsetting van die oortreding te staak, of nadat hy skuldig bevind is aan 'n sodanige oortreding en daarmee voortgaan, is skuldig aan 'n voortdurende oortreding.

22. Misdrywe

- (1) Niemand mag—
 - (a) wederregtelik, opsetlik of nalatiglik met enige waterdienswerke van die Munisipaliteit inmeng nie;
 - (b) vals inligting verskaf, of weier of versuim om inligting te voorsien, wat redelikerwys deur die Munisipaliteit aangevra word nie;
 - (c) weier om toegang ingevolge artikel 20 aan die Munisipaliteit te verleen nie;
 - (d) 'n Munisipaliteit in die uitoefening van sy magte, werksaamhede of pligte ingevolge hierdie Verordening belemmer of hinder nie;
 - (e) 'n voorskrif of enige bepaling van hierdie Verordening oortree of versuim om daaraan te voldoen nie;
 - (f) 'n voorwaarde of verbod opgelê ingevolge hierdie Verordening oortree of versuim om daaraan te voldoen nie;

- (g) enige voorwaardes voorgeskryf by die verlening van enige aansoek, instemming, goedkeuring, toewyding, vrywaring of magtiging ingevolge hierdie Verordening oortree of versuim om daaraan te voldoen nie; of
 - (h) versuim om aan die bepalings van 'n kennisgewing wat ingevolge hierdie Verordening op hom of haar beteken is, te voldoen nie.
- (2) Enige persoon wat enige van die bepalings van sub-artikel (1) oortree, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met—
- (a) 'n boete of gevangenisstraf of beide sodanige boete of sodanige gevangenisstraf;
 - (b) in die geval van 'n voortdurende misdryf, met 'n addisionele boete en/of 'n addisionele tydperk van gevangenisstraf vir elke dag wat sodanige misdryf voortduur; en
 - (c) 'n verdere bedrag gelyk aan enige koste en uitgawes wat na bevinding van die hof deur die Munisipaliteit aangegaan is as gevolg van sodanige oortreding of versuim.

HOOFSTUK 2: WATERVOORSIENINGSDIENSTE

DEEL 1: VERBINDING AAN WATERVOORSIENINGSTELSEL

23. Voorsiening van verbindingspyp

- (1) Indien 'n ooreenkoms vir watervoorsieningsdienste ten aansien van 'n perseel gesluit is en geen verbindingspyp ten aansien van daardie perseel bestaan nie, moet die eienaar op die voorgeskrewe vorm aansoek doen en die voorgeskrewe heffing betaal vir die installering van sodanige pyp.
- (2) Indien aansoek gedoen is vir watervoorsieningsdienste wat van so 'n aard of ligging is dat dit nodig is om die watervoorsieningstelsel te verleng, aan te pas, of op te gradeer ten einde water aan die perseel te verskaf, kan die Direkteur op sodanige voorwaardes as wat dit mag goed-dink, tot die verlenging, aanpassing of opgradering instem.

24. Plasing van verbindingspyp

- (1) 'n Verbindingspyp wat deur die Direkteur voorsien en geïnstalleer is, moet—
 - (a) geplaas word op 'n plek waaroor tussen die Direkteur en die eienaar ooreengekom is en van 'n toepaslike grootte wees, soos bepaal deur die Direkteur;
 - (b) eindig by—
 - (i) die grens van die grond wat die eiendom is van of setel in die Munisipaliteit, of waaroor dit 'n serwituut of ander reg geniet; of
 - (ii) die uitlaat van die watermeter indien dit op die perseel geleë is; of
 - (iii) die isolasieklep indien dit op die perseel geleë is.
- (2) By die aangaan van die ooreenkoms met die eienaar rakende die plasing van 'n verbindingspyp, moet die Direkteur toesien dat die eienaar bewus is van—
 - (a) praktiese beperkings wat met betrekking tot die plasing van verbindingspyp mag bestaan;
 - (b) die koste-implikasies van die verskillende moontlike plasinge van die verbindingspyp;
 - (c) of die Direkteur van die eienaar verlang of nie verlang nie, om die plasing van die verbindingspyp aan te dui deur middel van die voorsiening van 'n gedeelte van sy of haar waterinstallasie by of buite die grens van sy perseel, of sodanige ooreengekome ligging binne of buite sy perseel waar die aansluiting verlang word, vir die Munisipaliteit om by sodanige installasie aan te sluit.
- (3) 'n Direkteur mag, onderhewig aan sodanige voorwaardes as wat dit mag goeddink, op versoek van enige persoon instem om 'n verbinding aan 'n ander hooftoevoerppyp te maak as die hooftoevoerppyp wat mees geredelik beskikbaar is vir die voorsiening van water aan die perseel; met dien verstande dat die eienaar verantwoordelik sal wees vir enige verlenging van die waterinstallasie na die verbindingspunt deur die Direkteur aangewys, sowel as vir die verkryging, op eie koste, van sodanige serwituut oor ander persele as wat nodig mag wees.
- (4) 'n Eienaar moet die voorgeskrewe aansluitingsheffing betaal.

25. Voorsiening van enkelwaterverbinding vir lewering aan verskeie verbruikers op dieselfde perseel

- (1) Ondanks die bepalings van artikel 23 mag slegs een verbindingspyp na die watervoorsieningstelsel voorsien word vir die lewering van water na enige perseel, ongeag die aantal wooneenhede, sake-eenhede of verbruikers teenwoordig op sodanige perseel.
- (2) Waar die eienaar, of die persoon in beheer of aan die bestuur van enige perseel waarop verskeie wooneenhede geleë is, die voorsiening van water na sodanige perseel verlang, met die oog op die voorsiening daarvan aan die verskeie wooneenhede, kan die Direkteur een van die volgende voorsien en installeer—
 - (a) 'n enkelmeettoestel ten aansien van die perseel as 'n geheel of enige aantal sodanige wooneenhede;
 - (b) 'n afsonderlike meettoestel vir elke wooneenheid of enige aantal wooneenhede.
- (3) Waar die Munisipaliteit 'n enkelmeettoestel soos in sub-artikel (2)(a) beoog, geïnstalleer het, sal die eienaar, of die persoon aan die bestuur of in beheer van die perseel, na gelang van die geval—
 - (a) indien die Direkteur dit versoek, op elke takpyp wat vanaf die verbindingspyp tot by die verskillende wooneenhede strek, die volgende moet installeer en onderhou—
 - (i) 'n afsonderlike meettoestel; en
 - (ii) 'n isolasieklep; en
 - (b) teenoor die Munisipaliteit aanspreeklik wees vir die tariewe en heffings vir alle water wat aan die perseel deur sodanige enkelmeettoestel verskaf is, ongeag die verskillende hoeveelhede wat deur die verskillende gebruikers wat deur sodanige meettoestel bedien word, verbruik is.
- (4) Ondanks sub-artikel (1) kan die Direkteur magtiging verleen dat meer as een verbindingspyp op die watervoorsiening-stelsel voorsien word vir die verskaffing van water aan enige perseel wat uit deeltiteenhede bestaan indien, na die mening van die Munisipaliteit, die voorsiening van slegs een verbindingspyp onnodige ontbering of ongerief aan enige verbruiker op sodanige perseel tot gevolg sal hê.

- (5) Waar die voorsiening van meer as een verbindingspyp ingevolge sub-artikel (4) gemagtig het, is die tariewe en heffings vir die voorsiening van 'n verbindingspyp betaalbaar ten opsigte van elke waterverbinding aldus voorsien.

26. Interverbinding tussen persele en waterinstallasies

- (1) 'n Perseeleienaar sal verseker dat geen tussenverbinding tussen—
- die waterinstallasie op sy perseel en die waterinstallasie op ander persele; of
 - waar verskeie wooneenhede op dieselfde perseel geleë is, die waterinstallasies van die wooneenhede sal bestaan nie, tensy hy skriftelike toestemming vooraf van die Direkteur of sy gevolmagtigde ontvang het en aan alle voorwaardes wat moontlik voorgeskryf kon wees, voldoen het.

27. Diskonnektering van waterinstallasie vanaf verbindingspyp

Die Direkteur mag 'n waterinstallasie vanaf die verbindingspyp diskonnekteer en die verbindingspyp verwyder indien—

- die voorsieningsooreenkoms ingevolge artikel 9 beëindig is en geen aansoek binne 90 dae na sodanige beëindiging vir 'n verdere voorsiening van water na die perseel wat deur die pyp bedien is, deur die Munisipaliteit ontvang is nie; of
- die gebou op die perseel gesloop is.

DEEL 2: GEMEENSKAPSWATERDIENSTEWERKE

28. Voorsiening van 'n waterdiensstewerk vir waterverskaffing aan verskeie verbruikers

'n Munisipaliteit kan 'n gemeenskapswater-dienstewerk vir die voorsiening van waterdienste aan verskeie verbruikers by 'n plek wat die Munisipaliteit geskik ag, installeer, met dien verstande dat die verbruikers aan wie waterdienste deur daardie waterdiensstewerk voorsien sal word, geraadpleeg is met betrekking tot die diensvlak, tarief betaalbaar en die plek waar die werk geleë sal wees.

DEEL 3: TYDELIKE VOORSIENING

29. Water vanaf brandkraan of ander waterpunt voorsien

- Die Direkteur mag tydelike watervoorsiening van een of meer brandkrane wat deur die Direkteur aangewys is, magtig, onderhewig aan sodanige voorwaardes as wat hy mag voorskryf.
- 'n Persoon wat tydelike watervoorsiening verlang, soos na in sub-artikel (1) verwys, moet ingevolge artikel 2 aansoek doen vir sodanige waterdienste.
- Die verskaffing van waterdienste ingevolge sub-artikel (1) moet gemeet word.
- Vir doeleindes van meting, kan 'n draagbare watermeter voorsien wat by beëindiging van die tydelike voorsiening aan die Munisipaliteit terugbesorg moet word en welke draagbare watermeter en alle ander toerusting en bybehorels wat vir die verbinding gebruik is, die eiendom van die Munisipaliteit sal bly en wat slegs onderhewig aan enige voorwaardes wat deur die Direkteur opgelê mag word, voorgeskryf sal word.

DEEL 4: STANDAARDE EN ALGEMENE VOORWAARDES VAN VOORSIENING

30. Hoeveelheid, gehalte en druk

Watervoorsieningsdienste wat deur die Munisipaliteit verskaf word, sal aan die minimum standaard voldoen wat ingevolge artikel 9 van die Wet bepaal is.

31. Algemene voorwaardes van voorsiening

- Die Direkteur kan die maksimum hoogte aanwys waarteen water vanuit die watervoorsieningstelsel voorsien sal word. Waar 'n verbruiker 'n ononderbroke toevoer verlang, of dat water teen 'n spesifieke hoogte of druk, vloeitempo, standaard of kwaliteit voorsien word, sal die verbruiker daarvoor self verantwoordelik wees.
- In 'n noodgeval mag die Direkteur sonder vooraf kennisgewing die watervoorsiening na enige perseel onderbreek.
- Indien die Direkteur van mening is dat die waterverbruik van 'n bepaalde verbruiker die watervoorsiening na 'n ander verbruiker benadeel, mag die Direkteur sodanige beperkings op die watervoorsiening na die eerste verbruiker plaas as wat dit mag goeddink ten einde die lewering van 'n redelike hoeveelheid water na die ander verbruiker te verseker, en sal daardie verbruiker van sodanige beperkings in kennis gestel word.

DEEL 5: METING VAN WATERVOORSIENINGSDIENSTE

32. Meting van hoeveelheid water verskaf

- Die Munisipaliteit sal die hoeveelheid water wat verskaf is by gereelde tussenposes meet.
- Enige meettoestel waardeur water deur die Munisipaliteit aan 'n verbruiker verskaf word, sowel as die verwante toerusting, sal deur die Munisipaliteit voorsien en geïnstalleer word, die eiendom van die Munisipaliteit bly, en mag slegs deur die Direkteur verander of onderhou word wanneer die Munisipaliteit dit nodig ag.
- Die Direkteur kan 'n meettoestel, en die toestel se verwante toerusting, by enige punt aan die dienspyp op die perseel installeer.
- Wanneer die Direkteur 'n meettoestel aan 'n dienspyp ingevolge sub-artikel (3) installeer, mag dit 'n pypseksie en verwante bybehorels tussen die eindpunt van sy verbindingspyp en die meter installeer, en sodanige seksie sal geag word deel uit te maak van die watervoorsieningstelsel.
- Indien die Munisipaliteit 'n meettoestel en sy verwante toerusting ingevolge sub-artikel (3) aan 'n dienspyp installeer, moet die eienaar—
 - 'n plek tot bevrediging van die Direkteur voorsien waarbinne dit geïnstalleer moet word;
 - toesien dat onbelemmerde toegang daartoe te alle tye beskikbaar is;
 - met uitsluiting van redelike slytasie, verantwoordelikheid vir die beskerming daarvan en aanspreeklikheid vir die koste voortspruitend uit enige skade daaraan, aanvaar;

- (d) toesien dat geen verbinding na die pyp waarin die meettoestel gehuisves is, tussen die meettoestel en die verbindingspyp wat die installasie dien, gemaak word nie; en
 - (e) voorsiening maak vir die dreinerings van water wat vanaf die pyp waarin die meettoestel gehuisves is in die uitoefening van werk deur die Munisipaliteit op die meettoestel uitgevoer, losgelaat mag word.
- (6) Niemand behalwe 'n gevolmagtigde mag—
- (a) 'n meettoestel en sy verwante toerusting van die pyp waarin dit geïnstalleer is, diskonnekteer nie;
 - (b) 'n seël wat die Munisipaliteit op 'n meter aangebring het, breek nie;
 - (c) op enige nader wyse met 'n meettoestel en sy verwante toerusting inmeng nie.
- (7) Indien die Direkteur van mening is, in 'n geval waar die meettoestel 'n meter is, dat die meter van onvoldoende grootte vir die hoeveelheid water is wat aan die perseel voorsien word, kan dit 'n meter van sodanige grootte as wat dit nodig ag installeer en van die betrokke perseleienaar die voorgeskrewe heffing vir die installering van die meter verhaal.
- (8) Die Direkteur kan, op rekening van die eienaar, aandrang op die installering van 'n meettoestel vir elke wooneenheid in afsonderlike bewoning op enige perseel, vir gebruik by die vasstelling van die hoeveelheid water wat aan elkeen sodanige eenheid verskaf word; met dien verstande dat waar vaste-hoeveelheid-watervoorsieningstelsels gebruik word, 'n enkelmeettoestel gebruik mag word om meer as een eenheid te voorsien.

33. Hoeveelheid water aan gebruiker verskaf

- (1) Vir doeleindes van die vasstelling van die hoeveelheid water wat deur 'n meettoestel wat deur die Munisipaliteit op die perseel van 'n verbruiker geïnstalleer is, gemeet is, of, waar van toepassing, deur die Direkteur ingevolge enige bepaling van hierdie Verordening geskat of bepaal is, sal dit vir doeleindes van hierdie Verordening, tensy die teendeel bewys kan word, geag word dat—
- (a) die hoeveelheid verteenwoordig word deur die verskil in metings wat aan die begin en einde van enige bepaalde tydperk geneem is;
 - (b) die meettoestel akkuraat was tydens sodanige tydperk;
 - (c) die inskrywings in die rekords van die Munisipaliteit korrek gedoen is; en
 - (d) dat die skatting deur die Direkteur van die hoeveelheid water wat aan 'n verbruiker voorsien of deur 'n verbruiker ontvang is, sonder dat sodanige water deur 'n meettoestel beweeg het, korrek is
- (2) Waar water wat deur die Munisipaliteit voorsien is op enige wyse deur 'n verbruiker bekom word sonder dat daardie water deur enige meettoestel beweeg wat deur die Munisipaliteit voorsien is, kan die Direkteur, vir doeleindes van die lewering van 'n rekening, 'n beraming ingevolge sub-artikel (3) doen van die hoeveelheid water wat aan die verbruiker voorsien is vanaf die laaste vorige lesing van die watermeter tot by die datum waarop dit ontdek is dat die verbruiker water op hierdie manier bekom.
- (3) Afhangende van die Direkteur se besluit, sal 'n beraming van die hoeveelheid water wat vir doeleindes van sub-artikel (2) aan 'n verbruiker verskaf is, op een van die volgende wyses gedoen word—
- (a) die gemiddelde maandelikse waterverbruik op die perseel tydens enige drie agtereenvolgende metingsperiodes tydens die tydperk van 12 maande onmiddellik voorafgaande die ontdekking van die bekommings van water soos in sub-artikel (2) vermeld; of
 - (b) die gemiddelde maandelikse verbruik op die perseel wat oor drie agtereenvolgende metingsperiodes na die datum in sub-artikel (3)(a) na verwys, geregistreer.
- (4) Niks in hierdie Verordening sal só uitgelê word dat dit 'n verpligting op die Munisipaliteit plaas om toe te sien dat enige meettoestel wat op enige perseel geïnstalleer is aan die einde van elke maand of ander bepaalde tydperk gemeet sal word nie, en die Direkteur mag die hoeveelheid water skat wat oor enige tydperk tydens die pouse tussen twee agtereenvolgende metings van die meettoestel verskaf is en 'n rekening aan die verbruiker lewer vir die hoeveelheid water wat aldus geskat is.
- (5) By ontvangs van minstens sewe (7) dae skriftelike kennisgewing van 'n verbruiker, en onderhewig aan betaling van die voorgeskrewe heffing, kan die Direkteur die hoeveelheid water wat aan die verbruiker verskaf is, op 'n ander tyd of dag meet as dit waarop die meting gewoonlik gedoen sou word.
- (6) By 'n oortreding van artikel 32, sal die verbruiker die koste van die hoeveelheid water wat na die mening van die Direkteur aan hom gelewer is, aan die Munisipaliteit betaal.
- (7) Tot tyd en wel 'n meettoestel ten aansien van water aan 'n verbruiker gelewer, geïnstalleer is, moet die geskatte of veronderstelde verbruik van daardie verbruiker gebaseer word op die gemiddelde gebruik van gelewerde water tydens 'n bepaalde tydperk aan die sone waarbinne die verbruiker se perseel geleë is.
- (8) Waar dit na die mening van die Munisipaliteit nie redelikerwys moontlik of koste doeltreffend is om die watervoorsiening aan elke verbruiker in 'n bepaalde sone te meet nie, kan die Munisipaliteit ingevolge sy tariefbeleid 'n basiese tarief of heffing vasstel wat deur elke verbruiker in daardie sone betaal moet word, afgesien van die hoeveelheid water wat werklik verbruik is.

34. Foutiewe meting

Indien 'n verbruiker rede het om te vermoed dat 'n meettoestel wat vir die meet van water gebruik word wat aan hom voorsien is, foutief is, is hy geregtig om sodanige stappe te doen as waarvoor daar in die Munisipaliteit se Verordening rakende kredietbeheer en skuldinvordering voorsiening gemaak word.

35. Spesiale meting

- (1) Indien die Direkteur weens ander redes as om die heffing vir waterverbruik te bepaal, die hoeveelheid water wat in 'n gedeelte van 'n waterinstallasie gebruik word, wil meet, kan dit die betrokke eienaar skriftelik in kennis stel van sy voorneme om 'n meettoestel by sodanige punt in die waterinstallasie as wat dit mag aanwys, te installeer.
- (2) Die installering van 'n meettoestel verwys na in sub-artikel (1), die verwydering daarvan en die herstel van die waterinstallasie na sodanige verwydering, sal op koste van die Munisipaliteit uitgevoer word.
- (3) Die bepalinge van artikels 32(5) en (6) sal geld vir soverre hulle van toepassing mag wees ten aansien van die meettoestel wat ingevolge sub-artikel (1) geïnstalleer is.

36. Afslag op bedrag betaalbaar vir verliese

'n Verbruiker kan geregtig wees op afslag op die bedrag betaalbaar op waterverliese in 'n waterinstallasie ooreenkomstig 'n neergelegde beleid.

DEEL 6: INSTALLASIEWERK

37. Goedkeuring van installasiewerk

- (1) Indien 'n eienaar waterinstallasiewerk wil laat doen, moet hy of sy eers die Munisipaliteit se skriftelike toestemming verkry; met dien verstande dat toestemming nie vereis sal word in die geval van waterinstallasies in wooneenhede of installasies waar geen brandinstallasie ingevolge SABS Kode 0400 vereis word nie, of vir die vervanging of herstel van 'n bestaande pyp of waterbybehoorsel anders as 'n vaste-waterververwarmer en die bybehorende beskermingstoestelle daarvan nie.
- (2) Aansoek vir die toestemming waarna in sub-artikel (1) verwys word, moet op die voorgeskrewe vorm gedoen word en vergesel wees van—
 - (a) die voorgeskrewe heffing, indien dit van toepassing sou wees;
 - (b) afskrifte van die sketse soos deur die Direkteur voorgeskryf, waardeur inligting in die formaat deur klousule 4.1.1 van SABS Kode 0252: Deel 1 voorgeskryf, verskaf word; en
 - (c) 'n sertifikaat dat die installasie in ooreenstemming met SABS Kode 0252: Deel 1 ontwerp is, of dat dit op 'n rasonale basis ontwerp is
- (3) Die bepalinge van sub-artikels (1) en (2) sal nie op 'n gekwalifiseerde loodgieter van toepassing wees wat 'n vaste-waterververwarmer of die bybehorende beskermingstoestelle daarvan vervang nie.
- (4) Toestemming wat ingevolge sub-artikel (1) verleen is, sal na verloop van vier-en twintig maande na die eerste dag van die maand volgende op die maand waarin die toestemming verleen is, verval.
- (5) Waar toestemming ingevolge sub-artikel (1) vereis is, moet 'n volledige stel goedgekeurde sketse van die installasiewerk by die werkaanleg te alle tye tot by voltooiing van die werk beskikbaar wees.
- (6) Indien installasiewerk strydig met sub-artikels (1) of (2) gedoen is, kan die Direkteur die betrokke eienaar by wyse van skriftelike kennisgewing gelas om—
 - (a) binne 'n bepaalde tydperk aan daardie regulasie te voldoen;
 - (b) indien werk onder hande is, werk te staak; en
 - (c) om al sodanige werk as wat nie aan hierdie Verordening voldoen nie, te verwyder.

38. Voorsiening en instandhouding van waterinstallasies

- (1) 'n Eienaar moet sy waterinstallasie op eie koste voorsien en in stand hou en waar toestemming ingevolge sub-artikel (2) verleen is, toesien dat die installasie binne die grense van sy eiendom gesetel is.
- (2) Voordat enige werk in verband met die instandhouding van sodanige gedeelte van 'n eienaar se waterinstallasie as wat buite die grense van sy eiendom gesetel is, gedoen word, moet die eienaar, na gelang van die geval, die skriftelike toestemming van die Direkteur, of die eienaar van die grond waarop sodanige gedeelte gesetel is, bekom.

39. Gebruik van pype en waterbybehoorsels moet gemagtig word

- (1) Niemand mag sonder die voorafverkreë skriftelike toestemming van die Direkteur 'n pyp of waterbybehoorsel in 'n waterinstallasie binne die Munisipaliteit se area van jurisdiksie installeer nie, tensy dit ingesluit is in die Bylae van Goedgekeurde Pype en Bybehoorsels, soos deur die Munisipaliteit saamgestel.
- (2) Aansoek om insluiting van 'n pyp of waterbybehoorsel in die Bylae waarna in sub-artikel (1) verwys word, moet op die vorm wat deur die Direkteur voorgeskryf is, gedoen word en van die voorgeskrewe heffing vergesel wees.
- (3) 'n Pyp of waterbybehoorsel kan in die Bylae waarna in sub-artikel (1) verwys word, ingesluit word, mits—
 - (a) die standaardiseringsmerk van die Suid-Afrikaanse Buro vir Standaarde ten aansien van die ter saaklike SABS-voorskrif deur die Buro uitgereik, daarop verskyn; of
 - (b) 'n sertifiseringsmerk daarop verskyn wat uitgereik is deur die SABS om te sertifiseer dat die pyp of waterbybehoorsel voldoen aan 'n SABS Merkvoorskrif of voorwaardelike voorskrif wat deur die SABS uitgereik is, met dien verstande dat geen sertifiseringsmerk vir 'n tydperk wat twee jaar oorskry, uitgereik sal word nie.
- (4) Die Direkteur mag, ten aansien van enige pyp of waterbybehoorsel wat in die Bylae vervat is, sodanige bykomende voorwaardes as wat dit ten opsigte van die gebruik of metode van die installasie daarvan mag nodig ag, voorskryf.
- (5) 'n Pyp of waterbybehoorsel sal van die Bylae verwyder word indien dit—
 - (a) nie meer aan die maatstawwe waarop die insluiting daarvan gebaseer was, voldoen nie; of
 - (b) nie meer geskik is vir die doel waarvoor dit aanvaar is nie.
- (6) Die huidige Bylae sal te eniger tyd tydens werkure by die Munisipaliteit ter insae beskikbaar wees.

40. Etikettering van eindpunt-waterbybehoorsels en -toestelle

Alle eindpunt-waterbybehoorsels en -toestelle wat water gebruik of afvoer sal met die volgende inligting gemerk wees, of sodanige inligting op die verpakking daarvan bevat—

- (a) die drukomvang in kPa waarvoor die waterbybehoorsel of toestel ontwerp is om te funksioneer;
- (b) die stroomsnelheid, in liters per minuut, in verhouding met die ontwerpdruk, met dien verstande dat sodanige inligting minstens vir die volgende waterdrukke voorsien sal word—
 - (i) 20 kPa
 - (ii) 100 kPa
 - (iii) 400 kPa.

DEEL 7: WATERBESOEDELING, BEPERKING EN VERKWISTENDE GEBRUIK VAN WATER**41. Eienaar moet waterbesoedeling voorkom**

'n Eienaar van 'n perseel moet goedgekeurde maatreëls voorsien en in stand hou ter voorkoming van die insypeling van 'n stof wat 'n gesondheidsgevaar inhou of die drinkbaarheid van water nadelig beïnvloed of die geskiktheid vir die gebruik daarvan raak, in—

- (a) die watervoorsieningsstelsel;
- (b) enige deel van die waterinstallasie op sy perseel;
- (c) enige stormwaterstelsel;
- (d) enige rioolvuilwegdoenstelsel; en
- (e) die omgewing.

42. Waterbeperkings- en bewaring

- (1) Die Munisipaliteit kan maatreëls tref om die gebruik van water te beperk, te staak of in te kort vir die bevordering van waterbesparing. Nadat die Munisipaliteit bepaal het dat hy die verskaffing van waterdienste of die gebruik van water wil beperk of staak, of maatreëls wil tref om die gebruik van water te beperk of in te kort vir die bevordering van waterbewaring, moet daar onmiddellik 'n kennisgewing bevattende die Raadsbesluit, opvallend laat vertoon word by die Munisipale kantore en biblioteke, asook op sodanige ander plekke wat daar bepaal mag word. 'n Afskrif van die kennisgewing moet ook onverwyld in die plaaslike koerant gepubliseer word.
- (2) In die geval van 'n watertekort, droogte, rampe of enige ander gegronde rede, kan die Munisipaliteit by wyse van 'n sub-artikel (1) openbare kennisgewing—
 - (a) die voorsiening van of verbruik van water in die geheel of 'n gedeelte van sy gebied van jurisdiksie, verbied, beperk of inkort vir algemene doeleindes of—
 - (i) vir bepaalde doeleindes;
 - (ii) tydens bepaalde ure van die dag of op bepaalde dae; en
 - (iii) op 'n bepaalde manier; en
 - (b) bepaal en skryf voor—
 - (i) inkortings en beperkings op die hoeveelheid water wat oor 'n bepaalde tydperk verbruik mag word;
 - (ii) bykomende heffings tot die heffings voorgeskryf vir watervoorsiening wat die beperkte hoeveelheid in sub-artikel (2)(b)(i) beoog, oorskry; en
 - (iii) 'n bobelasting op die voorgeskrewe heffings vir water-voorsiening; en
 - (c) beperkings of verbodsbepalings oplê met betrekking tot die gebruik of wyse van gebruik of die opstelling van 'n toestel waardeur water gebruik of verbruik word, of die verbinding van sodanige toestelle aan die waterinstallasie.
- (3) Die Munisipaliteit mag die toepassing van die bepaling rakende 'n kennisgewing deur sub-artikel (1) beoog, tot bepaalde areas en kategorieë verbruikers, persele en aktiwiteite inkort, en mag afwykings, vrystellings of die verslapping van enige van die bepalinge op redelike gronde toelaat.
- (4) Die Munisipaliteit mag—
 - (a) sodanige maatreëls instel, met insluiting van die installering van meettoestelle en toestelle vir die beperking van die vloei van water, of verbruiker by wyse van skriftelike kennisgewing gelas om sodanige maatreëls self en op sy eie onkoste in te stel as wat in die oordeel van die Munisipaliteit nodig mag wees ten einde nakoming van 'n kennisgewing wat ingevolge sub-artikel (1) uitgereik is, te verseker; of
 - (b) vir sodanige tydperk as wat die Munisipaliteit dit nodig ag, die watervoorsiening na enige perseel inkort, in die geval van 'n oortreding of nie nakoming op sodanige perseel van die bepalinge van 'n kennisgewing uitgereik ingevolge sub-artikel (1), onderhewig aan kennisgewing ingevolge artikel 19; en
- (5) Die bepalinge van hierdie artikel sal ook van toepassing wees ten aansien van water wat regstreeks deur die Munisipaliteit aan verbruikers buite die Munisipaliteit se gebied van jurisdiksie voorsien word, niesteenstaande enigiets tot die teendeel in die voorwaardes wat sodanige voorsiening beheer, tensy anders aangedui in die kennisgewing ingevolge sub-artikel (1) uitgereik.

Waterbesparing: opgaartenks

- (6) (a) Die Munisipaliteit kan vir waterbesparing doeleindes, vereis dat die eienaar van 'n perseel voorsiening moet maak vir 'n geskikte vorm van beheer, hantering en opgaar van 'n samevloeiing van stormwater wat van grondwerke, 'n gebou of plaveisel kan afloop.
- (b) Sodanige vorm van stormwater opgaring kan aanvullend wees by of gekombineer word met ander vereistes of maatreëls.
- (c) Vorme van stormwater opgaring op 'n perseel kan die volgende insluit—
 - (i) die installering van 'n opgaartenk van 'n bepaalde klas, grootte of standaard; en
 - (ii) in die geval van 'n gebou op sodanige perseel, voorsiening vir dakkele, dakgeute en geutpype, of indien dakgeute en geutpype nie aangebring is nie, vir ander middele waardeur verseker word dat stormwater wat van 'n dak afloop beheer en opgegaar word.

Beleid vir wateraanvraagbestuur en besparing

- (7) (a) Die Munisipaliteit kan maatreëls in 'n beleidsdokument vir waterbe-perking, waterbesparings- en wateraanvraagbestuurspraktyke voorskryf en kan die vorm waarin en die wyse waarop die beperkings, besparings of gebruik van toepassing sal wees, bepaal en vir verwante aangeleenthede.
- (b) Die toepassing van die bepalinge van die beleid kan tot 'n spesifieke gebied en/of kategorie van verbruikers, persele en aktiwiteite beperk word en kan op redelike gronde afwykings, vrystellings of verslappings van enige van sodanige bepalinge gemagtig word.
- (c) Enige persoon wat die bepalinge van sodanige beleid of maatreëls oortree is skuldig aan 'n misdryf.

43. Onregmatig waterverkwisting

- (1) Geen eienaar of verbruiker sal nalatiglik of opsetlik—
 - (a) die doellose of verkwistende loslaat van water vanuit eindpuntwater- bybehoorsels;
 - (b) die lek van pype of waterbybehoorsels;
 - (c) die gebruik van swak-passende of foutiewe water toebehore, of dat dit gebruik word;
 - (d) die voortdurende oorloop van water; of
 - (e) 'n ondoeltreffende watergebruik wat voortduur; toelaat of laat voortduur nie.
- (2) 'n Eienaar moet enige onderdeel van sy waterinstallasie wat in sodanige toestand van vervalendheid verkeer dat dit enige van die gebeure in sub-artikel (1) uiteengesit veroorsaak, of waarskynlik sal veroorsaak, herstel of vervang.
- (3) Indien 'n eienaar versuim om die maatreëls in sub-artikel (2) bedoel toe te pas, sal die Direkteur deur middel van skriftelike kennisgewing ingevolge artikel 19, van die eienaar verg om aan die bepalings van sub-artikel (1) te voldoen.
- (4) 'n Verbruiker sal toesien dat enige uitrusting of toerusting wat aan sy waterinstallasie gekoppel is, water op 'n doeltreffende wyse gebruik.
- (5) Die Direkteur mag by wyse van skriftelike kennisgewing 'n verbruiker verbied om enige bepaalde uitrusting in 'n waterinstallasie te gebruik, indien die watergebruik van die uitrusting, na die mening van die Munisipaliteit, ondoeltreffend is. Sodanige uitrusting mag nie weer gebruik word alvorens die doeltreffendheid daarvan herstel is en 'n skriftelike aansoek om die hergebruik daarvan deur die Direkteur goedgekeur is nie.

DEEL 8: ALGEMENE BEPALINGS**44. Water uit ander bronne**

- (1) Niemand mag water wat uit 'n ander bron as die Munisipale water-voorsienings afkomstig is, vir huishoudelike doeleindes gebruik of toelaat dat dit gebruik word nie, tensy die water deur die Direkteur vir daardie doel goedgekeur is en aan die voorwaardes soos bepaal, voldoen is nie.

Kennisgewing van boorgate

- (2) Die Munisipaliteit kan by wyse van 'n kennisgewing, vereis dat die eienaar van enige perseel binne die gebied van jurisdiksie van die Munisipaliteit waarop 'n boorgat teenwoordig is, of, indien die eienaar nie in besit van die perseel is nie, die okkupeerder daarvan, die Direkteur op die voorgeskrewe vorm in kennis sal stel van die bestaan van 'n boorgat op sodanige perseel en voorts van sodanige inligting ten opsigte daarvan sal voorsien as wat mag vereis word; en
- (3) Behoudens die bepalings van sub-artikel (3) mag niemand 'n boorgat, put of syfergat sink of uitgrawe of toelaat dat dit gesink of uitgegrawe word nie, tensy die Direkteur ten minste 30 dae vooraf skriftelik kennis van die voorneme om dit te doen, gegee is, wat ook die voorgestelde plek en doel waarvoor die water aangewend gaan word, aandui.
- (4) Die Direkteur kan van die eienaar of okkupeerder van 'n perseel wat voornemens is om 'n boorgat te sink, vereis om 'n omgewingsinvloedstudie vir sodanige beoogde boorgat of 'n studie gedoen word om vas te stel watter impak dit op die welstand van die gemeenskap mag hê, tot bevrediging van die Munisipaliteit te onderneem, alvorens die boorgat gesink word.
- (5) Boorgate is onderhewig aan enige vereistes van die Nasionale Waterwet, 1998 (Wet Nr 36 van 1998), of enige ander tersaaklike wetgewing.
- (6) Die Direkteur kan by wyse van skriftelike kennisgewing aan 'n eienaar of okkupeerder van 'n perseel waarop daar reeds 'n boorgat vir gebruik van waterdienste bestaan, of by wyse van skriftelike kennisgewing aan sodanige eienaars of okkupeerders, vereis dat sodanige eienaar of okkupeerder—
 - (a) goedkeuring van die Direkteur sal verkry vir die gebruik van 'n boorgat vir waterdienste in ooreenstemming met artikels 6, 7 en 22 van die Wet;
 - (b) voorwaardes voorgeskryf deur die Direkteur ten aansien van die gebruik van 'n boorgat vir waterdienste, nakom; en
 - (c) 'n vaste heffing opgelê deur die Munisipaliteit of sy gevolmagtigde agent ten aansien van die gebruik van so 'n boorgat, betaal.
- (7) Elke eienaar van 'n perseel moet verseker dat enige boorgat, put, syfergat of uitgraving wat op sy perseel is—
 - (a) sodanig beveilig is dat dit geen gevaar, risiko of 'n oorlas skep nie; en
 - (b) nie op so 'n manier gevul, of met materiaal opgevol is, dat dit kan veroorsaak dat 'n aanliggende boorgat, put of syfergat, of ondergrondse waterbron besoedel of besmet word nie.

45. Monsterneming van water

- (1) Die Direkteur kan watermonsters neem uit 'n bron ingevolge artikels 6 of 7 van die Wet geoorloof, buiten uit die watervoorsieningstelsel vir huishoudelike doeleindes, en die monsters laat toets vir voldoening daarvan aan enige nasionale standaard wat ingevolge artikel 9 van die Wet voorgeskryf is.
- (2) Die voorgeskrewe heffing vir die neem en toetsing van die monsters waarna in sub-artikel (1) verwys word, sal betaal word deur die party aan wie goedkeuring ingevolge artikel 6 (1) van die Wet verleen is om die water as drinkwater te gebruik.

46. Voorsiening van nie-drinkbare water deur die Munisipaliteit

- (1) Op aansoek ingevolge artikel 2, kan die Munisipaliteit instem om nie-drinkbare water aan 'n verbruiker te verskaf, onderhewig aan sodanige bedinge en voorwaardes as wat die Raad mag voorskryf.
- (2) Enige voorsiening van water waarvoor instemming ingevolge sub-artikel (1) verleen is, sal nie vir huishoudelike of enige ander doel gebruik word wat na die mening van die Direkteur aanleiding tot 'n gesondheidsrisiko kan gee nie.
- (3) Geen waarborg, hetsy uitdruklik, hetsy regtens inbegrepe, sal ten aansien van die suiwerheid van nie-drinkbare water deur die Munisipaliteit voorsien, of die geskiktheid vir die doeleindes waarvoor die watervoorsiening toegestaan is, geld nie.

- (4) Die voorsiening van nie-drinkbare water sal ten aansien van beide die toestand en die gebruik daarvan uitsluitlik op risiko van die verbruiker geskied en die verbruiker sal aanspreeklik wees vir enige gevolgskaad of verlies wat hy of sy self, of andere regstreeks of onregstreeks as gevolg daarvan mag ly, met insluiting van gevolge weens enige bona fide fout deur die Munisipaliteit, of die onklarheid van 'n verwerkingsaanleg.

47. Toetsing van druk in watervoorsieningstelsels

Op aansoek deur 'n eienaar en teen betaling van die voorgeskrewe heffing, kan die Direkteur die meting van die druk in die watervoorsieningstelsel van toepassing op daardie perseel oor sodanige tydperk as wat die eienaar mag versoek, bepaal en aan die eienaar verskaf.

48. Pype in strate of openbare plekke

Niemand mag vir doeleindes van die afvoer van water, ongeag van watter bron dit ook al bekom is, 'n pyp of bybehorende bestanddeel op of onder 'n straat, openbare plek of ander grond wat die Munisipaliteit se eiendom is of wat setel in of beheer word deur sodanige Munisipaliteit, lê of bou nie, behalwe waar skriftelike toestemming vooraf van die Direkteur verkry is en onderhewig aan sodanige voorwaardes as wat dit mag voorskryf.

49. Gebruik van grys water

Niemand mag grys water gebruik of toelaat dat dit gebruik word sonder die voorafverkreë toestemming van die Direkteur nie, welke toestemming onderhewig sal wees aan die voorwaardes soos bepaal.

HOOFSTUK 3: SANITASIEDIENSTE

DEEL 1: STANDAARDE EN ALGEMENE BEPALINGS

50. Standaard vir sanitasiedienste

Sanitasiedienste wat deur die Munisipaliteit voorsien word, sal aan die minimum vereistes wat vir die voorsiening van sanitasiedienste ingevolge artikel 9 van die Wet bepaal is, voldoen.

51. Aanstooflike loslaat na rioolvuilwegdoenstelsel

- (1) Niemand mag enige rioolvuil of ander stof in die rioolvuilwegdoenstelsel loslaat of die loslaat of toegang daarvan toelaat indien daardie rioolvuil of ander stof—
- nie aan die standaard en maatstawwe wat voorgeskryf word, voldoen nie;
 - bestanddele in sodanige konsentrasie bevat as wat in die uitlooiselprodukt vir loslating by enige rioolvuilbehandelingsaanleg of uitlooploslatingspunte ter see of in enige openbare water enige aanstooflike, of andersins onaantwoordbare smaak, kleur, reuk, temperatuur of enige skuim tot gevolg sal hê of waarskynlik tot gevolg sal hê;
 - die hergebruik van behandelde rioolvuil benadeel of enige van die prosesse waardeur rioolvuil vir hergebruik gesuiwer word of behandel is om slyk vir beskikking daarvoor te produseer, nadelig raak;
 - enige stof of voorwerp van watter aard ook al bevat wat nie tot 'n bevredigende mate ontvanklik is vir behandeling by 'n rioolvuilbehandelingsaanleg nie, of wat die staking of onderdrukking van die prosesse wat in sodanige aanleg gebruik word tot gevolg sal hê of waarskynlik tot gevolg sal hê;
 - enige stof of voorwerp van watter aard ook al bevat wat so sterk is, of wat slegs ontvanklik is vir behandeling tot so 'n beperkte mate, dat dit tot gevolg het dat die uitlooisel vanuit die rioolvuilbehandelings-aanleg of loslaat vanuit die loslatingspunte ter see nie aan die standaard voorgeskryf deur die Nasionale Waterwet, 1998 (Wet Nr 36 van 1998) voldoen nie;
 - 'n gevaar vir die gesondheid of veiligheid van enige persoon kan inhou, of nadelig vir die struktuur of materiaal van die rioolvuilwegdoenstelsel kan wees, of wat 'n nadelige uitwerking op enige grond wat deur die Munisipaliteit vir die rioolvuilwegdoenstelsel gebruik word, kan hê, anders as in ooreenstemming met die toestemmings wat ingevolge hierdie Verordening uitgereik is; en
 - die ongehinderde vloei van rioolvuil deur die rioolvuilwegdoenstelsel mag onderdruk.
- (2) Niemand mag die insypeling van enige stormwater in die rioolvuilwegdoenstelsel veroorsaak of toelaat nie.
- (3) Die Direkteur kan, by wyse van skriftlike kennisgewing, die eienaar of okkupeerder gelas om op sy eie onkoste periodieke deskundige inspeksies van die perseel uit te voer ten einde voorkomingsmaatreëls wat nakoming van hierdie Verordening sal verseker, te identifiseer en om sodanige bevindings aan 'n beampte of gevolmagtigde persoon oor te dra.
- (4) Indien enigiemand enige van die bepalings vervat in sub-artikel (1) of sub-artikel (2) oortree, moet sodanige persoon binne twaalf uur, of indien moontlik, vroeër, die Munisipaliteit van die besonderhede van die oortreding en die redes daarvoor in kennis stel.

DEEL 2: OP TERREIN SANITASIEDIENSTE EN VERWANTE DIENSTE

52. Aansoek om infrastruktuur

- (1) Indien 'n ooreenkoms vir op-terrein sanitasiedienste en verwante dienste in ooreenstemming met artikel 2 bestaan, en geen infrastruktuur in verband daarmee op die perseel in stand is nie, moet die eienaar onmiddellik op die voorgeskrewe vorm daarom aansoek doen en—
- die voorgeskrewe heffing vir die installering van die nodige infrastruktuur betaal; of
 - met die goedkeuring van die Direkteur en op versoek van die eienaar, die verbindingsriool of op terrein sanitasiedienste in ooreenstemming met die spesifikasies van die Munisipaliteit installeer.
- (2) Die Direkteur kan die tipe op-terrein sanitasiediens wat geïnstalleer staan te word, spesifiseer.

53. Dienste verwant aan op terrein sanitasiedienste

Die verwydering of versameling van riooltenkinhoud, nagvuil of die leegmaak van putlatrines, sal deur die Munisipaliteit onderneem word in ooreenstemming met 'n verwydering- en versameling-skedule wat deur die Direkteur vasgestel is, in areas waar die Munisipaliteit nie hierdie diens lewer nie, sal die diens deur privaat kontrakteurs gelewer word op versoek van die okkupeerder van die perseel.

54. Heffings ten opsigte van dienste verwant aan op terrein sanitasiedienste

- (1) Heffings ten opsigte van die verwydering of versameling van riooltenkinhoud, nagvuil of die leegmaak van putlatrines, sal alle operasionele- en onderhoudskoste vir die verwydering van die putinhoud, die vervoer daarvan na 'n wegdoenplek, die behandeling van die inhoud ten einde 'n sanitêre toestand te bereik en die finale beskikking oor soliede oorblyfsels, insluit.
- (2) Heffings ten opsigte van die verwydering of versameling van riooltenkinhoud, nagvuil of die leegmaak van putlatrines, sal gebaseer wees op die volume verwyder deur 'n suigtenk of andersins.
- (3) Indien die volume van die riooltenkinhoud, nagvuil of die leegmaak van putlatrines wat verwyder of versamel is, nie gekwantifiseer kan word deur die Direkteur of kontrakteur nie, mag 'n vasgestelde heffing gehef word.
- (4) Heffings mag in die vorm van 'n maandelikse bydrae of as 'n enkel bedrag wanneer die diens gelewer word, gehef word.

DEEL 3: WEGDOEN VAN RIOOLVUIL**55. Voorsiening van 'n verbindingsriool**

- (1) Indien 'n ooreenkoms vir die gebruik van 'n rioolvuilwegdoenstelsel in ooreenstemming met artikel 2 bestaan, en geen verbindingsriool ten opsigte van die perseel bestaan nie, moet die eienaar onmiddellik op die voorgeskrewe vorm daarom aansoek doen en—
 - (a) die voorgeskrewe heffing vir die installering van sodanige verbindingsriool betaal; of
 - (b) op versoek van die eienaar en met toestemming van die Direkteur die verbindingsriool in ooreenstemming met enige spesifikasies van die Munisipaliteit installeer.
- (2) Indien aansoek gedoen is vir gebruik van 'n rioolvuilwegdoenstelsel na 'n perseel wat sodanig geleë is dat dit nodig is om die riool te verleng ten einde die rioolvuilwegdoenstelsel met die perseel te kan verbind, kan die Direkteur tot die verlenging instem, onderhewig aan sodanige voorwaardes as wat dit mag voorskryf.

56. Plasing van verbindingsriool

- (1) 'n Verbindingsriool wat deur die Munisipaliteit of die eienaar ingeolge artikel 55 voorsien en geïnstalleer is, moet—
 - (a) geplaas wees in 'n posisie waaroor die eienaar met die Direkteur ooreengekom het en van 'n grootte wees wat deur die Munisipaliteit of 'n gemagtigde beampte bepaal is;
 - (b) by 'n verbindingspunt eindig ongeveer 1 meter binnekant die perseel vanaf die grens van die grond wat deur die Munisipaliteit besit word of in die Munisipaliteit setel, of waaroor die Munisipaliteit 'n serwituuft of ander reg geniet, of, by die toepassing van sub-artikel (3), by die verbindingspunt ingeolge daardie sub-artikel aangewys.
- (2) By bereiking van 'n ooreenkoms met die eienaar oor die plasing van 'n verbindingsriool, moet die Direkteur toesien dat die eienaar bewus is van—
 - (a) praktiese beperkings wat ten aansien van die plasing van 'n verbindingsriool mag bestaan;
 - (b) die koste-implikasies van die verskillende moontlike plasings van die verbindingsriool;
 - (c) of die Direkteur van die eienaar verg, al dan nie, om die plasing van die verbindingsriool te bepaal deur 'n gedeelte van sy of haar waterinstallasie by of buite sy perseel se grense te voorsien, of sodanige ooreengekome posisie binne of buite sy perseel waar die verbinding vereis word, vir die Munisipaliteit om aan sodanige installasie te verbind.
- (3) Onderhewig aan sodanige voorwaardes as wat die Direkteur mag voorskryf, kan die Direkteur, op versoek van enigiemand toestemming verleen vir die verbinding aan 'n riool anders as een wat die mees geredelik beskikbaar is vir die riolering van die perseel; met dien verstande dat die applikant aanspreeklik sal wees vir enige verlenging van die perseelrioleringinstallasie na die verbindingspunt deur die Direkteur uitgewys, asook vir die verkryging, op sy eie onkoste, van enige sodanig serwitute oor ander persele as wat nodig mag wees.
- (4) 'n Eienaar moet die voorgeskrewe verbindingsheffing betaal.
- (5) Waar dit van 'n eienaar vereis word om 'n rioolvuilhyser soos deur die Bouregulasies voorgeskrif, te voorsien, sal die tempo en tyd van loslating in die riool onderhewig wees aan die goedkeuring daarvan deur die Direkteur.

57. Voorsiening van enkelverbindingsriool vir verskeie verbruikers op dieselfde perseel

- (1) Nieteenstaande die bepalings van artikel 56, mag slegs een verbindingsriool na die rioolvuilwegdoenstelsel voorsien word vir die wegdoen van rioolvuil vanaf enige perseel, ongeag die aantal wooneenhede of verbruikers wat op sodanige perseel teenwoordig is.
- (2) Wanneer die eienaar of die persoon in bevel of belas met die bestuur van enige perseel waarop verskeie wooneenhede aangetref word die wegdoen van rioolvuil vanaf sodanige perseel verlang vir doeleindes van die wegdoen daarvan vanaf die verskillende wooneenhede, kan die Direkteur, in eie diskresie—
 - (a) 'n enkelverbindingsriool ten opsigte van die perseel as 'n geheel, of enige aantal sodanige wooneenhede, voorsien en installeer; of
 - (b) 'n afsonderlike verbindingsriool vir elke wooneenheid, of enige aantal wooneenhede, voorsien en installeer.
- (3) Wanneer die Munisipaliteit 'n enkelverbindings-riool soos in sub-artikel 2(a) beoog, geïnstalleer het—
 - (a) moet die eienaar of die persoon in bevel of belas met die bestuur van die perseel, na gelang van die geval, indien die Direkteur dit vereis, aan elke takpyp wat vanaf die verbindingsriool na die verskillende wooneenhede strek—
 - (i) 'n afsonderlike verbindingsriool installeer en onderhou; en
 - (ii) 'n isoleerklap installeer en onderhou;
 - (b) sal die eienaar of die persoon in bevel of belas met die bestuur van die perseel, na gelang van die geval, aanspreeklik wees teenoor die Munisipaliteit vir die tariewe en heffings soos in die tariefbeleid vervat, ten opsigte van alle rioolvuilverwydering vanaf die perseel deur middel van sodanige enkelverbindingsriool, ongeag die verskillende hoeveelhede waarmee deur die verskillende verbruikers wat deur sodanige verbindingsriool bedien is, weggedoen is.

- (4) Ondanks sub-artikel (1), kan die Direkteur instem dat meer as een verbindingsriool aan die rioolvuilverwyderingstelsel voorsien word vir die wegdoen van rioolvuil vanaf enige perseel wat uit deeltiteleenhede bestaan, of indien, na die mening van die Direkteur, voorsiening van slegs 'n enkelverbindingsriool onnodige ontbering en ongerief aan enige verbruiker op sodanige perseel tot gevolg sal hê.
- (5) Wanneer die voorsiening van meer as een verbindingsriool ingevolge sub-artikel (4) deur die Direkteur gemagtig is, sal die tariewe en heffings vir die voorsiening van 'n verbindingsriool ten opsigte van elke rioolverbinding wat aldus voorsien is, betaalbaar wees.

58. Tussenverbinding tussen persele

'n Eienaar van 'n perseel moet toesien dat geen tussenverbinding tussen die perseelrioleringsinstallasie op sy of haar perseel en die perseelrioleringsinstallasie op ander persele bestaan nie, tensy hy die skriftelike toestemming van die Direkteur vooraf verkry het en aan alle voorwaardes wat voorgeskryf mag wees, voldoen.

59. Diskonnektering van perseelrioleringsinstallasie van verbindingsriool

Die Direkteur kan 'n perseelrioleringsinstallasie van die verbindingsriool diskonnek-teer en die verbindingsriool verwyder indien—

- (a) die ooreenkoms vir voorsiening van die verbindingsriool ingevolge artikel 9 beëindig is en geen aansoek vir die verdere voorsiening aan die perseel wat deur die riool bedien is binne 90 dae na sodanige beëindiging deur die Munisipaliteit ontvang is nie; of
- (b) die gebou op die betrokke perseel gesloop is.

DEEL 4: RIOOLVUIL DEUR MIDDEL VAN PADVERVOER GELEWER

60. Aanvaarding van lewering van rioolvuil deur middel van padvervoer

Die Direkteur kan, in eie diskresie en onderhewig aan sodanige voorwaardes as wat dit mag spesifiseer, rioolvuil vir wegdoening wat deur middel van padvervoer aan die Munisipaliteit se rioolvuilbehandelings-aanleg gelewer word, aanvaar.

61. Skriftelike toestemming vir lewering van rioolvuil deur middel van padvervoer

- (1) Niemand mag rioolvuil in die Munisipaliteit se rioolvuilbehandelingsaanleg deur middel van padvervoer loslaat nie, behalwe met die skriftelike toestemming van die Direkteur en onderhewig aan sodanige tydperk en enige voorwaardes wat voorgeskrewe terme van die skriftelike toestemming mag uitmaak.
- (2) Die heffings betaalbaar vir enige rioolvuil wat aan die Munisipaliteit se rioolvuilbehandelingsaanleg vir wegdoening gelewer is, sal deur die Munisipaliteit in ooreenstemming met die voorgeskrewe tariewe en heffings bepaal word.

62. Voorwaardes vir die lewering van rioolvuil deur middel van padvervoer

Wanneer rioolvuil deur middel van padvervoer gelewer word—

- (a) sal die tyd van aflewering met die Direkteur gereël word; en
- (b) sal die aard en samestelling van die rioolvuil tot bevrediging van die Direkteur voor die loslating daarvan vasgestel word, en niemand mag rioolvuil lewer wat nie aan die standarde voldoen wat voorgeskryf is nie.

63. Terugtrekking van toestemming vir lewering van rioolvuil deur middel van padvervoer

Die Direkteur kan enige toestemming terugtrek nadat skriftelike toestemming van sodanige voorneme aan 'n persoon wat toestemming bekom het om rioolvuil deur middel van padvervoer los te laat, gelewer is, indien sodanige persoon—

- (a) versuim om toe te sien dat die rioolvuil wat aldus gelewer is aan die standarde wat in die Munisipaliteit se Verordening vir die Wegdoen van Nywerheidsuitvloeielsel of in die skriftelike toestemming voorgeskryf is, voldoen; of
- (b) versuim of weier om aan enige kennisgewing wat regtens ingevolge hierdie Verordening op hom beteken is, te voldoen, of enige bepalinge van hierdie Verordening of enige voorwaarde aan hom ingevolge enige toestemming voorgeskryf, oortree; en
- (c) versuim om die bepaalde heffings ten opsigte van enige gelewerde rioolvuil te betaal.

DEEL 5: GESUIWERDE RIOOLWATER

64. Gebruik van gesuiwerde rioolwater

- (1) Op aansoek ingevolge artikel 2, kan die Raad instem om gesuiwerde rioolwater aan 'n verbruiker te verskaf, onderhewig aan sodanige bedinge en voorwaardes as wat die Raad mag voorskryf.
- (2) Geen waarborg, hetsy uitdruklik, hetsy regtens inbegrepe, sal ten aansien van die geskiktheid vir die doeleindes waarvoor die watervoorsiening toegestaan is, deur die Munisipaliteit verskaf word nie.
- (3) Die voorsiening van gesuiwerde rioolwater sal ten aansien van beide die toestand en die gebruik daarvan uitsluitlik op risiko van die verbruiker geskied en die verbruiker sal aanspreeklik wees vir enige gevolgskaad of verlies wat hy self of andere, regstreeks of onregstreeks as gevolg daarvan mag ly, met insluiting van gevolge weens enige bona fide fout deur die Munisipaliteit, of die onklarheid van 'n verwerkingsaanleg.

65. Wegdoen van nywerheidsuitvloeielsel en handelspersele

Die wegdoen van nywerheidsuitvloeielsel moet gedoen word in ooreenstemming met die Munisipale Verordening vir die vir die Wegdoen van Nywerheidsuitvloeielsel.

DEEL 6: PERSEELRIOLERINGSINSTALLASIES

66. Bou of installering van perseelrioleringsinstallasies

- (1) Enige geboude of geïnstalleerde perseelrioleringsinstallasie moet aan enige toepaslike standarde ingevolge die Bouregulasies en enige standarde deur die Wet voorgeskryf, voldoen.

- (2) (a) Waar die perseelrioleringsinstallasie 'n putlatrine is, moet dit van die geventileerde, verbeterde soort putlatrines of van 'n gelykwaardige soort wees met—
- (i) 'n put met 'n inhoudsmaat van 2m³;
 - (ii) voering soos vereis;
 - (iii) 'n blad wat ontwerp is om die opgelegde las te kan dra; en
 - (iv) beskerming wat moet voorkom dat kinders by die put inval.
- (b) Die geventileerde, verbeterde putlatrine moet aan die volgende vereistes, voldoen—
- (i) die put moet geventileer wees deur middel van 'n pyp, aan die boonste punt verseël met duursame, insekbestande beskutting wat stewig in posisie geheg is;
 - (ii) die ventilasiepyp moet nie minder nie as 0.5m bokant die naaste dak uitsteek, moet minstens 150mm in deursnee wees en moet vertikaal sonder kromming geïnstalleer word;
 - (iii) die binnekant van die kloset moet egalig afgewerk wees ten einde dit in 'n skoon en higiëniese toestand te hou. Die bowerk moet goed geventileer wees ten einde die vry vloei van lug na die binnekant van die put deur die pyp te laat ventileer;
 - (iv) die opening in die blad moet voldoende wees ten einde besoedeling te voorkom. Die velling moet verhewe wees sodat vloeistowwe wat gebruik word om die vloeroppervlakte mee te was, nie in die put vloei nie. Dit sal van 'n deksel voorsien word ten einde die uittog van vlieë en ander insekte wanneer die toilet nie gebruik word nie, te voorkom;
 - (v) die latrine moet in 'n posisie onafhanklik van die woonstruktuur gelokaliseer wees;
 - (vi) die latrine moet sodanig gelokaliseer wees dat dit toegang bied aan padvoertuie met 'n breedte van 3.0m ten einde die leegmaak van die put moontlik te maak;
 - (vii) in situasies waar die gevaar van besoedeling van 'n waterdraer vanweë die deurdringbaarheid van die grond bestaan, moet die die put uitgevoer word met 'n ondeurdringbare materiaal wat duursaam is en nie onder druk sal kraak nie;
 - (viii) in situasies waar die grond waarin die put uitgegrawe staan te word onstabiel is, moet voldoende stutting voorsien word ten einde instorting van die grond te voorkom.
 - (ix) Daar moet voldoende toegang tot water wees vir die was van hande.

67. Perseelriool in strate of openbare plekke

Niemand sal vir doeleindes van die afvoer van rioolvuil, vanuit watter bron ook al afkomstig, 'n perseelriool op, in of onder 'n straat, openbare plek of ander grond wat behoort aan of setel in of onder die beheer verkeer van die Munisipaliteit, lê of bou nie, behalwe met die voorafverkreë skriftelike toestemming van die Direkteur en onderhewig aan sodanige voorwaardes as wat die Direkteur mag voorskryf.

68. Bouwerk deur Munisipaliteit

Die Munisipaliteit mag met die eienaar van enige perseel ooreenkom dat enige rioleringswerk wat sodanige eienaar verlang, of ingevolge hierdie Verordening of die Bouregulasies verplig is om te bou, deur die Munisipaliteit gebou sal word op spesiale voorwaardes, teen betaling vooruit of op aanvraag van alle onkoste wat met sodanige bouwerk in verband staan.

69. Instandhouding van perseelrioleringsinstallasie

- (1) Die eienaar of okkupeerder van enige perseel moet enige perseelriolerings-installasie en enige rioolverbinding op sodanige perseel in stand hou.
- (2) Enige persoon wat die Munisipaliteit versoek om 'n perseelrioleringsinstallasie skoon te maak sal aanspreeklik wees vir betaling van die voorgeskrewe tarief daarvoor.
- (3) Op die skriftelike versoek van die eienaar of okkupeerder van 'n perseel, kan die Direkteur die perseelrioolinstallasie of enige gedeelte daarvan op die bepaalde perseel inspekteer en toets en die koste verbonde aan sodanige inspeksie en toetsing, soos bereken volgens die spesifieke skaal aangedui in die voorgeskrewe tarief van heffings, van die eienaar of okkupeerder verhaal.

70. Installering van voorbehandelingsfasiliteit

'n Direkteur mag vereis dat enige nuwe perseel van 'n minimum-voorafbehandelde fasiliteit voorsien word, van 'n tipe wat deur die Direkteur gespesifiseer mag word, voordat daardie perseel aan enige rioolvuilwegdoenstelsel verbind word.

71. Beskerming teen instroming van vloedwater

Waar 'n perseel geleë is in die 1 in 50 jaar-vloedvlakte, moet die boonste hoogte van die dienstoegangsgate, inspeksiekamers en rioolputte bokant die 1 in 50 jaarvloedvlakte-hoogte wees, behalwe in die geval van dienstoegangsgate en inspeksiekamers waarvan die deksel op goedgekeurde wyse in posisie vasgeheg is.

72. Herroeping van Verordeninge

Die Verordening hieronder gelys word hiermee herroep:

- (a) Munisipaliteit Groot Brakrivier: Watervoorsienings Verordening— PK 215/2000 gedateer 19 Mei 2000.
- (b) Munisipaliteit Mosselbaai: Watervoorsienings Verordening Ä PK 795/1991.

73. Kort titel en inwerkingtrede

Hierdie Verordening heet die Verordening insake Watervoorsiening van die Mosselbaai Munisipaliteit en tree in werking op die datum van publikasie daarvan in die Provinsiale Koerant.

