



# Western Cape Government • Wes-Kaapse Regering

PROVINCE OF WESTERN CAPE

PROVINSIE WES-KAAP

## Provincial Gazette

## Provinsiale Koerant

7224

7224

Friday, 31 January 2014

Vrydag, 31 Januarie 2014

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

### CONTENTS

(\*Reprints are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.)

No.	Page
<b>Provincial Notices</b>	
22 City of Cape Town (Helderberg Administration): Removal of Restrictions Act .....	242
23 City of Cape Town (Southern District): Removal of Restrictions Act .....	243
24 City of Cape Town (Southern District): Removal of Restrictions Act .....	242
25 City of Cape Town (Southern District): Removal of Restrictions Act .....	243
26 Knysna Municipality: Removal of Restriction Act .....	244
27 Drakenstein Municipality: Removal of Restriction Act .....	244
28 Kraaifontein Municipality: Removal of Restriction Act .....	244
29 City of Cape Town (Table Bay District): Removal of Restrictions Act .....	244
30 City of Cape Town (Cape Town Administration): Removal of Restrictions Act .....	245

#### Tenders:

Notices.....	246
--------------	-----

#### Local Authorities

Bergrivier Municipality: Closure, Rezoning and Subdivision .....	248
Bergrivier Municipality: Consent Use .....	247
Bergrivier Municipality: Removal of Restriction .....	247
Bergrivier Municipality: Rezoning and Subdivision .....	248
Breede Valley Municipality: Subdivision & Consolidation .....	392
Cape Agulhas Municipality: Removal of Restriction .....	249
Cape Agulhas Municipality: Rezoning and Departure .....	392
City of Cape Town (Cape Flats District): Rezoning .....	250
City of Cape Town (Southern District): Rezoning and Departures .....	253
City of Cape Town (Southern District): Rezoning, Departures and Consent.....	252
City of Cape Town (Table Bay District): Rezoning and Departure.....	250
City of Cape Town (Table Bay District): Rezoning, Departure, Approval .....	251
Drakenstein Municipality: Consent Use.....	255

### INHOUD

(\*Herdrukke is verkrygbaar by Kamer M21, Provinsiale Wetgewing-gebou, Waalstraat 7, Kaapstad 8001.)

Nr.	Bladsy
<b>Provinsiale Kennisgewings</b>	
22 Stad Kaapstad (Helderberg Adminidtrasie): Wet op Opheffing van Beperkings .....	242
23 Stad Kaapstad (Suidelike-Distrik): Wet op Opheffing van Beperkings .....	243
24 Stad Kaapstad (Suidelike-Distrik): Wet op Opheffing van Beperkings .....	242
25 Stad Kaapstad (Suidelike-Distrik): Wet op Opheffing van Beperkings .....	243
26 Knysna Munisipaliteit: Wet op Opheffing van Beperkings .	244
27 Drakenstein Munisipaliteit: Wet op Opheffing van Beperkings .....	244
28 Kraaifontein Munisipaliteit: Wet op Opheffing van Beperkings .....	244
29 Stad Kaapstad (Tafelbaai-Distrik): Wet op Opheffing van Beperkings .....	244
30 Stad Kaapstad (Kaapstad Administrasie): Wet op Opheffing van Beperkings .....	245

#### Tenders:

Kennisgewings: .....	246
----------------------	-----

#### Plaaslike Owerhede

Bergrivier Munisipaliteit: Sluiting, Hersoner en Onderverdeling .....	248
Bergrivier Munisipaliteit: Vergunningsgebruik .....	247
Bergrivier Munisipaliteit: Opheffing van Beperkings .....	247
Bergrivier Munisipaliteit: Hersoner en Onderverdeling .....	248
Breedevallei Munisipaliteit: Onderverdeling en Konsolidasie .....	392
Kaap Agulhas Munisipaliteit: Opheffing van Beperkings .....	249
Kaap Agulhas Munisipaliteit: Hersoner en Afwyking .....	392
Stad Kaapstad (Kaapse Vlakte-Distrik): Hersoner .....	250
Stad Kaapstad (Suidelike-Distrik): Hersoner en Afwyking ...	253
Stad Kaapstad (Suidelike-Distrik): Hersoner, Afwykings en Vergunning .....	252
Stad Kaapstad (Tafelbaai-Distrik): Hersoner en Afwyking .....	250
Stad Kaapstad (Tafelbaai-Distrik): Hersoner, Afwyking en Raadsgoedkeuring .....	251
Drakenstein Munisipaliteit: Vergunningsgebruik .....	255

(Continued on page 396)

(Vervolg op bladsy 396)

## PROVINCIAL NOTICES

The following Provincial Notices are published for general information.

ADV. B. GERBER,  
DIRECTOR-GENERAL

Provincial Legislature Building,  
Wale Street  
Cape Town.

P.N. 22/2014

31 January 2014

## CITY OF CAPE TOWN

## HERLDERBERG ADMINISTRATION

REMOVAL OF RESTRICTIONS ACT, 1967  
(ACT 84 OF 1967)

Notice is hereby given that the Minister of Local Government, Environmental Affairs and Development Planning properly designated as the Competent Authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), and on application by the owners of Erf 1099, Somerset West, amends conditions III.(a) and III.(b) contained in Deed of Transfer No. T. 8190 of 2006 to read as follows:

Condition III.(a) "That this erf be used for residential or office purposes only"; and

Condition III.(b) "That only one dwelling, which may also be used as offices, together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf"

P.N. 24/2014

31 January 2014

## CITY OF CAPE TOWN

## SOUTHERN DISTRICT

## REMOVAL OF RESTRICTIONS ACT, 1967

Notice is hereby given that the Minister for Local Government, Environmental Affairs and Development Planning, properly designated as Competent Authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), duly delegated to him in terms of section 1 of the Western Cape Delegation of Powers Act, 1994, and on application by the owner of Erf 85107, Cape Town at Lakeside amends conditions C.(ii) and C.(iv) in Deed of Transfer No. T. 77644 of 2004 to read as follows:

Condition C.(ii)—"It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings, as are ordinarily required to be used herewith, both of which may be used as an Early Childhood Development (ECD) Centre."

Condition C.(iv)—"No building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf, nor within 3,15 metres of the rear boundary, provided that with the consent of the local authority an outbuilding not exceeding 3.05 metres in height measured from the floor to the wall plate and no portion of which may be used for human habitation may be erected within the above prescribed rear boundary, provided that this condition shall not apply to the existing building on Erf 143 until such time as it is altered or demolished. On consolidation of any two or more erven this condition shall apply to the consolidated areas as one erf."

## PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,  
DIREKTEUR-GENERAAL

Provinsiale Wetgewer Gebou,  
Waalstraat,  
Kaapstad.

P.K. 22/2014

31 Januarie 2014

## STAD KAAPSTAD

## HELDERBERG ADMINISTRASIE

WET OP OPHEFFING VAN BEPERKINGS, 1967  
(WET 84 VAN 1967)

Kennis geskied hiermee dat die Minister van Plaaslike Bestuur, Omgewingsake en Ontwikkelingsbeplanning, behoorlik aangewys as Bevoegde Gesag ingevolge paragraaf (a) van Staatspresident Proklamasie Nr. 160 van 31 Oktober 1994, kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), en op aansoek van die eienaars van Erf 1099, Somerset West, voorwaardes III.(a) en III.(b) vervat in Transportakte Nr. T. 8190 van 2006, wysig soos om volg te lees:

Condition III.(a) "That this erf be used for residential or office purposes only"; and

Condition III.(b) "That only one dwelling, which may also be used as offices, together with such outbuildings as are ordinarily required to be used therewith, be erected on this erf"

P.K. 24/2014

31 Januarie 2014

## STAD KAAPSTAD

## SUIDSKIEREILAND STREEK

## WET OP OPHEFFING VAN BEPERKINGS, 1967

Kennis geskied hiermee dat die Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, behoorlik aangewys as Bevoegde Gesag ingevolge paragraaf (a) van Staatspresident Proklamasie Nr. 160 van 31 Oktober 1994, kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), behoorlik aan hom gedelegeer ingevolge artikel 1 van die Wes-Kaapse Wet op die Delegasie van Bevoegdhede, 1994, en op aansoek van die eienaar van Erf 44320, Kaapstad te Lakeside, wysig voorwaardes C.(ii) en C.(iv) vervat in Transportakte Nr. T. 77644 van 2004, sodat elk as volg lees:

Condition C.(ii)—"It shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings, as are ordinarily required to be used herewith, both of which may be used as an Early Childhood Development (ECD) Centre."

Condition C.(iv)—"No building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 4,72 metres to the street line which forms a boundary of this erf, nor within 3,15 metres of the rear boundary, provided that with the consent of the local authority an outbuilding not exceeding 3.05 metres in height measured from the floor to the wall plate and no portion of which may be used for human habitation may be erected within the above prescribed rear boundary, provided that this condition shall not apply to the existing building on Erf 143 until such time as it is altered or demolished. On consolidation of any two or more erven this condition shall apply to the consolidated areas as one erf."

P.N. 23/2014

31 January 2014

**CITY OF CAPE TOWN  
SOUTHERN DISTRICT**

**REMOVAL OF RESTRICTIONS ACT, 1967**

Notice is hereby given that the Minister of Local Government, Environmental Affairs and Development Planning, properly designated as Competent Authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), duly delegated to me in terms of section 1 of the Western Cape Delegation of Powers Act, 1994, and on application by the owner of Erven 51886 and 51887, Claremont the following conditions contained in Deed of Transfer No. T. 94545 of 2006 (Erf 51886) be amended to read as follows:

“B(a) That the erf be used for residential purposes, which can include an office use thereon.”

“B(c) That not more than half the area of the erf be built upon.”

“D(c) That no noisome, injurious or objectionable trade or business of any kind shall be carried on in any house or building aforementioned or on the said land except for offices.

“D(d) Unless otherwise approved in writing by the local authority, no advertisement, name board, or lettering of questionable size, colour or character shall be painted on or affixed to any wall or building on any lot.” and also—

“B(c) That not more than half the area of the erf be built upon.” contained in Deed of Transfer No. T. 62088 of 2005 (Erf 51887)

And that the following restrictive conditions contained in Deeds of Transfer Nos. T. 94545 of 2006 (Erf 51886) and T. 62088 of 2005 (Erf 51887) be amended to read as follows:

“B.(d) That no buildings shall be erected within 4m of any street line which forms the boundary of the erf.”

“D(a) That no building shall be erected on any lot of less value than R1400,00. Such building shall be used for business and or residential purposes only and may not consist of more than 4 flats, comprising the residential component of the building.”

“D(e) That the construction materials and finishes are subject to approval from City of Cape Town or Heritage Section or Heritage Western Cape.

“D(f) Every person owning or leasing a lot or piece of land forming part of the Greenlawns Township shall have the right, singly or in conjunction with the other owners or tenants in the said township to action for redress and relief against any owner or tenant subject to the conditions (a) to (e) above, who breaks or fails to obey any such conditions.”

P.N. 25/2014

31 January 2014

**CITY OF CAPE TOWN  
SOUTHERN DISTRICT**

**REMOVAL OF RESTRICTIONS ACT, 1967**

Notice is hereby given that the Minister of Environmental Affairs and Development Planning, properly designated as Competent Authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), duly delegated to me in terms of section 1 of the Western Cape Delegation of Powers Law, 1994, and on application by the owner of Erf 73573, Cape Town at Plumstead, remove conditions D.I.I. and D.I.2., contained in Deed of Transfer No. T. 48261 of 2003.

P.K. 23/2014

31 Januarie 2014

**STAD KAAPSTAD  
SUIDELIKE DISTRIK**

**WET OP OPHEFFING VAN BEPERKINGS, 1967**

Kennis geskied hiermee dat die Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, behoorlik aangewys as Bevoegde Gesag ingevolge paragraaf (a) van Staatspresident Proklamasie Nr. 160 van 31 Oktober 1994, kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), behoorlik aan my gedelegeer ingevolge artikel 1 van die Wes-Kaapse Wet op die Delegasie van Bevoegdhede, 1994, en op aansoek van die eienaar van Erf 51886 en 51887, Claremont wysig die volgende voorwaardes vervat in Transportakte Nr. T. 94545 of 2006 (Erf 51886)

“B(a) That the erf be used for residential purposes, which can include an office use thereon.”

“B(c) That not more than half the area of the erf be built upon.”

“D(c) That no noisome, injurious or objectionable trade or business of any kind shall be carried on in any house or building aforementioned or on the said land except for offices.

“D(d) Unless otherwise approved in writing by the local authority, no advertisement, name board, or lettering of questionable size, colour or character shall be painted on or affixed to any wall or building on any lot.” asook—

“B(c) That not more than half the area of the erf be built upon.” vervat in Transportakte Nr. T. 62088 of 2005 (Erf 51887)

En dat die volgende beperkende voorwaardes soos vervat in Transportaktes Nr's. T. 94545 of 2006 (Erf 51886) en T. 62088 of 2005 (Erf 51887) gewysig word om soos volg te lees:

“B.(d) That no buildings shall be erected within 4m of any street line which forms the boundary of the erf.”

“D(a) That no building shall be erected on any lot of less value than R1400,00. Such building shall be used for business and or residential purposes only and may not consist of more than 4 flats, comprising the residential component of the building.”

“D(e) That the construction materials and finishes are subject to approval from City of Cape Town or Heritage Section or Heritage Western Cape.

“D(f) Every person owning or leasing a lot or piece of land forming part of the Greenlawns Township shall have the right, singly or in conjunction with the other owners or tenants in the said township to action for redress and relief against any owner or tenant subject to the conditions (a) to (e) above, who breaks or fails to obey any such conditions.”

P.K. 25/2014

31 Januarie 2014

**STAD KAAPSTAD  
SUIDELIKE DISTRIK**

**WET OP OPHEFFING VAN BEPERKINGS, 1967**

Kennis geskied hiermee dat die Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, behoorlik aangewys as die Bevoegde Gesag ingevolge paragraaf (a) van Staatspresident Proklamasie Nr. 160 van 31 Oktober 1994, kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), en op aansoek van die eienaar van Erf 73573, Kaapstad te Plumstead, hef voorwaardes D.I.I. en D.I.2. soos vervat in Transportakte Nr. T. 48261 van 2003, op.

P.N. 26/2014

31 January 2014

**KNYSNA MUNICIPALITY****REMOVAL OF RESTRICTIONS ACT, 1967**

I, Bulelwa Nkwateni, in my capacity as Chief Land Use Management in the Department of Environmental Affairs & Development Planning: Western Cape, acting in terms of the powers contemplated by section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), duly delegated to me in terms of section 1 of the Western Cape Delegation of Powers Law, 1994, and on application by the owner of Farm 191/38, Knysna, removes condition C. (9) (iii) (e), as contained in Deed of Transfer No. T. 68161 of 2008.

P.N. 27/2014

31 January 2014

**DRAKENSTEIN MUNICIPALITY****REMOVAL OF RESTRICTIONS ACT, 1967  
(ACT 84 OF 1967)**

Notice is hereby given that the Minister of Local Government, Environmental Affairs and Development Planning, properly designated as competent authority in terms of paragraph (a) of State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), and on application by the owner of Erf 9728, Paarl, removes condition C.(2) as contained in Deed of Transfer No. T. 69191/2011.

P.N. 28/2014

31 January 2014

**KRAAIFONTEIN MUNICIPALITY****REMOVAL OF RESTRICTIONS ACT, 1967  
(ACT 84 OF 1967)**

I, Jeremy Benjamin, in my capacity as Chief Land Use Management Regulator in the Department of Environmental Affairs and Development Planning: Western Cape, acting in terms of the powers contemplated by section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), duly delegated to me in terms of section 1 of the Western Cape Delegation of Powers Law, 1994, and on application by the owner of Erf 1154, Durbanville, remove conditions D. 3. (a), (b), (c) and (d) as contained in Deed of Transfer No. T. 27048 of 1980.

P.N. 29/2014

31 January 2014

**CITY OF CAPE TOWN  
TABLE BAY DISTRICT****REMOVAL OF RESTRICTIONS ACT, 1967**

I, Riette Fourie, in my capacity as Chief Land Use Management Regulator in the Department of Environmental Affairs and Development Planning: Western Cape, acting in terms of the powers contemplated by section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), duly delegated to me in terms of section 1 of the Western Cape Delegation of Powers Law, 1994, and on application by the owners of Erf 559, Bantry Bay, removes conditions F.2. and F.3. contained in Deed of Transfer No. T. 10723 of 2003.

P.K. 26/2014

31 Januarie 2014

**KNYSNA MUNISIPALITEIT****WET OP OPHEFFING VAN BEPERKINGS, 1967**

Ek, Bulelwa Nkwateni, in my hoedanigheid as Hoof Grondgebruiksbestuur Reguleerder in die Departement Omgewing Sake en Ontwikkelings Beplanning: Wes-Kaap, handelende ingevolge die bevoegdheid beoog in artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), behoorlik aan my gedelegeer ingevolge artikel 1 van die Wes-Kaapse Wet op die Delegasie van Bevoegdthede, 1994, en op aansoek van die eienaar van Plaas 191/38, Knysna, hef voorwaarde C. (9) (iii) (e), vervat in Transportakte Nr. T. 68161 van 2008, op.

P.K. 27/2014

31 Januarie 2014

**DRAKENSTEIN MUNISIPALITEIT****WET OP OPHEFFING VAN BEPERKINGS, 1967  
(WET 84 VAN 1967)**

Kennis geskied hiermee dat die Minister van Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, behoorlik aangewys as bevoegde gesag ingevolge paragraaf (a) van Staatspresident Proklamasie No 160 van 31 Oktober 1994 kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), en op aansoek van die eienaar van Erf 9728, Paarl, hef voorwaarde C.(2) soos vervat in Transportakte Nr. T. 69191/2011, op.

P.K. 28/2014

31 Januarie 2014

**KRAAIFONTEIN MUNISIPALITEIT****WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET 84 VAN  
1967)**

Ek, Jeremy Benjamin, in my hoedanigheid as Hoof Grondgebruiksbestuur Reguleerder in die Departement van Omgewingsake en Ontwikkelingsbeplanning: Wes-Kaap, handelende ingevolge die bevoegdheid beoog in artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), behoorlik aan my gedelegeer ingevolge artikel 1 van die Wes-Kaapse Wet op die Delegasie van Bevoegdthede, 1994, en op aansoek van die eienaar van Erf 1154, Durbanville, hef voorwaardes D. 3. (a), (b), (c) en (d) soos vervat in Transportakte Nr. T. 27048 van 1980, op.

P.K. 29/2014

31 Januarie 2014

**STAD KAAPSTAD  
TAFELBAAI DISTRIK****WET OP OPHEFFING VAN BEPERKINGS, 1967**

Ek, Riette Fourie, in my hoedanigheid as Hoof Grondgebruiksbestuur Reguleerder in die Departement van Omgewingsake en Ontwikkelingsbeplanning: Wes-Kaap, handelende ingevolge die bevoegdheid beoog in artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), behoorlik aan my gedelegeer ingevolge artikel 1 van die Wes-Kaapse Wet op die Delegasie van Bevoegdthede, 1994, en op aansoek van die eienaars van Erf 559, Bantry Bay, hef voorwaarde F.2. en F.3. vervat in Transportakte Nr. T. 10723 van 2003 op.

P.N. 30/2014

31 January 2014

**CITY OF CAPE TOWN**  
**CAPE TOWN ADMINISTRATION**

**REMOVAL OF RESTRICTIONS ACT, 1967**  
**(ACT 84 OF 1967)**

Notice is given that the Minister of Local Government, Environmental Affairs and Development Planning, properly designated as the Competent Authority in terms of paragraph (a) of the State President Proclamation No. 160 of 31 October 1994, in terms of section 2(1) of the Removal of Restrictions Act, 1967 (Act 84 of 1967), and on application by the owner of Erven 579–582, 587–589, 590–591, 637–641, 648, 650–654 and 657–658, Schaapkraal, Philippi, removes the following conditions:

Condition C in Deed of Transfer Number T.36673/2007 pertaining to Erf 579, Schaapkraal.	<p><i>“That all roads and thoroughfares shall remain free, that the said land shall be liable without compensation to the proprietors to have any road made over it for the public good by order of government.”</i></p> <p><i>“That no sheep nor Goats shall be kept on the said land and no Bushes nor Rushes nor Reeds shall be rooted out by the present or future proprietors of this land, except on such parts as they shall immediately afterwards bring into cultivation and the said proprietors shall be bound to guard against such rooting out being effected by others and that free access to the private property situate within or bordering on this land shall be allowed.”</i></p>
Condition C in Deed of Transfer Number T.33264/2007 Schaapkraal, pertaining to Erven 580, 581, 582, 587, 588, 589, 590, 591, 637, 638, 639, 640, 641, 648, 650, 651, 652, 653, 654, 657 and 658, Schaapkraal.	<p><i>“That all roads and thoroughfares shall remain free, that the said land shall be liable without compensation to the proprietors to have any road made over it for the public good by order of Government.”</i></p> <p><i>“That no Sheep nor Goats shall be kept on the said land and no Bushes nor Rushes nor Reeds shall be rooted out by the present or future proprietors of this land, except on such part as they shall immediately afterwards bring into cultivation and the said proprietors shall be bound to guard against such rooting out being effected by others and that free access to the private property situate within or bordering on this land, shall be allowed.”</i></p>

P.K. 30/2014

31 Januarie 2014

**STAD KAAPSTAD**  
**KAAPSTAD ADMINISTRASIE**

**WET OP OPHEFFING VAN BEPERKINGS, 1967**  
**(WET 84 VAN 1967)**

Kennis geskied hiermee dat die Minister vir Plaaslike Regering, Omgewingsake en Ontwikkelingsbeplanning, behoorlik aangewys as Bevoegde Gesag ingevolge paragraaf (a) van Staatspresident Proklamasie Nr. 160 van 31 Oktober 1994, kragtens artikel 2(1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967) en op aansoek van die eienaar van Erwe 579–582, 587–589, 590–591, 637–641, 648, 650–654 and 657–658, Schaapkraal, Philippi, hef die volgende voorwaardes op:

Condition C in Deed of Transfer Number T.36673/2007 pertaining to Erf 579, Schaapkraal.	<p><i>“That all roads and thoroughfares shall remain free, that the said land shall be liable without compensation to the proprietors to have any road made over it for the public good by order of government.”</i></p> <p><i>“That no sheep nor Goats shall be kept on the said land and no Bushes nor Rushes nor Reeds shall be rooted out by the present or future proprietors of this land, except on such parts as they shall immediately afterwards bring into cultivation and the said proprietors shall be bound to guard against such rooting out being effected by others and that free access to the private property situate within or bordering on this land shall be allowed.”</i></p>
Condition C in Deed of Transfer Number T.33264/2007 Schaapkraal, pertaining to Erven 580, 581, 582, 587, 588, 589, 590, 591, 637, 638, 639, 640, 641, 648, 650, 651, 652, 653, 654, 657 and 658, Schaapkraal.	<p><i>“That all roads and thoroughfares shall remain free, that the said land shall be liable without compensation to the proprietors to have any road made over it for the public good by order of Government.”</i></p> <p><i>“That no Sheep nor Goats shall be kept on the said land and no Bushes nor Rushes nor Reeds shall be rooted out by the present or future proprietors of this land, except on such part as they shall immediately afterwards bring into cultivation and the said proprietors shall be bound to guard against such rooting out being effected by others and that free access to the private property situate within or bordering on this land, shall be allowed.”</i></p>

**TENDERS**

**N.B.** Tenders for commodities/services, the estimated value of which exceeds R20 000, are published in the Government Tender Bulletin, which is obtainable from the Government Printer, Private Bag X85, Pretoria, on payment of a subscription.

**NOTICES BY LOCAL AUTHORITIES**

GEORGE MUNICIPALITY

NOTICE NO 035/2014

**PROPOSED AMENDMENT OF CONDITION OF APPROVAL,  
CONSENT USE AND DEPARTURE: ERF 1435, WILDERNESS  
(KLEINKRANTZ)**

Notice is hereby given that Council has received the following applications on the abovementioned property:

1. Amendment of Conditions of approval in terms of Section 42(3) of Ordinance 15 of 1985 to allow the owner to apply for a restaurant liquor license;
2. Consent Use in terms of Regulation 4.6 of the Section 8 Zoning Scheme Regulations to permit flats on the property;
3. Departure in terms in Section 15 of Ordinance 15 of 1985 to reduce the parking requirement from 22 to 18 parking bays;
4. Consent of the Administrator in terms of the Title Deed of the property to relax the following building lines:
  - (a) Eastern side building line from 1,5m to 0m for extensions to existing building;
  - (b) Southern side building line from 1,5m to 0m for flats;
  - (c) Western street building line from 5m to 3,5m for a pizza oven.

Details of the proposal are available for inspection at the Council's office 5th Floor, York Street, George, 6530, during normal office hours, Mondays to Fridays.

**Enquiries: MARISA ARRIES**

**Reference: ERF 1435, WILDERNESS**

Motivated objections, if any, must be lodged in writing with the Registration Office, 1st floor, George Municipality by not later than **MONDAY, 3 March 2014. Please note that no objections by e-mail will be accepted.**

Any person, who is unable to write, can submit their objection verbally to the Council's offices where they will be assisted by a staff member to put their comments in writing.

T BOTHA, MUNICIPAL MANAGER, Civic Centre, York Street, GEORGE, 6530. Tel: (044) 801 9473, Fax: 086 570 1900  
Email: marisa@george.org.za

31 January 2014

56396

HESSEQUA MUNICIPALITY

**CLOSURE OF ALLEY ON ERF 2015 ADJACENT ERVEN 2031,  
2033, 2037 & 2038 RIVERSDAL**

Notice is hereby given in terms of Section 137(1) of Ordinance 20 of 1974 that the alley on Erf 2015, adjacent Erven 2031, 2033, 2037 en 2038 Riversdale, has been closed S/3143/14 v1 P.70)

MUNICIPAL MANAGER, HESSEQUA MUNICIPALITY, P.O. BOX 29, RIVERSDAL

31 January 2014

56415

**TENDERS**

**L.W.** Tenders vir kommoditeite/dienste waarvan die beraamde waarde meer as R20 000 beloop, word in die Staatstenderbulletin gepubliseer wat by die Staatsdrukker, Privaatsak X85, Pretoria, teen betaling van 'n intekengeld verkrygbaar is.

**KENNISGEWINGS DEUR PLAASLIKE OWERHEDE**

GEORGE MUNISIPALITEIT

KENNISGEWING NR 035/2014

**VOORGESTELDE WYSIGING VAN  
GOEDKEURINGSVOORWAARDES,  
VERGUNNINGSGEBRUIK EN AFWYKING: ERF 1435,  
WILDERNIS**

Kennis geskied hiermee dat die Raad die volgende aansoeke op bogenoemde eiendom ontvang het:

1. Wysiging van goedkeuringsvoorwaardes in terme van Artikel 42(3) van Ordonnansie 15 van 1985 om die eienaar in staat te stel om aansoek te doen vir 'n restaurant drank lisensie;
2. Vergunningsgebruik ingevolge die bepalings van paragraaf 4.6 van die Artikel 8 Skemaregulasies, om woonstelle op die eiendom toe te laat;
3. Afwyking ingevolge Artikel 15 van Ordonnansie 15 van 1985 om die vereistes parkering te verminder vanaf 22 na 18 parkeerplekke;
4. Toestemming van die Administrateur in terme van die Titelakte van die eiendom om die volgende boulyne te verslap:
  - (a) Oostelike sygrens boulyn vanaf 1,5m na 0m vir aanbouings aan bestaande gebou;
  - (b) Suidelike sygrens boulyn vanaf 1,5m na 0m vir woonstelle;
  - (c) Westelike straat boulyn vanaf 5m na 3,5m vir 'n pizza oond.

Volledige besonderhede van die voorstel sal gedurende gewone kantoorure, Maandag tot Vrydag, ter insae wees by die Raad se kantoor te 5de Vloer, Yorkstraat, George, 6530.

**Navrae: MARISA ARRIES**

**Verwysing: ERF 1435, WILDERNIS**

Gemotiveerde besware, indien enige, moet skriftelik by die Registrasiekantoor, 1ste vloer, George Munisipaliteit nie later nie as **MAANDAG, 3 MAART 2014. Let asseblief daarop dat geen e-pos besware aanvaar sal word nie.**

Indien 'n persoon nie kan skryf nie, kan sodanige persoon sy kommentaar mondelings by die Raad se kantoor aflê, waar 'n personeellid sal help om die kommentaar vertoë op skrif te stel.

T BOTHA, MUNISIPALE BESTUURDER, Burgersentrum, Yorkstraat, GEORGE, 6530. Tel: (044) 801 9473, Faks: 086 570 1900  
Epos: marisa@george.org.za

31 Januarie 2014

56396

HESSEQUA MUNISIPALITEIT

**SLUITING VAN STEEG OOR ERF 2015 GRENSD AAN  
ERWE 2031, 2033, 2037 EN 2038 RIVERSDAL**

Kennis geskied hiermee ingevolge Artikel 137(1) van Ordonnansie 20 van 1974 dat 'n steeg oor Erf 2015 grensd aan erwe 2031, 2033, 2037 en 2038 Riversdal gesluit is. (S/3143/14 y1 P.70)

MUNISIPALE BESTUURDER, HESSEQUA MUNISIPALITEIT, POSBUS 29, RIVERDAL

31 Januarie 2014

56415

## BERGRIVIER MUNICIPALITY

**APPLICATION FOR CONSENT USE (TOURISM BUSINESS: GUESTHOUSE): ERF 540, DWARSKERSBOS**

Notice is hereby given in terms of regulation 4.7 of the applicable Scheme regulations compiled in terms of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) that the under-mentioned application has been received and is open to inspection at the office of the Municipal Manager, Bergrivier Municipality and any enquiries may be directed to Mr H. Vermeulen, Planner: Western Region, P.O. Box 60 (13 Church Street) Piketberg 7320 at tel (022) 913 6000 or fax (022) 913 1406. Any objections, with full reasons therefor, must be lodged in writing at the office of the Municipal Manager on or before **3 March 2014**, quoting the above Ordinance and the objector's farm / erf number.

*Applicant:* BenadeFamily Trust

*Nature of application:* Consent to operate a Tourism Business (Guesthouse) from Erf 540, Dwarskersbos (4 Lapgoed Street).

MN3/2014

ADV HANLIE LINDE, MUNICIPAL MANAGER, Municipal Offices, 13 Church Street, PIKETBERG, 7320

31 January 2014

56398

## BERGRIVIER MUNICIPALITY

**APPLICATION FOR REMOVAL OF RESTRICTIONS, REZONING AND SUBDIVISION: ERF 1283, VELDDRIF****LAND USE PLANNING ORDINANCE, 1985 (ORDINANCE 15 OF 1985) REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967)**

Notice is hereby given in terms of section 17 and 25 of Ordinance 15 of 1985 as well as in terms of section 3(6) of Act 84 of 1967 that the undermentioned application has been received and is open to inspection at the office of the Municipal Manager, Bergrivier Municipality, and any enquiries may be directed to Mr H. Vermeulen, Planner: Western Region, P.O. Box 60, Church Street, Piketberg, 7320 Tel no. (022) 913-6000 and fax number (022) 913-1406. The application is also open to inspection at the office of the Director, Integrated Environmental Management: Region B2, Provincial Government of the Western Cape, at Room 604, Utilitas Building, 1 Dorp Street, Cape Town, from 08:00-12:30 and 13:00-15:30 (Monday to Friday). Telephonic enquiries in this regard may be made at (021) 483-3677. The Directorate's fax number is (021) 483-3098. Any objections, with full reasons therefor, should be lodged in writing at the office of the above-mentioned Director: Integrated Environmental Management: Region B2, at Private Bag X9086, Cape Town, 8000, with a copy to the above-mentioned Municipal Manager on or before **3 March 2014**, quoting the above Act and the objector's erf number. Any comments received after the aforementioned closing date may be disregarded.

*Applicant:* Planning Partners

*Nature of Application:* Removal of restrictive title deed conditions applicable to Erf 1283, Albatross Road, Velddrif, to permit the owner to subdivide the property and to develop 107 residential erven along the western edge of the property. Subdivision of Erf 1283, Velddrif into two portions namely Portion 1 (± 1.69 ha) and the Remainder (± 72.93 ha). Rezoning and subdivision of Portion 1 of Erf 1283, Velddrif from Agriculture Zone 1 to Subdivisional Area to create 107 residential erven and associated facilities.

MN2/2014

ADV HANLIE LINDE, MUNICIPAL MANAGER, Municipal Offices, 13 Church Street, PIKETBERG, 7320

31 Januarie 2014

56399

## BERGRIVIER MUNISIPALITEIT

**AANSOEK OM VERGUNNINGSGEBRUIK (TOERISME SAKE: GASTEHUIS): ERF 540, DWARSKERSBOS**

Kragtens regulasie 4.7 van die toepaslike Skemaregulasies opgestel ingevolge die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) word hiermee kennis gegee dat die onderstaande aansoek ontvang is en ter insae lê by die kantoor van die Munisipale Bestuurder, Bergrivier Munisipaliteit en enige navrae kan gerig word aan Mnr. H. Vermeulen, Beplanner: Westelike Streek, Posbus 60, (Kerkstraat 13), Piketberg 7320 tel. (022) 913 6000 of faks (022) 913 1406. Enige besware, met die volledige redes daarvoor, moet skriftelik by die kantoor van die Munisipale Bestuurder, ingedien word op of voor **3 Maart 2014** met yvermeiding van bogenoemde Ordonnansie en die beswaarmaker se plaas/erf nommer.

*Aansoeker:* Benade Familie Trust

*Aard van Aansoek:* Vergunning om 'n Toerisme Sake (Gastehuis) vanaf Erf 540, Dwarskersbos (Lapgoedstraat 4) te bedryf.

MK3/2014

ADV HANLIE LINDE, MUNISIPALE BESTUURDER, Munisipale Kantore, Kerkstraat 13, PIKETBERG, 7320

31 Januarie 2014

56398

## BERGRIVIER MUNISIPALITEIT

**AANSOEK OM OPHEFFING VAN BEPERKINGS, HERSONERING EN ONDERVERDELING: ERF 1283, VELDDRIF****ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985 (ORDONNANSIE 15 VAN 1985) WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET 84 VAN 1967)**

Kragtens artikel 17 en 25 van Ordonnansie 15 van 1985, asook kragtens artikel 3(6) van Wet 84 van 1967 word hiermee kennis gegee dat die onderstaande aansoek ontvang is en ter insae lê by die kantoor van die Munisipale Bestuurder, Bergrivier Munisipaliteit, en enige navrae kan gerig word aan Mnr. H. Vermeulen, Beplanner: Westelike Streek, Posbus 60, Kerkstraat, Piketberg, 7320, Tel no. (022) 913-6000 en faksnummer (022) 913-1406. Die aansoek lê ook ter insae by die Kantoor van die Direkteur: Grondontwikkelingsbestuur: Streek B2, Provinsiale Regering van die Wes-Kaap, by Kamer 604, Utilitasgebou, Dorpsstraat 1, Kaapstad, vanaf 8:00-12:30 en 13:00-15:30 (Maandag tot Vrydag). Telefoniese navrae in hierdie verband kan gerig word aan (021) 483-3677. Die Direkoraat se faksnummer is (021) 483-3098. Enige besware, met die volledige redes daarvoor, moet skriftelik by die kantoor van die bogenoemde Direkteur: Grondontwikkelingsbestuur, Privaatsak X9086, Kaapstad, 8000, met 'n afskrif aan die bogenoemde Munisipale Bestuurder, ingedien word op of voor **3 Maart 2014** met vermelding van bogenoemde Wet en die beswaarmaker se ernommer. Enige kommentaar wat na die voorgemelde sluitingsdatum ontvang word, mag moontlik nie in ag geneem word nie.

*Aansoeker:* Planning Partners

*Aard van Aansoek:* Opheffing van beperkende titelvoorwaardes van toepassing op Erf 1283, Albatrosstraat, Velddrif, ten einde die eienaar in staat te stel om die erf te onderverdeel en om 107 residensiële erwe langs die westelike rant van die eiendom te ontwikkel. Onderverdeling van Erf 1283, Velddrif in twee gedeeltes naamlik Gedeelte 1 (± 1.69 ha) en die Restant (± 72.93 ha). Hersonerings en onderverdeling van Gedeelte 1 vanaf Landbousone 1 na Onderverdelingsgebied ten einde 107 residensiële erwe en verwante fasiliteite te skep.

MK2/2014

ADV HANLIE LINDE, MUNISIPALE BESTUURDER, Munisipale Kantore, Kerkstraat 13, PIKETBERG, 7320

31 Januarie 2014

56399

## BERGRIVIER MUNICIPALITY

**APPLICATION FOR REZONING AND SUBDIVISION:  
REMAINDER OF PORTION 2 OF FARM EENDEKUIL NO 71,  
DIVISION PIKETBERG**

Notice is hereby given in terms of section 17 and 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) that the under-mentioned application has been received and is open to inspection at the office of the Municipal Manager, Bergrivier Municipality and any enquiries may be directed to Mr. W. Wagener, Manager Planning and Development, P.O. Box 60 (13 Church Street) Piketberg 7320 at tel (022) 913 6000 or fax (022) 913 1406. Any objections, with full reasons therefor, must be lodged in writing at the office of the Municipal Manager on or before **10 March 2014**, quoting the above Ordinance and the objector's farm/erf number.

*Applicant:* Katrivier Family Trust

*Nature of application:* Application is made for the subdivision of Remainder of Portion 2 of Farm Eendekuil No 71, Division Piketberg into two portions namely Portion A ±6ha in extent and remainder of Portion 2 of Farm Eendekuil No 71, Division Piketberg ±1010,6671 ha in extent; as well as rezoning of the newly created Portion A ±6 ha in extent from Agricultural Zone 1 to Agricultural Zone 2 in order to accommodate the dry and processing of rooibos tea. Remainder Portion 2 Farm Eendekuil No. 71, Division Piketberg ±1010,6671 ha in extent will be consolidated with adjacent farm portion (portions) after subdivision.

MN7/2014

ADV HANLIE LINDE, MUNICIPAL MANAGER, Municipal Offices,  
13 Church Street, PIKETBERG, 7320

31 Januarie 2014

56400

## BERGRIVIER MUNICIPALITY

**APPLICATION FOR CLOSURE OF PUBLIC PLACE,  
REZONING AND SUBDIVISION: ERF 2609,  
PORTERVILLE**

Notice is hereby given in terms of section 18 and 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) as well as closure of Public Place that the under-mentioned application has been received and is open to inspection at the office of the Municipal Manager, Bergrivier Municipality and any enquiries may be directed to Mr. W. Wagener, Manager Planning and Development, P.O. Box 60 (13 Church Street) Piketberg 7320 at tel (022) 913 6000 or fax (022) 913 1406. Any objections, with full reasons therefor, must be lodged in writing at the office of the Municipal Manager on or before **10 March 2014**, quoting the above Ordinance and the objector's farm/erf number.

*Applicant:* Bergrivier Municipality

*Nature of application:* Amendment of General Plan No 6708/1996 by the creation of the Public Place Erf 2609, Porterville to be closed, as an ordinary erf without conditions. Rezoning of Erf 2609, Porterville from Public Open Space to Business Zone 2 as well as subdivision of aforementioned erf into three portions namely: Portion 1 ±762m<sup>2</sup>, Portion 2 ±754m<sup>2</sup> and Portion 3 ±872m<sup>2</sup>.

MN 6/2014

ADV HANLIE LINDE, MUNICIPAL MANAGER, Municipal Offices,  
13 Church Street, PIKETBERG, 7320

31 January 2014

56401

## BERGRIVIER MUNISIPALITEIT

**AANSOEK OM HERSONERING EN ONDERVERDELING:  
RENTANT VAN GEDEELTE 2 VAN PLAAS EENDEKUIL NO  
71, AFDELING PIKETBERG**

Kragtens artikel 17 en 24 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) word hiermee kennis gegee dat die onderstaande aansoek ontvang is en ter insae lê by die kantoor van die Munisipale Bestuurder, Bergrivier Munisipaliteit en enige navrae kan gerig word aan W. Wagener: Bestuurder Beplanning en Ontwikkeling, Posbus 60, (Kerkstraat 13), Piketberg 7320 tel. (022) 913 6000 of faks (022) 913 1406. Enige besware, met die volledige redes daarvoor, moet skriftelik by die kantoor van die Munisipale Bestuurder, ingedien word op of voor **10 Maart 2014** met vermelding van bogenoemde Ordonnansie en die beswaarmaker se plaas/erf nommer.

*Aansoeker:* Katrivier Familietrust

*Aard van Aansoek:* Aansoek word gedoen om onderverdeling van Restant Gedeelte 2 Plaas Eendekuil No. 71, Afdeling Piketberg in twee gedeeltes naamlik Gedeelte A ± 6 ha groot en restant van Restant Gedeelte 2 Plaas Eendekuil No. 71, Afdeling Piketberg ±1010,6671 ha groot; asook hersonering van die nuutgeskepte Gedeelte A ±6 ha groot vanaf Landbousone 1 na Landbousone 2 ten einde die droog en verwerking van rooibos tee te akkommodeer. Restant Gedeelte 2 Plaas Eendekuil No. 71, Afdeling Piketberg ± 1010,6671 ha groot gaan na onderverdeling met 'n langsliggende plaas eenheid (eenhede) gekonsolideer word.

MK7/2014

ADV HANLIE LINDE, MUNISIPALE BESTUURDER, Munisipale  
Kantore, Kerkstraat 13, PIKETBERG, 7320

31 Januarie 2014

56400

## BERGRIVIER MUNISIPALITEIT

**AANSOEK OM SLUITING VAN PUBLIEKE PLEK,  
HERSONERING EN ONDERVERDELING: ERF 2609,  
PORTERVILLE**

Kragtens artikel 18 en 24 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) asook sluiting van Publieke Plek word hiermee kennis gegee dat die onderstaande aansoek ontvang is en ter insae lê by die kantoor van die Munisipale Bestuurder, Bergrivier Munisipaliteit en enige navrae kan gerig word aan W. Wagener: Bestuurder Beplanning en Ontwikkeling, Posbus 60, (Kerkstraat 13), Piketberg 7320 tel. (022) 913 6000 of faks (022) 913 1406. Enige besware, met die volledige redes daarvoor, moet skriftelik by die kantoor van die Munisipale Bestuurder, ingedien word op of voor **10 Maart 2014** met vermelding van bogenoemde Ordonnansie en die beswaarmaker se plaas/erf nommer.

*Aansoeker:* Bergrivier Munisipaliteit

*Aard van Aansoek:* Wysiging van Algemene Plan No 6708/1996 deur die skep van Publieke Plek Erf 2609, Porterville te sluit, as 'n gewone erf sonder voorwaardes. Hersonering van Erf 2609, Porterville vanaf Publieke Oopruimte na Sakesone 2 asook onderverdeling van gemelde erf in drie gedeeltes naamlik: Gedeelte 1 ±762m<sup>2</sup>, Gedeelte 2 ±754m<sup>2</sup> en Gedeelte 3 ±872m<sup>2</sup>.

MK 6/2014

ADV HANLIE LINDE, MUNISIPALE BESTUURDER, Munisipale  
Kantore, Kerkstraat 13, PIKETBERG, 7320

31 Januarie 2014

56401

## CAPE AGULHAS MUNICIPALITY

**REMOVAL OF RESTRICTIONS ACT, 1967  
(ACT 84 OF 1967)**

Notice is hereby given in terms of section 3(6) of the above Act that the under-mentioned application has been received and is open to inspection at the office of the Municipal Manager, Cape Agulhas Municipality, and any enquiries may be directed to Bertus Hayward, Manager: Town & Regional Planning, PO Box 51, 1 Dirkie Uys Street, Bredasdorp, bertush@capeagulhas.gov.za, 028 425 5500 and fax number 028 425 1019. The application is also open to inspection at the office of the Director, Land Management: Region 2, Provincial Government of the Western Cape, at Room 601, 1 Dorp Street, Cape Town, from 08:00–12:30 and 13:00–15:30 (Monday to Friday). Telephonic enquiries in this regard may be made at (021) 483–4089 and the Directorate's fax number is (021) 483–3098. Any objections, with full reasons therefor, should be lodged in writing at the office of the above-mentioned Director: Land Management: Region 2, at Private Bag X9086, Cape Town, 8000, on or **before 03 March 2014**, quoting the above Act and the objector's erf number. Any comments received after the aforementioned closing date may be disregarded.

*Applicants:* Town and Country (on behalf of Die Faul Trust & Die Molchin Trust)

*Nature of application:* Removal of restrictive title conditions applicable to Erf 1399, 75 Main Road, Struisbaai, to enable the owner to rezone the property in order to build flats on the property.

31 January 2014

56402

## KAAP AGULHAS MUNISIPALITEIT

**WET OP OPHEFFING VAN BEPERKINGS, 1967  
(WET 84 VAN 1967)**

Kragtens artikel 3(6) van bostaande Wet word hiermee kennis gegee dat die onderstaande aansoek ontvang is en ter insae lê by die kantoor van die Munisipale Bestuurder, Kaap Agulhas Munisipaliteit en enige navrae kan gerig word aan Bertus Hayward, Bestuurder Stads- en Streeksbeplanning, Posbus 51, Dirkie Uysstraat 1, Bredasdorp, bertush@capeagulhas.gov.za, 028 425 5500 en faksnommer 028 425 1019. Die aansoek lê ook ter insae by die Kantoor van die Direkteur, Grondbestuur: Streek 2, Provinsiale Regering van die Wes-Kaap, by Kamer 601, Dorpstraat 1, Kaapstad, vanaf 08:00–12:30 en 13:00–15:30 (Maandag tot Vrydag). Telefoniese navrae in hierdie verband kan gerig word aan (021) 483–4089 en die Direktoraat se faksnommer is (021) 483–3098. Enige besware, met die volledige redes daarvoor, moet skriftelik by die kantoor van die bogenoemde Direkteur: Grondbestuur, Streek 2, Privaatsak X9086, Kaapstad, 8000, ingedien word op of **voor 3 Maart 2014** met vermelding van bogenoemde Wet en die beswaarmaker se ernommer. Enige kommentaar wat na die voorgemelde sluitingsdatum ontvang word, mag moontlik nie in ag geneem word nie.

*Aansoekers:* Town and Country (namens Die Faul Trust & Die Molchin Trust)

*Aard van aansoek:* Opheffing van beperkende titelvoorwaardes van toepassing op Erf 1399, Hoofweg 75, Struisbaai, ten einde die eienaar toe te laat om te hersoneer en woonstelle op die eiendom te bou.

31 Januarie 2014

56402

## UMASIPALA WASE-CAPE AGULHAS

**UMTHETHO WOKUSUSWA IZITHINTELO, 1967 (UMTHETHO 84 KA-1967)**

Apha kukhutshwa isaziso, ngokwemiqathango yecandelo 3(6) lalo Mthetho ukhankanywe ngentla apha, sokuba kuye kwafunyanwa esi sicelo singezantsi apha, nokuba kuvulelekile ukuba singeza kuphendlwa kwiofisi yeManejala kaMasipala wase Cape Agulhas, kwaye imibuzo ingabhekiswa ku Mnumzang Bertus Hayward, Manager Town & Regional Planning, PO Box 51, 1 Dirkie Uys Street, Bredasdorp, 7280, bertush@capeagulhas.gov.za, inombolo yomnxeba 028 425 5500, 028 425 1019. Esi sicelo kananjalo kukwavulelekile nokuba siye kuphendlwa kwiOfisi yoMlawuli, kuLawulo loMhlaba: uMmandla 2, kaRhulumente wePhondo leNtshona Koloni, kwiGumbi elingu-601, 1 Dorp Street, Cape Town, ukusukela ngentsimbi ye- 08:00 ukuya kweye-12:30 nango- 13:00 ukuya ku-15:30 (ngoMvulo ukuya kutsho ngoLwesihlanu). Imibuzo eyenziwa ngomnxeba ephathelele kulo mba ingenziwa ngokutsalela (021) 483–4089 kwaye inombolo yefeksi yeli Candelo loLawulo ngu- (021) 483–3098. Naziphi na izikhalazo, ekufuneka zihambe nezizathu ezipheleleyo, kufuneka zingeniswe ngento ebhaliweyo kule ofisi ikhankanywe ngentla apha yoMlawuli: kuLawulo loMhlaba: uMmandla 2, kwaPrivate Bag X9086, Cape Town, 8000, ngomhla okanye phambi kwawo 3 March 2014, kuxelwe lo Mthetho ungentla apha kunye nenombolo yesiza. Naziphi na izimvo ezithe zafika emva kwalo mhla wokuvala ukhankanyiweyo zisenokungahoywa.

*Umfaki sicelo:* Town and Country (egameni le-Die Paul Trust & Die Molchin Trust)

*Uhlobo lwesicelo:* Ukususwa kwemiqathango yezithintelo zolwakhiwo kwitayitile yesiza 1399, 75 Main Road, eStruisbaai, ukuze umniniso awusike ngokutsha umhlaba khon' ukuze akhe iiflethi kumhlaba lowo.

31 uJanuwari 2014

56402

## CITY OF CAPE TOWN (CAPE FLATS DISTRICT)

## REZONING

- Erf 140356 (Portion of Erf 108359) at No. 97 Stonelands Road. Hanover Park

Notice is hereby given in terms of Sections 17 of the Land Use Planning Ordinance 15 of 1985 and the City of Cape Town Zoning Scheme Regulations that Council has received the undermentioned application, which is open to inspection at the office of the District Manager of Planning & Building Development Management at Athlone office on the Ground Floor, Ledger House, Corner of Aden Avenue and George Street, Athlone. Enquiries may be directed to Mr Jodi Fullard, PO Box 283, Athlone, 7760 or email [jodi.fullard@capetown.gov.za](mailto:jodi.fullard@capetown.gov.za). tel (021) 684 4387 and fax (021) 684 4420 week days during 08:00–14:30. Written objections, if any, with reasons may be lodged at the office of the abovementioned District Manager (or by using the following email address: [comments\\_objections.capeflats@capetown.gov.za](mailto:comments_objections.capeflats@capetown.gov.za) on or before **03 March 2014** quoting the above applicable legislation, the application number, as well as your erf and contact phone number and address. Any objections received after aforementioned closing date may be considered invalid.

*Applicant:* Michael Allen Smith (on behalf of City of Cape Town)

*File Reference:* LUM/00/140356 (Vol.1)

*Application Number:* 235773

*Nature of application:* Application to rezone the property from Single Residential 1 (SR1) to Local Business 2 (LB 2).

ACHMAT EBRAHIM, MUNICIPAL MANAGER

31 January 2014

56404

## CITY OF CAPE TOWN (TABLE BAY DISTRICT)

## REZONING AND DEPARTURE

- Erf 10169, 118 Church Street (cnr Church and Rose Streets), Schotschekloof, Cape Town

Notice is hereby given in terms of Sections 17 and 15 of the Land Use Planning Ordinance 15/1985 that the undermentioned application has been received and is open to inspection at the office of the District Manager: Table Bay District at 2nd Floor, Media City cnr Hertzog Boulevard & Heerengracht Cape Town. Any enquiries may be directed to Ms Joy San Giorgio, Planning & Building Development Management, PO Box 4529 Cape Town 8000 or 2nd Floor, Media City cnr Hertzog Boulevard & Heerengracht Cape Town, (021) 400 6453 or fax (021) 419 4694, week days during 08:00–14:30. Any objections, with full reasons, may be lodged in writing at the office of the abovementioned District Manager: Table Bay District at 2nd Floor, Media City cnr Hertzog Boulevard & Heerengracht Cape Town, and may be directed to Ms Joy San Giorgio, Planning & Building Development Management, PO Box 4529 Cape Town 8000 or 2nd Floor, Media City cnr Hertzog Boulevard & Heerengracht Cape Town, or email your comments/objections to: [comments\\_objections.tablebay@capetown.gov.za](mailto:comments_objections.tablebay@capetown.gov.za), tel (021) 400 6453 or fax (021) 421 1963 on or before **03 March 2014**, quoting the above Act and the objector's erf number. Any objections received after aforementioned closing date may be disregarded.

*Applicant:* David, Hellig & Abrahamse

*Application number:* LM4792(237650)

*Nature of application:* It is proposed to rezone the property from a Single Residential Zone 1: Conventional House (SR1) to a Mixed Use, Sub-zone MU3 to permit Business Premises (offices and ancillary showroom for the sale of goods) on the property. A departure from parking is consequently required.

ACHMAT EBRAHIM, MUNICIPAL MANAGER

31 January 2014

56405

## STAD KAAPSTAD (KAAPSE VLAKTE-DISTRIK)

## HERSONERING

- Erf 140356 (gedeelte van erf 108359), Stonelandsweg 97. Hanover Park

Kennisgewing geskied hiermee ingevolge artikel 17 van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985) en die Stad Kaapstad se soneringskema-regulasies dat die Raad onderstaande aansoek ontvang het, wat ter insae beskikbaar is by die kantoor van die distriksbestuurder, beplanning en bou-ontwikkelingsbestuur, Athlone-kantoor, grondverdieping, Ledger-huis, h.v. Adenlaan en Georgestraat, Athlone. Navrae kan weksdae van 08:00 tot 14:30 gerig word aan mnr. Jodi Fullard by Posbus 283, Athlone 7760 of per e-pos: [jodi.fullard@capetown.gov.za](mailto:jodi.fullard@capetown.gov.za). tel. (021) 684 4387 en faks (021) 684 4420. Enige besware, met redes daarvoor, kan voor of op 3 Maart 2014 skriftelik by die kantoor van bogenoemde distriksbestuurder ingedien word, of per e-pos na [comments\\_objections.capeflats@capetown.gov.za](mailto:comments_objections.capeflats@capetown.gov.za) gestuur word, met vermelding van bogenoemde toepaslike wetgewing, die aansoeknommer en u erf- en telefoonnommer en adres. Enige besware wat na voormelde sluitingsdatum ontvang word, kan ongeldig geag word.

*Aansoeker:* Michael Allen Smith (namens die Stad Kaapstad)

*Lêerverwysing:* LUM/00/140356 (vol.1)

*Aansoeknommer:* 235773

*Aard van aansoek:* Aansoek om hersonering van die eiendom van enkelresidensieël 1 (SR1) na plaaslikesake 2 (LB2).

ACHMAT EBRAHIM, MUNISIPALE BESTUURDER

31 Januarie 2014

56404

## STAD KAAPSTAD (TAFELBAAI-DISTRIK)

## HERSONERING EN AFWYKING

- Erf 10169, Kerkstraat 118 (h.v. Kerk- en Rosestraat), Schotschekloof. Kaapstad

Kennisgewing geskied hiermee ingevolge artikel 17 en 15 van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985) dat onderstaande aansoek ontvang en ter insae beskikbaar is by die kantoor van die distriksbestuurder, Tafelbaaidistrik op die tweede verdieping, Media City, h.v. Hertzog-boulevard en Heerengracht, Kaapstad. Navrae kan weksdae van 08:00 tot 14:30 gerig word aan me. Joy San Giorgio, beplanning en bou-ontwikkelingsbestuur, Posbus 4529, Kaapstad 8000 of tweede verdieping, Media City, h.v. Hertzog-boulevard en Heerengracht, Kaapstad, tel. (021) 400 6453 of faks (021) 419 4694. Enige besware, met volledige redes, moet voor of op **3 Maart 2014** skriftelik by die kantoor van bogenoemde distriksbestuurder, Tafelbaaidistrik op die tweede verdieping, Media City, h.v. Hertzog-boulevard en Heerengracht, Kaapstad ingedien word en kan gerig word aan me. Joy San Giorgio, beplanning en bou-ontwikkelingsbestuur, Posbus 4529, Kaapstad 8000 of tweede verdieping, Media City, h.v. Hertzog-boulevard en Heerengracht, Kaapstad of stuur u kommentaar of besware per e-pos na [comments\\_objections.tablebay@capetown.gov.za](mailto:comments_objections.tablebay@capetown.gov.za), tel. (021) 400 6453 of faks (021) 421 1963, met vermelding van bogenoemde wetgewing en die beswaarmaker se erfnummer. Enige besware wat na voormelde sluitingsdatum ontvang word, kan buite rekening gelaat word.

*Aansoeker:* David, Hellig & Abrahamse

*Aansoeknommer:* LM4792(237650)

*Aard van aansoek:* Daar word voorgestel om die eiendom van enkel-residensiële sone 1: konvensionele huis (SR1) te hersoneer na gemengdegebruik, subsone MU3 om 'n sakeperseel (kantore en bykomende vertoonkamer vir die verkoop van goedere) op die eiendom toe te laat. 'n Afwyking vir parkering word dus benodig.

ACHMAT EBRAHIM, MUNISIPALE BESTUURDER

31 Januarie 2014

56405

## CITY OF CAPE TOWN (TABLE BAY DISTRICT)

## REZONING, DEPARTURE &amp; APPROVAL OF COUNCIL

- Erf 27026 Observatory

Notice is hereby given in terms of Section 17 & 15 of the Land Use Planning Ordinance 15/1985 and in terms of Section 3.1 of the Heritage Protection Overlay Zone of the City of Cape Town Zoning Scheme Regulations that the undermentioned application has been received and is open to inspection at the office of the District Manager: Table Bay District at 2nd Floor, Media City cnr Hertzog Boulevard & Heerengracht Cape Town, and that any enquiries may be directed to Ms Joy San Giorgio, Planning & Building Development Management, P O Box 4529 Cape Town 8000 or 2nd Floor, Media City cnr Hertzog Boulevard & Heerengracht, Cape Town, (021) 400 6453 or fax (021) 421 1963, week days during 08:00–14:30. Any objections, with full reasons, may be lodged in writing at the office of the abovementioned District Manager: Table Bay District at 2nd Floor, Media City cnr Hertzog Boulevard & Heerengracht Cape Town, and may be directed to Ms Joy San Giorgio, Planning & Building Development Management, PO Box 4529 Cape Town 8000 or 2nd Floor, Media City cnr Hertzog Boulevard & Heerengracht Cape Town, or email your comments/objections to: comments.objections.tablebay@capetown.gov.za. on or before **03 March 2014**, quoting the above Act and the objector's erf number. Any objections received after aforementioned closing date may be disregarded.

*Applicant:* C Payne

*Application number:* LM2207 (236925)

*Address:* 12 Nuttall Road

*Nature of application:* It is proposed to rezone the property from a General Residential Use zone, Subzone GR2 to a General Business Use Zone, Sub-zone GB1. The rezoning of the property, previously granted to accommodate a Restaurant, has lapsed. The application is submitted once again to accommodate a Restaurant on the property. A departure from parking is required as no on-site parking is provided.

ACHMAT EBRAHIM, MUNICIPAL MANAGER

31 January 2014

56406

## THEEWATERSKLOOF MUNICIPALITY

## APPLICATION FOR SUBDIVISION OF ERF 562 AND CONSOLIDATION OF PORTION WITH ERF 1008, GREYTON.

Notice is hereby given that an application from Plan Active, Town & Regional Planners, on behalf of L S Ploughmann and C & E van Loggerenberg, has been submitted to the Theewaterskloof Municipality for:

- the subdivision of Erf 562, Greyton into two portions, namely Portion A (1308m<sup>2</sup>) and Remainder (1224m<sup>2</sup>), in terms of Section 24 of the Land Use Planning Ordinance, 1985 (Ordinance no. 15 of 1985); and
- consolidation of proposed Portion A of Erf 562 with Erf 1008, Greyton,

Further particulars regarding the proposal are available for inspection at the Municipal Offices, Greyton from 28 January 2014 to 10 March 2014. Objections to the proposal, if any, must be in writing and reach the undermentioned on or before 10 March 2014. Persons who are unable to write will be assisted during office hours, at the Municipal office in Caledon, to write down their objections.

Reference No. G/562 & 1008

Notice No.: KOR 02/2014

S WALLACE, MUNICIPAL MANAGER, Municipal Offices, PO Box 24, CALEDON, 7230

31 January 2014

56419

## STAD KAAPSTAD (TAFELBAAI-DISTRIK)

## HERSONERING, AFWYKING EN RAADSGOEDKEURING

- Erf 27026 Observatory

Kennisgewing geskied hiermee ingevolge artikel 17 en 15 van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985) en artikel 3.1 van die oorlegsel vir erfenisbewaringsone van die Stad Kaapstad se soneringskema-regulasies dat onderstaande aansoek ontvang en ter insae beskikbaar is by die kantoor van die distriksbestuurder, Tafelbaaidistrik op die tweede verdieping, Media City, h.v. Hertzog-boulevard en Heerengracht, Kaapstad en dat enige navrae gerig kan word aan me. Joy San Giorgio, beplanning en bou-ontwikkelingsbestuur, Posbus 4529, Kaapstad 8000 of tweede verdieping, Media City, h.v. Hertzog-boulevard en Heerengracht, Kaapstad, tel. (021) 400 6453 op woensdae van 08:00 tot 14:30 of faks (021) 421 1963. Enige besware, met volledige redes, moet voor of op **3 Maart 2014** skriftelik by die kantoor van bogenoemde distriksbestuurder, Tafelbaaidistrik op die tweede verdieping, Media City, h.v. Hertzog-boulevard en Heerengracht, Kaapstad ingedien word en kan gerig word aan me. Joy San Giorgio, beplanning en bou-ontwikkelingsbestuur, Posbus 4529, Kaapstad 8000 of tweede verdieping, Media City, h.v. Hertzog-boulevard en Heerengracht, Kaapstad of stuur u kommentaar of besware per e-pos na comments.objections.tablebay@capetown.gov.za. met vermelding van bovermelde wetgewing en die beswaarmaker se erfnummer. Enige besware wat na voormelde sluitingsdatum ontvang word, kan buite rekening gelaat word.

*Aansoeker:* C. Payne

*Aansoeknommer:* LM2207 (236925)

*Adres:* Nuttallweg 12

*Aard van aansoek:* Daar word voorgestel dat die eiendom van 'n algemeenresidensiële sone, subsone GR2 na 'n algemeenskonesone, subsone GB1 gehersoneer word. Die hersonering van die eiendom, wat voorheen toegeken is om vir 'n restaurant voorsiening te maak, het verval. Die aansoek word weer ingedien om vir 'n restaurant op die eiendom voorsiening te maak. 'n Afwyking vir parkering word benodig, aangesien geen parkering op die terrein beskikbaar is nie.

ACHMAT EBRAHIM, MUNISIPALE BESTUURDER

31 Januarie 2014

56406

## THEEWATERSKLOOF MUNISIPALITEIT

## AANSOEK OM ONDERVERDELING VAN ERF 562 EN KONSOLIDASIE VAN GEDEELTE MET ERF 1008, GREYTON

Kennis geskied hiermee dat 'n aansoek deur Plan Active, Stads- en Streeksbeplanners, namens L S Ploughmann en C & E van Loggerenberg ingedien is by die Theewaterskloof Munisipaliteit vir:

- die onderverdeling van Erf 562, Greyton in twee gedeeltes, naamlik Gedeelte A (1308m<sup>2</sup>) en Restant (1224m<sup>2</sup>) in terme van Art. 24 van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie nr. 15 van 1985); en
- die konsolidasie van voorgestelde Gedeelte A van Erf 562 met Erf 1008, Greyton,

Verdere besonderhede van die voorstel lê ter insae by die Greyton Munisipale Kantoor vanaf 28 Januarie 2014 tot 10 Maart 2014. Skriftelike besware teen die voorstel, indien enige, moet die ondergemelde bereik voor of op 10 Maart 2014. Persone wat nie kan skryf nie, sal gedurende kantoorure by die Munisipale kantoor, Caledon gehelp word om hul besware neer te skryf.

Verwysingsnommer: G/562 en 1008

Kennisgewing Nr.: KOR 02/2014

S WALLACE, MUNISIPALE BESTUURDER, Munisipale Kantore, Posbus 24, CALEDON, 7230

31 Januarie 2014

56419

## CITY OF CAPE TOWN (SOUTHERN DISTRICT)

## REZONING, DEPARTURES AND CONSENT

- Erf 5625 Hout Bay

Notice is hereby given in terms of Sections 15 and 17 of the Land Use Planning Ordinance No 15 of 1985 and Section 2.2.1 of the Cape Town Zoning Scheme Regulations that Council has received the undermentioned application, which is open to inspection at the office of the District Manager, Department: Planning and Building Development Management, City of Cape Town, Customer Interface, Ground Floor, 3 Victoria Road, Plumstead, 7800 from 08:00–13:00 Mondays to Fridays. Any objections and/or comments, with reasons must be submitted in writing at the office, or by post to, the District Manager, Department: Planning and Building Development Management, Private Bag X5, Plumstead, 7801 or fax (021) 710 8283 or e-mailed to comments\_objections.southern@capetown.gov.za on or before the closing date, quoting the above legislation, the belowmentioned application number and the objector's erf, phone numbers and address. Please note that the 30 day period excludes the day on which this letter was registered. If the closing date falls on a Sunday or Public Holiday, the closing date shall be carried over to the next day. Objections and comments may also be hand delivered to the abovementioned address by no later than the closing date. If your response is not sent to this address and/or fax number and if, as a consequence it arrives late it will be deemed to be invalid. For further information Kevin McGilton on tel (021) 710 8278. The closing date for comments and objections is **3 March 2014**.

*Location address:* Main Road, Hout Bay

*Owner:* H.E. Fannin

*Applicant:* Tommy Brümmer Town Planners

*Application no:* 236203

*Nature of application:*

- To rezone the subject property from Rural Zone (RU) to Agricultural Zone (AG) to regularise the existing additional dwelling units on the property.
- For Council's Consent to permit 3 additional dwelling units on the property.

**Departures are also required:**

- Additional Dwelling 1: Section 13.1.2(b)(i) to permit street (south) and west common boundary setbacks of 7m and 8m respectively in lieu of 15m.
- Additional Dwelling 2: Section 13.1.2(b)(i) to permit a street (south) setback of 8m in lieu of 15m.
- Additional Dwelling 3: Section 13.1.2(b)(i) to permit a east common boundary setback of 12,5m in lieu of 15m.
- Section 13.1.4(a) to permit a density of 6,5 units per hectare for the additional units and 2nd dwelling.

ACHMAT EBRAHIM, MUNICIPAL MANAGER

31 January 2014

56407

## STAD KAAPSTAD (SUIDELIKE-DISTRIK)

## HERSONERING, AFWYKINGS EN VERGUNNING

- Erf 5625 Houtbaai

Kennisgewing geskied hiermee ingevolge artikel 15 en 17 van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985) en artikel 2.2.1 van die Kaapstadse soneringskema regulasies dat die Raad onderstaande aansoek ontvang het, wat weksdae van 08:00 tot 13:00 ter insae beskikbaar is by die kantoor van die distriksbestuurder, departement beplanning en bou-ontwikkelingsbestuur, Stad Kaapstad, kliënteskakeling, grondverdieping, Victoriaweg 3, Plumstead 7800. Enige besware en kommentaar, met redes daarvoor, moet voor of op die sluitingsdatum gestuur word aan die distriksbestuurder, departement beplanning en bou-ontwikkelingsbestuur, Privaat sak X5, Plumstead 7801, na (021) 710 8283 gefaks word, of per e-pos na comments\_objections.southern@capetown.gov.za gestuur word, met vermelding van bogenoemde toepaslike wetgewing, onderstaande aansoeknommer en die beswaarmaker se erf- en telefoonnommer en adres. Let asseblief daarop dat die 30-dag tydperk die dag waarop die brief geregistreer is, uitsluit. Indien die sluitingsdatum op 'n Sondag of openbare vakansiedag val, sal die sluitingsdatum na die volgende dag oorgedra word. Besware en kommentaar kan ook voor of op die sluitingsdatum per hand by bogenoemde straat adres afgelewer word. As u reaksie nie na hierdie adres of faksnommer gestuur word nie en gevolglik laat ontvang word, sal dit ongeldig geag word. Om nadere inligting, skakel Kevin McGilton by tel. (021) 710 8278. Die sluitingsdatum vir kommentaar en besware is **3 Maart 2014**.

*Liggingsadres:* Hoofweg, Houtbaai

*Eienaar:* H.E. Fannin

*Aansoeker:* Tommy Brümmer Stadsbeplanners

*Aansoeknommer:* 236203

*Aard van aansoek:*

- Om die betrokke eiendom te hersoneer van landelike sone (RU) na landbousone (AG) om die bestaande bykomende wooneenhede op die eiendom te regulariseer.
- Die Raad se vergunning om drie bykomende wooneenhede op die eiendom toe te laat.

**Die volgende afwykings word ook benodig:**

- Bykomende woning 1: Artikel 13.1.2(b)(i) om 'n inspringing van 7m en 8m onderskeidelik in plaas van 15m vanaf die straat- (suidelike) en westelike gemeenskaplike grens toe te laat.
- Bykomende woning 2: Artikel 13.1.2(b)(i) om 'n inspringing van 8m in plaas van 15m vanaf 'n straat (suid) toe te laat.
- Bykomende woning 3: Artikel 13.1.2(b)(i) om 'n inspringing van 12,5m in plaas van 15m vanaf 'n oostelike gemeenskaplike grens toe te laat.
- Artikel 13.1.4(a) om 'n digtheid van 6,5 eenhede per hektaar vir die bykomende eenhede en tweede woning toe te laat.

ACHMAT EBRAHIM, MUNISIPALE BESTUURDER

31 Januarie 2014

56407

## CITY OF CAPE TOWN (SOUTHERN DISTRICT)

## REZONING AND DEPARTURES

- Erf 51805 and Remainder Erf 51806 Cape Town at Claremont

Notice is hereby given in terms of Sections 15 and 17 of the Land Use Planning Ordinance No 15 of 1985 that Council has received the undermentioned application, which is open to inspection at the office of the District Manager, Department: Planning and Building Development Management, City of Cape Town, Customer Interface, Ground Floor, 3 Victoria Road, Plumstead, 7800 from 08:00–13:00 Mondays to Fridays. Any objections and/or comments, with reasons must be submitted in writing at the office, or by post to, the District Manager, Department: Planning and Building Development Management, Private Bag X5, Plumstead, 7801 or fax (021) 710 8283 or e- mailed to comments\_objections.southern@capetown.gov.za on or before the closing date, quoting the above legislation, the belowmentioned application number and the objector's erf, phone numbers and address. Please note that the 30 day period excludes the day on which this letter was registered. If the closing date falls on a Sunday or Public Holiday, the closing date shall be carried over to the next day. Objections and comments may also be hand-delivered to the abovementioned address by no later than the closing date. If your response is not sent to this address and/or fax number and if, as a consequence it arrives late it will be deemed to be invalid. For further information Pierre Evard, tel (021) 710 8132. The closing date for comments and objections is **3 March 2014**.

**Please note: The application for Rezoning & Departures was previously advertised. It was subsequently discovered that the incorrect erf numbers were indicated. As a result it is necessary to re-advertise this application. Please note that all previous objections will be considered as valid. This Department apologises for any inconvenience caused.**

*Location address:* Corner of Imam Haron and Lincoln Roads, Claremont

*Owner:* Siraj Logday

*Applicant:* Willem Buhrmann Associates

*Application no:* 230417

*Nature of application:*

- Rezone the property from General Residential R4 in terms of the Cape Town Zoning Scheme Regulations to Local Business Zone 2 in order to permit a business (pet shop) on the property.
- Departures from the following Sections of the Cape Town Zoning Scheme Regulations:
  - Section 8.2.2 (d) to permit the existing building sited 7.53m from the centre line of the abutting public street in lieu of 8m (Lincoln Road).
  - Section 19.1 to permit the provision of 8 on-site parking bays in lieu of 15.

ACHMAT EBRAHIM, MUNICIPAL MANAGER

31 January 2014

56408

## STAD KAAPSTAD (SUIDELIKE-DISTRIK)

## HERSONERING EN AFWYKINGS

- Erf 51805 en restant erf 51806 Kaapstad by Claremont

Kennisgewing geskied hiermee ingevolge artikel 15 en 17 van die Ordonnansie op Grondgebruikbeplanning (Ordonnansie 15 van 1985), dat onderstaande aansoek ontvang en op woensdae van 08:00 tot 13:00 ter insae beskikbaar is by die kantoor van die distriksbestuurder, departement beplanning en bou-ontwikkelingsbestuur, Stad Kaapstad, kliënteskakeling, grondverdieping, Victoriaweg 3, Plumstead 7800. Enige besware en kommentaar, met redes daarvoor, moet voor of op die sluitingsdatum gestuur word aan die distriksbestuurder, departement beplanning en bou-ontwikkelingsbestuur, Privaatsak X5, Plumstead 7801, na (021) 710 8283 gefaks word, of per e-pos na comments\_objections.southern@capetown.gov.za gestuur word, met vermelding van bogenoemde toepaslike wetgewing, onderstaande aansoeknommer en die beswaarmaker se erf- en telefoonnommer en adres. Let asseblief daarop dat die 30-dag tydperk die dag waarop die brief geregistreer is, uitsluit. Indien die sluitingsdatum op 'n Sondag of openbare vakansiedag val, sal die sluitingsdatum na die volgende dag oorgedra word. Besware en kommentaar kan ook voor of op die sluitingsdatum per hand by bogenoemde straatadres afgelewer word. As u reaksie nie na hierdie adres of faksnommer gestuur word nie en gevolglik laat ontvang word, sal dit ongeldig geag word. Om nadere inligting, skakel Pierre Evard by tel. (021) 710 8132. Die sluitingsdatum vir kommentaar en besware is **3 Maart 2014**.

**Let wel: Die aansoek om hersonering en afwykings is voorheen geadverteer. Daar is vervolgens ontdek dat die verkeerde ernommers aangedui is. Gevolglik is dit nodig om hierdie aansoek weer te adverteer. Let asseblief daarop dat alle vorige besware as geldig oorweeg sal word. Hierdie departement vra om verskoning vir enige ongerief wat veroorsaak is.**

*Liggingsadres:* Hoek van Imam Haron- en Lincolnweg, Claremont

*Eienaar:* Siraj Logday

*Aansoeker:* Willem Buhrmann Vennote

*Aansoeknommer:* 230417

*Aard van aansoek:*

- Hersonering van die eiendom van algemeenresidensieël R4 kragtens die Kaapstadse soneringskema-regulasies na plaaslikesakesone 2 om 'n onderneming (troeteldierwinkel) op die eiendom toe te laat.
- Afwyking van die volgende artikels van die Kaapstadse soneringskema-regulasies:
  - Artikel 8.2.2.(d) om toe te laat dat die bestaande gebou 7,53m vanaf die middellyn van die aangrensende openbare straat (Lincolnweg) in plaas van 8m geleë is.
  - Artikel 19.1 om die voorsiening van agt parkeerplekke in plaas van 15 parkeerplekke op die terrein toe te laat.

ACHMAT EBRAHIM, MUNISIPALE BESTUURDER

31 Januarie 2014

56408

## DRAKENSTEIN MUNICIPALITY

PUBLIC NOTICE CALLING FOR INSPECTION OF THE  
SPECIAL FIRST SUPPLEMENTARY VALUATION ROLL 2012  
AND LODGING OF OBJECTIONS

Notice is hereby given in terms of Section 49(1)(a)(i) read together with Section 78(2) of the Local Government: Municipal Rates Act, 2004 (Act No 6 of 2004), hereinafter referred to as the "Act", that the Special First Supplementary Valuation Roll 2012 is open for public inspection during office hours at the venues as stated below from 30 January 2014 till 28 February 2014. In addition, the valuation roll is available on the municipality's website [www.drakenstein.gov.za](http://www.drakenstein.gov.za).

In terms of Section 49(1)(a)(ii) of the Act, any property owner or other person who desires so may lodge an objection with the municipal manager in respect of any matter reflected in, or omitted from, the valuation roll during the period 30 January 2014 till 28 February 2014. The prescribed forms for the lodging of objections are obtainable at the venues stated below as well as on abovementioned website.

Objections may only be lodged in respect of properties listed in the Special First Supplementary Valuation Roll. The owners of these properties will be notified of their valuations in writing at the postal address currently held on the municipality's database.

Attention is specifically drawn to the fact that in terms of Section 50(2) of the Act, an objection in terms of subsection (1)(c) of the Act, must be in relation to a specific individual property and not against the valuation roll as such. Please note that an objection form must be completed per property.

The completed objection forms can be handed in at the objection venues listed below or posted to:

Drakenstein Municipality, For Attention: Valuation Section P O Box 1, Paarl, 7622 or e-mailed to: [valuation@drakenstein.gov.za](mailto:valuation@drakenstein.gov.za)

**Objection Venues:**

Drakenstein Municipal Offices, Civic Centre, Bergriver Boulevard, Paarl.  
Drakenstein Municipal Offices, 3rd Floor, c/o Market & Main Streets. Paarl  
Drakenstein Municipal Housing Office, Mbekweni  
Drakenstein Municipal Offices, Civic Centre, Pentz Street, Wellington  
Drakenstein Municipal Offices, Gouda  
Drakenstein Municipal Offices, Saron  
Pearl Valley and Val de Vie, Offices of the Home Owners Association

**Please take note that, under no circumstances will late objections be accepted.**

For enquiries please contact Mr I Fortuin (021 807 4534), Mr R Morris (021 807 4815) or Mr J Adams (021 807 4811).

JF METTLER, MUNICIPAL MANAGER

31 January 2014

56409

## DRAKENSTEIN MUNISIPALITEIT

PUBLIKE KENNISGEWING VIR DIE INSPEKSIE VAN DIE  
SPESIALE EERSTE AANVULLENDE WAARDASIEROL 2012 EN  
INDIENING VAN BESWARE

Kennis word hiermee gegee ingevolge Artikel 49(1)(a)(i) saamgelees met Artikel 78(2) van die Wet op Plaaslike Regering: Munisipale Eiensdombelasting, 2004 (Wet 6 van 2004) hierna verwys as die "Wet", dat die Spesiale Eerste Aanvullende Waardasierol 2012 ter insae lê vir publieke inspeksie gedurende kantoorure by onderstaande lokale vanaf 30 Januarie 2014 tot 28 Februarie 2014. Daarbenewens is die waardasierol ook beskikbaar op die munisipaliteit se webtuiste [www.drakenstein.gov.za](http://www.drakenstein.gov.za).

Ingevolge Artikel 49(1)(a)(ii) van die Wet kan enige grondeienaar of ander persoon wat dit wil doen, binne die tydperk vanaf 30 Januarie 2014 tot 28 Februarie 2014, 'n beswaar aanteken by die munisipale bestuurder met betrekking tot enige aangeleentheid vervat in, of wegelaat uit, die waardasierol. Die voorgeskrewe vorm vir die indiening van besware is verkrygbaar by onderstaande lokale sowel as op bovermelde webtuiste.

Besware kan slegs ten opsigte van eiendomme wat vervat is in die Spesiale Eerste Aanvullende Waardasierol ingedien word. Die eienaars van hierdie eiendomme sal skriftelik van hul waardasies in kennis gestel word by hul posadres wat tans op die munisipaliteit se databasis verskyn.

Aandag word spesifiek gevestig op die feit dat in terme van Artikel 50(2) van die Wet, dat 'n beswaar in terme van artikel (1)(c) van die Wet, betrekking moet hê op 'n spesifieke individuele eiendom en nie teen die waardasierol as sodanig nie. Let asseblief daarop dat vir elke eiendom 'n beswaarvorm ingedien moet word.

Die voltooië beswaarvorms kan by die genoemde beswaarlokalite ingehandig word of na die volgende adres gepos word:

Drakenstein Munisipaliteit, Vir Aandag: Waardasie-Afdeling, Posbus 1, Paarl, 7622 of stuur 'n e-pos na: [valuation@drakenstein.gov.za](mailto:valuation@drakenstein.gov.za)

**Beswaarlokalite:**

Drakenstein Munisipale Kantore, Burgersentrum, Berggrivier Boulevard, Paarl  
Drakenstein Munisipale Kantore, h/v Mark & Hoofstrate, Paarl  
  
Drakenstein Munisipale Behuisingskantoor, Mbekweni  
Drakenstein Munisipale Kantore, Burgersentrum, Pentzstraat, Wellington  
Drakenstein Munisipale Kantore, Gouda  
Drakenstein Munisipale Kantore, Saron  
Pearl Valley en Val de Vie, Kantore van Huiiseienaarsvereniging

**Neem kennis dat onder geen omstandighede sal laat besware aanvaar word nie.**

Navrae kan gerig word aan Mnr I Fortuin (021 807 4534), Mnr R Morris (021 807 4815) en Mnr J Adams (021 807 4811).

JF METTLER, MUNISIPALE BESTUURDER

31 Januarie 2014

56409

## DRAKENSTEIN MUNICIPALITY

**APPLICATION FOR CONSENT USE: ERF 17375 PAARL**

Notice is hereby given in terms of Clause 18(2) of the Paarl Scheme Regulations, that an application as set out below has been received and can be viewed during normal office hours at the office of the Head: Planning Services, Administrative Offices, c/o Main and Market Street, Paarl, Tel (021) 807-4770:

*Property:* Erf 17375 Paarl

*Applicant:* Toit Trust (Pty) Ltd

*Owner:* Toit Trust (Pty) Ltd

*Locality:* Located at 13 Hartford Street in the Southern Paarl area

*Extent:* ±1604m<sup>2</sup>

*Current Zoning:* General Commercial

*Proposal:* Consent Use for a light industrial building for the purposes of a tyre fitment centre. Business hours will be restricted from Mondays to Fridays from 7:30 to 17:30 and Saturdays from 7:30 to 13:00, with emergency repairs after hours.

Motivated objections to the above can be lodged in writing to the Municipal Manager, Drakenstein Municipality, P O Box 1, Paarl, 7622 by no later than **3 March 2014**. No late objections will be considered.

Persons who are unable to read or write, can submit their objections verbally at the Municipal Offices, Berg River Boulevard, Paarl, where they will be assisted by a staff member, to put their comments in writing.

JF METTLER, MUNICIPAL MANAGER

31 January 2014

56410

## DRAKENSTEIN MUNISIPALITEIT

**AANSOEK OM VERGUNNINGSGEBRUIK: ERF 17375 PAARL**

Kennis geskied hiermee ingevolge Klousule 18(2) van die Paarl Skemaregulasies, dat 'n aansoek soos hieronder uiteengesit ontvang is en gedurende normale kantoorure ter insae is by kantoor van die Hoof: Beplanningsdienste, Administratiewe Kantore, h/v Hoof- en Markstraat, Paarl, Tel (021) 807-4770:

*Eiendom:* Erf 17375 Paarl

*Aansoeker:* Toit Trust (Edms) Bpk

*Eienaar:* Toit Trust (Edms) Bpk

*Ligging:* Geleë te Hartfordstraat 13, in die Suider-Paarl area

*Grootte:* ±1604m<sup>2</sup>

*Huidige Sonering:* Algemene Handelsone

*Voorstel:* Vergunningsgebruik vir ligte nywerheidsgebou vir die doeleindes van 'n motorbandherstel onderneming. Besigheidsure sal beperk wees vanaf Maandae tot Vrydae vanaf 7:30 tot 17:30, Saterdag vanaf 7:30 tot 13:00, met noodherstelwerke wat na-ure sal plaasvind.

Gemotiveerde besware teen bogemelde aansoek kan skriftelik gerig word aan die Munisipale Bestuurder, Drakenstein Munisipaliteit, Posbus 1, Paarl, 7622, teen nie later nie as **3 Maart 2014**. Geen laat besware sal oorweeg word nie.

Indien 'n persoon nie kan lees of skryf nie, kan so 'n persoon sy kommentaar mondelings by die Munisipale Kantore, Berggrivier Boulevard, Paarl, aflê, waar 'n personeellid sal help om sy kommentaar/vertoë op skrif te stel.

JF METTLER, MUNISIPALE BESTUURDER

31 Januarie 2014

56410

## HESSEQUA MUNICIPALITY

**APPLICATION FOR CONSENT USE AND DEPARTURE OF THE ZONING SCHEME: ERF 26, 50 WATERKANT STREET, STILL BAY WEST**

Notice is hereby given in terms of the provisions of Section 15(1)(a)(i) of the Land-Use Planning Ordinance, 1985 (Ord. 15 of 1985) and Regulation 4.6 of PN 1048/1988, that the Hessequa Council has received the following application on the abovementioned property:

*Property:* Erf 26, Still Bay West (714m<sup>2</sup>)

*Proposal:*

1. Consent Use to erect a second dwelling;
2. Departure of the Still Bay Zoning Scheme Regulations for the encroachment of the historic western street building line from 1.5m to 0.4m.

*Applicant:* D.H. Van Coller Architect

Details concerning the application are available at the office of the undersigned and the Stilbaai Municipal Offices during office hours. Any objections to the proposed application should be submitted in writing to reach the office of the undersigned not later than **3 March 2014**.

People who cannot write can approach the office of the undersigned during normal office hours where the responsible official will assist you in putting your comments or objections in writing.

MUNICIPAL MANAGER, HESSEQUA MUNICIPALITY, P.O. BOX 29, RIVERSDAL

31 January 2014

56414

## HESSEQUA MUNISIPALITEIT

**AANSOEK OM VERGUNNINGSGEBRUIK EN AFWYKING VAN DIE SKEMAREGULASIES: ERF 26, WATERKANTSTRAAT 50, STILBAAI-WES**

Kennis geskied hiermee ingevolge die bepalings van Artikel 15(1)(a)(i) van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ord. 15 van 1985) en Regulasie 4.6 van PK 1048/1988, dat die Hessequa Raad, die volgende aansoek op bogenoemde eiendom ontvang het:

*Eiendomsbeskrywing:* Erf 26, Stilbaai-Wes (714m<sup>2</sup>)

*Aansoek:*

1. Vergunningsgebruik om 'n tweede Woonseenheid op die eiendom toe te laat;
2. Afwyking van die Stilbaai Skemaregulasies op Erf 43, Stilbaai-Wes, vir 'n Boulynoorskryding van die historiese westelike straat-boulyn van 4.5m na 0m;

*Applikant:* D.H. Van Coller Argitek

Besonderhede rakende die aansoek is ter insae by die kantoor van die ondergetekende sowel as die Stilbaai Munisipale Kantoor gedurende kantoorure. Enige besware teen die voorgenome aansoek moet skriftelik gerig word om die ondergetekende te bereik nie later as **3 Maart 2014**.

Persone wat nie kan skryf nie, kan die onderstaande kantoor nader tydens sy normale kantoorure waar die betrokke amptenaar u sal help om u kommentaar of besware op skrif te stel.

MUNISIPALE BESTUURDER, HESSEQUA MUNISIPALITEIT, POSBUS 29, RIVERDAL

31 Januarie 2014

56414

## DRAKENSTEIN MUNICIPALITY

**APPLICATION FOR REMOVAL OF RESTRICTION AND  
CONSENT USE: FARM 815/6 PAARL DIVISION**

*Property:* Farm 815/6 Lo Andrie Paarl Division

*Applicant:* Louis Hugo Town and Regional Planner

*Owner:* Mr F Huddleston (Trustee) on behalf of Huddleston Trust

*Locality:* The farm is located between Paarl and Simondium. Access is from Minor Road 276 and linked with Main Road 191 (R45)

*Extent:* ±2.35ha

*Zonings:* Agricultural Zone I Transport Zone II, Business Zone IV

Notice is hereby given in terms of Section 3(6) of the Removal of Restrictions Act, 1967 (Act 84 of 1967) that an application as set out below has been received and can be viewed during normal office hours at the office of the Head: Planning, Services, c/o Market and Main Street, Paarl and any enquiries may be directed to Mr E J Cyster at Tel (021) 807-4770, Fax (021) 870-1562 and Email earl.cyster@drakenstein.gov.za. The application is also open for inspection at the office of the Director: Integrated Environmental Management, Provincial Government of the Western Cape, at Room 207, 1 Dorp Street, Cape Town, from 08:00-12:30 and 13:00-15:30 (Monday to Friday), Telephonic enquiries in this regard may be made at (021) 483-0760 and the Directorate's fax number is (021) 483-3633.

Any objections, with full reasons therefor, should be lodged in writing at the office of the above-mentioned Director: Land Management Region 1, Provincial Government at Private Bag X9086, Cape Town, 8000, with a copy to the Municipal Manager, Drakenstein Municipality, P O Box 1, Paarl, 7622 before or on **3 March 2014**, quoting the above Act and the objector's erf number. Any comments received after the aforementioned closing date may be disregarded.

*Applicant:* Louis Hugo Town and Regional Planner

*Nature of Application:* Removal of restrictive title conditions applicable to Portion 6 of Farm Lo Andrie No 815 Paarl Division to enable the owner to legalise the existing land uses (small scale transportation hub within the existing business zone) on the property.

**AND APPLICATION FOR CONSENT USE**

Notice is hereby given in terms of Regulation 4.7 of the Scheme Regulations promulgated at PN 1048/1988 that an application as set out below has been received and can be viewed during normal office hours at the office of the Head: Planning Services, Administrative Offices, Berg River Boulevard, Paarl (Tel (021) 807-4770):

*Proposal:* Consent Use for the purposes of "Transport usage" on the area zoned as Business Zone IV.

JF METTLER, MUNICIPAL MANAGER

31 January 2014

56411

## DRAKENSTEIN MUNISIPALITEIT

**AANSOEK OM OPHEFFING VAN BEPERKING EN  
VERGUNNINGSGEBRUIK: PLAAS 815/6 PAARL AFDELING**

*Eiendom:* Plaas 815/6 Lo Andrie Paarl Afdeling

*Aansoeker:* Louis Hugo Stads- en Streekbeplanner

*Eienaar:* Mnr F Huddleston (Trustee) namens Huddleston Trust

*Ligging:* Die plaas is geleë tussen Paarl en Simondium. Toegang is vanaf Ondergeskikte Pad 276 wat aansluit by Hoofpad 191 (R45)

*Grootte:* ±2.35ha

*Sonerings:* Landbousone I, Vervoersone II en Sakesone IV

Kennis geskied hiermee ingevolge Artikel 3(6) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967) dat 'n aansoek soos hieronder uiteengesit ontvang is en gedurende normale kantoorure ter insae is by die kantoor van die Hoof: Beplanningsdienste, h/v Mark- en Hoofstraat, Paarl en enige navrae kan gerig word aan Mnr E J Cyster by Tel (021) 807-4770, Faks (021) 870-1562 en Epos earl.cyster@drakenstein.gov.za. Die aansoek is ook ter insae by die Kantoor van die Direkteur: Geïntegreerde Omgewingsbestuur, Provinsiale Regering van die Wes-Kaap, Kamer 207, Dorpstraat 1, Kaapstad, vanaf 08:00-12:30 en 13:00-15:30 (Maandag tot Vrydag). Telefoniese navrae in hierdie verband kan gerig word aan (021) 483-0760 en die Direktoraat se faksnommer is (021) 483-3633.

Enige besware, met die volledige redes daarvoor, moet skriftelik by die kantoor van die bogenoemde Direkteur Geïntegreerde Omgewingsbestuur, Provinsiale Regering, Privaatsak X9086, Kaapstad, 8000, met 'n afskrif aan die Munisipale Bestuurder, Drakenstein Munisipaliteit, Posbus 1, Paarl, 7622 ingedien word voor of op **3 Maart 2014**, met vermelding van bogenoemde Wet en die beswaarmaker se ernommer. Enige kommentaar wat na die voorgemelde sluitingsdatum ontvang word, mag moontlik nie in ag geneem word nie.

*Aansoeker:* Louis Hugo Stads- en Streekbeplanner namens Huddleston Trust

*Aard van Aansoek* Opheffing van beperkende titelvoorwaardes van toepassing op Gedeelte 6 van Plaas Lo Andrie Nr 815 Paarl Afdeling, ten einde die eienaar in staat te stel om die bestaande grondgebruike (kleinskaalse vervoergebruik middelpunt binne die bestaande sake sonering) op die eiendom te wettig.

**EN AANSOEK OM VERGUNNINGSGEBRUIK**

Kennis geskied hiermee ingevolge Regulasie 4.7 van die Skemaregulasies afgekondig by PK 1048/1988 dat 'n aansoek soos hieronder uiteengesit ontvang is en gedurende normale kantoorure ter insae is by die kantoor van die Hoof: Beplanningsdienste, Administratiewe Kantore, h/v Hoof- en Markstraat, Paarl (Tel (021) 807 4770):

*Voorstel:* Vergunningsgebruik vir die doeleindes van "Vervoergebruik" op die area gesoneer Sakesone IV.

JF METTLER, MUNISIPALE BESTUURDER

31 Januarie 2014

56411

## GEORGE MUNICIPALITY

NOTICE NO 036/2014

**PROPOSED CONSENT USE AND TEMPORARY DEPARTURE:  
GEELHOUTBOOM 217/28, DIVISION GEORGE**

Notice is hereby given that Council has received the following applications on the abovementioned property:

1. Consent Use in terms of Regulation 4.6 of the Section 8 Scheme Regulations promulgated in terms of Ordinance 15/1985, to convert the eating hall on the Resort Zone I portion of the property into a tourist facility (restaurant).
2. Consent Use in terms of Regulation 4.6 of the Section 8 Scheme Regulations promulgated in terms of Ordinance 15/1985, to use the garden on the Agriculture Zone I portion of the property for a tourist facility (lecture rooms);
3. Temporary Departure in terms in Section 15 of Ordinance 15 of 1985 to use the tourist facility (lecture rooms) as a Place of Assembly;
4. Consent Use in terms of Regulation 4.6 of the Section 8 Zoning Scheme Regulations promulgated in terms of Ordinance 15/1985, to permit 5 additional dwelling units on the Agriculture Zone I portion of the property.

Details of the proposal are available for inspection at the Council's office 5th Floor, York Street, George, 6530, during normal office hours, Mondays to Fridays.

**Enquiries: MARISA ARRIES**

**Reference: GEELHOUTBOOM 217/28, DIVISION GEORGE**

Motivated objections, if any, must be lodged in writing with the Registration Office, 1st floor, George Municipality by not later than **MONDAY, 3 March 2014. Please note that no objections by e-mail will be accepted.**

Any person, who is unable to write, can submit their objection verbally to the Council's offices where they will be assisted by a staff member to put their comments in writing.

T BOTHA, MUNICIPAL MANAGER, Civic Centre, York Street, GEORGE, 6530. Tel: (044) 801 9473, Fax: 086 570 1900  
Email: marisa@george.org.za

31 January 2014

56412

## LANGEBOOM MUNICIPALITY

Montagu Office

MN NO. 11/2014

**PROPOSED CONSENT USE ON ERF 3985,  
2A PALM AVENUE, MONTAGU  
(Ordinance 15 of 1985, Land use planning)**

Notice is hereby given in terms of the Zoning Scheme Regulations of Montagu, that the Council has received an application from JJ Masiegl for a consent use for a home enterprise (repair and sale of bicycles and bicycle spares) on erf 3985, Montagu.

The application will be open for inspection at the Montagu Office during normal office hours. Written legal and fully motivated objections/comments, if any, must be lodged with the Municipal Manager, Private Bag X2, Ashton, 6715, before or on 27 February 2014. Further details are obtainable from Mr Jack van Zyl (023-614 8000) during office hours. Any person who cannot write may come to the office mentioned above, during office hours where a staff member of the municipality will assist that person to transcribe his/her comments or representations.

SA MOKWENI, MUNICIPAL MANAGER, Municipal Offices, Private Bag X2, ASHTON, 6715

31 January 2014

56416

## GEORGE MUNISIPALITEIT

KENNISGEWING NR 036/2014

**VOORGESTELDE VERGUNNINGSGEBRUIK EN TYDELIKE  
AFWYKING: GEELHOUTBOOM 217/28, AFDELING GEORGE**

Kennis geskied hiermee dat die Raad die volgende aansoek op bogenoemde eiendom ontvang het:

1. Vergunningsgebruik ingevolge die bepalings van paragraaf 4.6 van die Artikel 8 Skemaregulasies, uitgevaardig kragtens die bepalings van Ordonnansie 15/1985, vir omskepping van die eetsaal op die Oord Sone I gedeelte van die eiendom in 'n toeriste fasiliteit (restaurant);
2. Vergunningsgebruik ingevolge die bepalings van paragraaf 4.6 van die Artikel 8 Skemaregulasies, uitgevaardig kragtens die bepalings van Ordonnansie 15/1985, om die tuin op die Landbou Sone I gedeelte van die eiendom vir 'n toeriste fasiliteit (lesing kamers) te gebruik;
3. Tydelike afwyking ingevolge Artikel 15 van Ordonnansie 15 van 1985 vir die gebruik van toeriste fasiliteite (lesing kamers) as 'n vergaderplek;
4. Vergunningsgebruik ingevolge die bepalings van paragraaf 4.6 van die Artikel 8 Skemaregulasies, uitgevaardig kragtens die bepalings van Ordonnansie 15/1985, vir 5 addisionele wooneenhede op die Landbousone I gedeelte van die eiendom.

Volliedige besonderhede van die voorstel sal gedurende gewone kantoorure, Maandag tot Vrydag, ter insae wees by die Raad se kantoor te 5de Vloer, Yorkstraat, George, 6530.

**Navrae: MARISA ARRIES**

**Verwysing: GEELHOUTBOOM 217/28 DIVISION GEORGE**

Gemotiveerde besware, indien enige, moet skriftelik by die Registrasiekantoor, 1ste vloer, George Munisipaliteit nie later nie as **MAANDAG, 3 MAART 2014. Let asseblief daarop dat geen e-pos besware aanvaar sal word nie.**

Indien 'n persoon nie kan skryf nie, kan sodanige persoon sy kommentaar mondelings by die Raad se kantoor aflê, waar 'n personeellid sal help om die kommentaar vertoë op skrif te stel.

T BOTHA, MUNISIPALE BESTUURDER, Burgersentrum, Yorkstraat, GEORGE, 6530. Tel: (044) 801 9473, Faks: 086 570 1900  
Epos: marisa@george.org.za

31 Januarie 2014

56412

## LANGEBOOM MUNISIPALITEIT

Montagu Kantoor

MK NR. 11/2014

**VOORGESTELDE VERGUNNINGSGEBRUIK VAN ERF 3985,  
PALMLAAN 2A, MONTAGU  
(Ordonnansie 15 van 1985, Grondgebruikbeplanning)**

Kennis geskied hiermee ingevolge die Sonering Skemaregulasies van Montagu dat 'n aansoek ontvang is van JJ Masiegl om vergunningsgebruik vir 'n tuisonderneming (herstel en verkoop van fietse en fietsonderdele) op erf 3985, Montagu.

Die aansoek lê ter insae gedurende kantoorure in die Montagu Kantoor en skriftelike regsgeldige en goed gemotiveerde besware/kommentaar, indien enige moet nie later as 27 Februarie 2014 skriftelik by die Munisipale Bestuurder, Privaatsak X2, Ashton, 6715, ingedien word nie. Navrae kan gerig word aan mnr Jack van Zyl by telefoonnommer 023-614 8000. 'n Persoon wat nie kan skryf nie kan gedurende kantoorure na bogenoemde kantoor kom waar 'n personeellid van die Munisipaliteit daardie persoon sal help om sy/haar kommentaar of vertoë af te skryf.

SA MOKWENI, MUNISIPALE BESTUURDER, Munisipale Kantore, Privaatsak X2, ASHTON, 6715

31 Januarie 2014

56416

**KNYSNA MUNICIPALITY  
LAND USE PLANNING ORDINANCE, 1985  
(ORDINANCE 15 OF 1985)**

**APPLICATION NUMBER:** 625, 200600000, 2 Egret Street, Sedgfield

Notice is hereby given in terms of Sections 17 and 24 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985) that the under mentioned application has been received and is open for inspection during office hours at: Municipal Town Planning Offices Old Main Building 3 Church Street, Knysna. Any objections, with full reasons therefor, should be lodged in writing with the Municipal Manager, P O Box 21, Knysna, 6570 on or before **Monday 3 March 2014** quoting the above Ordinance and objector's erf number.

Notice is further given in terms of Section 21(4) of the Local Government: Municipal Systems Act, (Act 32 of 2000) that people who cannot write may approach the Municipal Town Planning Office at 3 Church Street, Knysna during normal office hours where the Secretary will refer you to the responsible official who will assist you in putting your comments or objections in writing.

*Applicant:* H M VREKEN (obo) F R Quirk

*Nature of application:*

**Rezoning and Building line relaxation**

1. The rezoning of Erf 600 Sedgfield from "Single Residential" to "Business" zone to allow the use of an emergency medical service centre;
2. A consent use to allow a "Institutional facility" on "Business" zoned property;
3. Departure for the relaxation of the western street building line to allow the existing structures within the proposed new zoning category.

File reference: 200600000

LAUREN A WARING, MUNICIPAL MANAGER

31 January 2014

56395

**STELLENBOSCH MUNICIPALITY**

**APPLICATION IN TERMS OF THE REMOVAL OF  
RESTRICTIONS ACT, 1967 (ACT 84 OF 1967): ERF 5972,  
STELLENBOSCH**

Notice is hereby given in terms of section 3(6) of the above Act that the under-mentioned application has been received and is open to inspection at the office of the Chief Town Planner, Department of Planning and Economic Development, Town Hall, Plein Street, Stellenbosch from 8:30–15:00 (Monday to Friday). Telephonic enquiries may be directed to Robert Fooy at (021) 8088680 or (021) 8088606. The application is also open to inspection at the office of the Director: Land Management Region 1, Provincial Government of the Western Cape, at Room 204, 1 Dorp Street, Cape Town from 08:00–12:30 and 13:00–15:30 (Monday to Friday). Telephonic enquiries in this regard may be made at (021) 4832729 and the Directorate's fax number is (021) 4833633. Any objections with full reasons therefor, should be lodged in writing at the office of the above-mentioned Director: Land Management Region 1, Provincial Government, Private Bag X9086, Cape Town, 8000, with a copy to the Chief Town Planner, P O Box. 17, Stellenbosch, 7599, on or before 2014–03–03 quoting the above Act and the objector's erf number. Any comments received after the aforementioned closing date may be disregarded.

*Applicant:* Jan Hendrik Viljoen on behalf of Zelpy 1749 (Pty) Ltd

*Nature of Application:* Removal of restrictive title conditions I.B.(b) (Pty)Ltd and 3.B.(c) applicable to erf 5972, 9 Noordwal Street, Stellenbosch, to enable the owner to utilise the property for general residential purposes.

This advertisement is also available on the Municipal website <http://www.stellenbosch.gov.za>, on the Planning and Development page.

Notice no P3/14 dated 2014–01–23

MUNICIPAL MANAGER

31 January 2014

56418

**KNYSNA MUNISIPALITEIT**

**ORDONNANSIE OP GRONDGEBRUIKBEPLANNING, 1985  
ORDONNANSIE 15 VAN 1985**

**AANSOEK NOMMER:** 625, 200600000, Egretstraat 2, Sedgfield

Kennis geskied hiermee in terme van Artikels 17 en 15 van die Grondgebruik Beplannings Ordonnansie (Ordonnansie 15 van 1985) dat die onderstaande aansoek deur die Munisipale Bestuurder ontvang is en ter insae lê, gedurende kantoorure by: Munisipale Stadsbeplanning Kantore Old Maingebou Kerkstraat 3 Knysna. Enige besware met volledige redes daarvoor, moet skriftelik by die Munisipale Bestuurder, Posbus 21, Knysna, 6570 ingedien word voor of op **Maandag 3 Maart 2014**, met vermelding van bogenoemde Ordonnansie en beswaarmaker se ernommer.

Ingevolge Artikel 21(4) van die Wet op Plaaslike Regering: Munisipale Stelsels 2000 (Wet 32 van 2000) word verder kennis gegee dat persone wat nie kan skryf nie die Stadsbeplanningsafdeling (Kerkstraat 3) kan nader tydens normale kantoorure waar die Sekreteres u sal verwys na die betrokke amptenaar wat u sal help om u kommentaar of besware op skrif te stel.

*Aansoeker:* H M VREKEN nms F R Quirk

*Aard van Aansoek:*

**Hersonering en Boulynverslapping**

1. Die hersonering van Erf 600 Sedgfield vanaf "Enkel Residensiël" na "Besigheid" vir die gebruik van 'n nood mediese dienssentrum;
2. Die vergunning om 'n "Institusionele fasiliteit" op 'n "Besigheids" perseel toe te laat;
3. Die verslapping van die westelike straat boulyn om die bestaande strukture toe te laat in die voorgestelde nuwe sonerings kategorie.

Leërverwysing: 200600000

LAUREN A WARING, MUNISIPALE BESTUURDER

31 Januarie 2014

56395

**STELLENBOSCH MUNISIPALITEIT**

**AANSOEK AANSOEK INGEVOLGE DIE WET OP  
OPHEFFING VAN BEPERKINGS, 1967 (WET 84 VAN 1967):  
ERF 5972, STELLENBOSCH**

Kragtens artikel 3(6) van bostaande Wet word hiermee kennis gegee dat die onderstaande aansoek ontvang is en ter insae lê by die kantoor van die Hoof Stadsbeplanner, Departement Beplanning en Ekonomiese Ontwikkeling, Stadhuis, Pleinstraat, Stellenbosch, vanaf 8:30–15:00 (Maandag tot Vrydag). Telefoniese navrae kan gerig word aan Robert Fooy by (021) 8088680 of (021) 8088606. Die aansoek lê ook ter insae by die Kantoor van die Direkteur: Landbestuur Streek 1, Provinsiale Regering van die Wes-Kaap, by Kamer 204, Dorpsstraat 1, Kaapstad, vanaf 8:00–12:30 en 13:00–15:30 (Maandag tot Vrydag). Telefoniese navrae in hierdie verband kan gerig word aan (021) 4832729 en die Direktoraat se faksnummer is (021) 4833633. Enige besware, met die volledige redes daarvoor, moet skriftelik by die kantoor van bogenoemde Direkteur: Landbestuur Streek 1, Provinsiale Regering, Private Bag X9086, Kaapstad, 8000, met 'n afskrif aan die Hoof Stadsbeplanner, Posbus 17, Stellenbosch, 7599, ingedien word op of voor 2014–03–03 met vermelding van bogenoemde Wet en beswaarmaker se ernommer. Enige kommentaar wat na die voormelde sluitingsdatum ontvang word, mag moontlik nie in ag geneem word nie.

*Aansoeker:* Jan Hendrik Viljoen namens Zelpy 1749 (Edms) Bpk.

*Aard van Aansoek:* Opheffing van beperkende titelvoorwaardes I.B.(b) en 3.B.(c) van toepassing op erf 5972, Noordwalstraat 9, Stellenbosch, ten einde die eienaar in staat te stel om die eiendom te gebruik vir algemene residensiële doeleindes.

Hierdie kennisgewing is ook beskikbaar op die Munisipale webtuiste <http://www.stellenbosch.gov.za>, op die Beplanning en Ontwikkelingsblad.

Kennisgewing Nr P3/14 gedateer 2014–01–23

MUNISIPALE BESTUURDER

31 Januarie 2014

56418

## OVERSTRAND MUNICIPALITY

**ERF 411, 13 DE GOEDE STREET, HERMANUS, OVERSTRAND MUNICIPAL AREA:  
REMOVAL OF RESTRICTIONS ACT, 1967 (ACT 84 OF 1967)**

Notice is hereby given in terms of Section 3(6) of the above Act that the under-mentioned application has been received and is open to inspection at the office of the Municipal Manager, Overstrand Municipality, and any enquiries may be directed to the Senior Town Planner, Ms. H van der Stoep, PO Box 20, Hermanus, 7200, Tel No. (028) 313-8900 and Fax No. (028) 313-2093. E-mail enquiries: Loretta Page (loretta@overstrand.gov.za).

The application is also open to inspection at the office of the Chief Director, Land Management; Region 2, Provincial Government of the Western Cape, at Room 601, 1 Dorp Street, Cape Town, from 08:00–12:30 and 13:00–15:30 (Monday to Friday). Telephonic enquiries in this regard may be made at (021) 483 4634 and the Directorate's fax number is (021) 483 3098. Any objections, with full reason therefor, should be lodged in writing at the office of the abovementioned Director: Land Management; Region 2 at Private Bag X9036, Cape Town, 8000, on or before **Friday, 14 March 2014**, quoting the above Act and the objector's erf number. Any comments received after the aforementioned closing date may be disregarded.

*Applicant:* Plan Active (on behalf of Mrs M Stoddart)

*Nature of Application:* Amendment of a restrictive title condition applicable to Erf 411, 13 De Goede Street, Hermanus, to enable the owner to operate a crèche on the property.

Municipal Notice No. 8/2014

OVERSTRAND MUNICIPALITY, PO Box 20, HERMANUS, 7200

31 January 2014

56417

## OVERSTRAND MUNISIPALITEIT

**ERF 411, DE GOEDESTRAAT 13, HERMANUS, OVERSTRAND MUNISIPALE AREA:  
WET OP OPHEFFING VAN BEPERKINGS, 1967 (WET 84 VAN 1967)**

Kragtens Artikel (3)6 van bostaande Wet word hiermee kennis gegee dat die onderstaande aansoek ontvang is en ter insae lê by die kantoor van die Munisipale Bestuurder, Overstrand Munisipaliteit en enige navrae kan gerig word aan die Senior Stadsbeplanner, Me. H van der Stoep, Posbus 20, Hermanus, 7200, (028) 313 8900 en by die faksnommer (028) 313 2093. Epos navrae: Loretta Page (loretta@overstrand.gov.za).

Die aansoek lê ook ter insae by die Kantoor van die Direkteur, Grondbestuur: Streek 2, Provinsiale Regering van die Wes-Kaap, by Kamer 601, Dorpsstraat 1, Kaapstad, vanaf 08:00–12:30 en 13:00–15:30 (Maandag tot Vrydag). Telefoniese navrae in hierdie verband kan gerig word aan (021) 483 9787 en die Direkteur se faksnommer is (021) 483 3098. Enige besware, met die volledige redes daarvoor, moet skriftelik by die kantoor van die bogenoemde Direkteur Grondbestuur: Streek 2, Privaatsak X9086, Kaapstad, 8000. Ingedien word op of voor Vrydag, 14 Maart 2014 met vermelding van bogenoemde Wet en die beswaarmaker se ernommer. Enige kommentaar wat na die voorgemelde sluitingsdatum ontvang word, mag moontlik nie in ag geneem word nie.

*Aansoeker:* Plan Active (namens Mrs M Stoddart)

*Aard van Aansoek:* Wysiging van 'n beperkende titelvoorwaarde van toepassing op Erf 411, De Goedestraat 13, Hermanus, ten einde die eienaar in staat te stel om 'n kleuterskool op die eiendom te bedryf.

Munisipale Kennisgewing Nr. 8 /2014

OVERSTRAND MUNISIPALITEIT, Posbus 20, HERMANUS, 7200

31 Januarie 2014

56417

## UMASIPALA WASE-OVERSTRAND

**ISIZA 411, 13 DE GOEDE STREET, HERMANUS, UMMANDLA KAMASIPALA WASE-OVERSTRAND; UMTHEETHO WOKUSUSA  
IZITHINTELO, 1967 (UMTHEETHO 84 KA-1967)**

Aphakukhutshwa isaziao, ngo kwemiqathango yecandelo 3(6) lalo Mthetho ukhankanywe ngentla apha sokuba kuye kwafunyanwa esisicelo singezantsi apha, nokuba kuvulelekile ukuba singeza kuphendlwa kwi-ofisi yeManejala ka Masipala wase Overstrand, kwaye nayiphi na imibuzo ingathunyelwa kuMyiliwe Dolophu, uNkosikazi H van der Stoep, PO Box 20, Hermanus, 7200, (KwinomboloYemfonomfonoEngu Engu: (026) 313–8900) (InomboloYefeksi (028) 313–2093). I-imeyile: Loretta Page (loretta@overstrand.gov.za).

Esisicelo kukwavulelekile nokuba siye kuphendlwa kwi-ofisi yoMlawuli: oyiNtloko woMhlaba: uMmandla 2, kaRhulumente wePhondo leNtshona Koloni, kwiGumbi elingu-601, 1 Dorp Street, eKapa, ukususela ngentsimbi ye-08:00 ukuya kweye-12:30 nango-13:00 ukuya ku-15:30 (ngoMvulo ukuya kutsho ngoLwesihlanu). Imibuzo eyenziwa ngomnxebe ephathelele kulo mba ingenzwa ngokutsalela kwa-(021) 483–4634, kwaye ke inom-bolo yefekisi yeli Candelo loLawulo ngu-(021) 483–3098, Naziphi na izikhalazo, ekufuneka zihambe nezizathu ezipheleleyo kufuneka zingeniswen-gento ebhaliweyo kule ofisi Ikhankanywe ngentla apha yoMlawuli woLawulo loMhlaba: uMmandla 2, kwaPrivate Bag X9086, Cape Town, 8000, ngumhla okanye phambi kwawo Lwesihlanu umhla we-14 March 2014, kuxelwe lo Mthetho ungentla apha kunye nenombolo yesiza salowo ukha-lazayo. Naziphi na izinwo ezithe zafika emva kwalo mhla wokuvala ukhankanyiweyo zisenokungahoywa.

*Umfaki Sicelo:* Plan Active (egamsni likaNksz M Stoddart)

*Uhlobo Iwesicelo:* Ukulungiswa kwemiqathango yezithintela zolwakhiwo kwitayitile yesiza 411, 13 De Goede Street, eHermanus, ukuze umniniso enze indawo yokulondoloza abantwana kumhlaba lowo.

InomboloYesazisokaMasipala 8/2014

Kwiofisi zikaMasipala, PO Box 20, HERMANUS, 7200

31 uJanuwari 2014

56417

## PRINS ALBERT MUNICIPALITY STORMWATER MANAGEMENT BY-LAWS

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 the Prins Albert Municipality, enacts as follows:-

### Table of contents

1. Definitions
2. Purpose of by-law
3. Application of by-law
4. Prohibited conduct
5. Application and conditions which municipality may impose
6. Stormwater systems on private land
7. Powers of municipality
8. Authentication and service of notices and other documents
9. Appeal
10. Exemptions
11. Penalties
12. Repeal of By-laws
13. Short title and commencement

### 1. Definitions

In this by-law, unless the context otherwise indicates –

“**floodplain**” means land adjoining a watercourse which is predisposed to flooding up to the 100 year recurrence interval;

“**municipality**” means the Prins Albert Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“**owner**” also means lessee, occupier, resident or any person who obtains a benefit from the premises or is entitled thereto and also includes any insolvent estate, executor, administrator, trustee, liquidator judicial manager;

“**private stormwater system**” means a stormwater system which is owned, operated or maintained by a person and not the municipality;

“**pollute**” bears the meaning assigned to it in the National Water Act, 1998 (Act 36 of 1998);

“**stormwater**” means water resulting from natural rainfall or the accumulation thereof, and includes – (a) groundwater and spring water ordinarily conveyed by the stormwater system; and

(b) sea water within estuaries,

but excludes water in a drinking water or waste water reticulation system;

“**stormwater system**” means both the constructed and natural facilities, including roads, pipes, culverts, watercourses and their associated floodplains, whether over or under public or privately owned land, used or required for the management, collection,

conveyance, temporary storage, control, monitoring, treatment, use or disposal of stormwater;

“**watercourse**” bears the meaning assigned to it in the National Water Act, 1998 (Act 36 of 1998);

“**organ of state**” bears the meaning assigned to it in section 239 of the Constitution.

## **2. Purpose of by-law**

(1) The purpose of this by-law is to regulate stormwater management and activities that may have an adverse impact on the development, operation and maintenance of the stormwater system.

## **(3) Application of by-law**

This by-law binds an organ of state and applies to storm water systems in built-up areas.

## **4. Prohibited conduct**

- (1) No person may, except with the written consent of the municipality-
- (a) discharge, place or permit to enter into the stormwater system –
    - (i) anything other than stormwater;
    - (ii) anything likely to damage the stormwater system or interfere with the operation thereof;
    - (iii) anything likely to pollute the water in the stormwater system;
  - (b) discharge from any place, or place onto any surface, any substance other than stormwater, where that substance could reasonably be expected to find its way into the stormwater system;
  - (c) undertake any action that is likely to destroy, damage, alter, endanger or interfere with the free flow of water or the stormwater system, or the operation thereof, which action includes, but is not limited to -
    - (i) obstructing or reducing the capacity of the stormwater system;
    - (ii) opening a pipe, culvert or canal which forms part of the stormwater system;
    - (iii) constructing or erecting any structure or thing over or in such a position or in such a manner as to destroy, damage, endanger or interfere with the stormwater system or the operation thereof;
    - (iv) draining, abstracting or diverting any water directly from the stormwater system;
    - (v) filling, excavating, shaping, landscaping, opening up or removing the ground above, within, under or immediately next to any part of the stormwater system;
    - (vi) changing the design or the use of, or otherwise modify any feature of the stormwater system which alone or in combination with other existing or potential land uses, may cause an increase in flood levels or create a potential flood risk; or
    - (vii) any activity which alone or in combination with other existing or future activities, may cause an increase in flood levels or create a potential flood risk.

- (2) When an incident contemplated in subsection (1) (a) or (b) occurs without the consent of the municipality—
- (a) if the incident is not the result of natural causes, the person responsible for the incident; or
  - (b) the owner of the property on which the event took place or is taking place, must immediately report the incident to the municipality, and take, at own cost, all reasonable measures to contain and minimise the effects of the incident, which measures include, but are not limited to, the undertaking of cleaning up operations including the rehabilitation of the environment.
- (3) A person who contravenes a provision of subsection (1) or (2) commits an offence.

#### **5. Application and conditions which municipality may impose**

- (1) A person who wishes to obtain the consent of the municipality as contemplated in section 4, must submit an application form obtainable from the municipality.
- (2) When considering an application the municipality may require the applicant to provide the municipality, at own cost, with impact studies such as, but not limited to, environmental impact studies or environmental impact investigations which are required by environmental legislation.
- (3) The municipality may also require the applicant to establish and provide documentation indicating flood lines.

#### **6. Stormwater systems on private land**

- (1) An owner of property on which a private stormwater system is located –
- (a) may not carry out any activity which may impair the effective functioning of the stormwater system or which could reasonably be expected to impair the effective functioning of the stormwater system; and
  - (b) must, at own cost, keep the stormwater system functioning effectively, including undertaking, on written instruction by the municipality, the refurbishment and reconstruction thereof if the municipality has reasonable grounds for issuing such instruction.
- (2) Subsection (1)(b) does not apply where the municipality has accepted responsibility for any of the duties contained in a maintenance agreement or in terms of a condition of a servitude.
- (3) Should an owner fail or refuse to comply with an instruction by the municipality made in terms of subsection (1)(b), the municipality may undertake measures to refurbish or reconstruct the stormwater system, and the municipality may recover from the owner all reasonable costs incurred as a result of action taken.
- (4) An owner who contravenes a provision of subsection (1)(a) or who fails or refuses to comply with an instruction contemplated in subsection (1)(b) commits an offence.

#### **7. Powers of municipality**

- (1) The municipality may at all reasonable times enter upon any premises or any portion thereof with the aim of carrying out any inspection or test to determine the current status of a stormwater system, provided that such an owner received prior notice

of such entry and that such employee carries an identification card issued by the municipality and produces it upon request of an owner.

(2) The municipality may, for the purpose of providing and maintaining infrastructure for a stormwater system –

- (a) on any premises, construct, expand, alter, maintain or lay any drain, pipe or other structure related to the stormwater system on or under any immovable property, and may do any other thing necessary or desirable or incidental, supplementary or ancillary to such construction, expansion, alteration or maintenance;
  - (b) drain stormwater or discharge water from any municipal service works into any watercourse;
  - (c) repair and make good any damage done in or damage resulting from a contravention of section 4(1)(a)(ii) or 4(1)(c), such as, but not limited to –
    - (i) demolishing, altering or otherwise dealing with any building, structure or other thing constructed, erected or laid in contravention of section 4(1)(c)(iii);
    - (ii) filling in, removing and making good any ground excavated, removed or placed in contravention of section 4(1)(c)(v);
  - (d) remove anything –
    - (i) discharged or permitted to enter into the stormwater system or watercourse in contravention of section 4(1)(a) or (b);
    - (ii) damaging, obstructing or endangering or likely to obstruct, endanger or destroy any part of the stormwater system;
  - (e) seal off or block any point of discharge from any premises, irrespective of whether the point is used for lawful purposes;
  - (f) cancel any consent granted in terms of section 5 if any condition under which the consent was granted is not complied with;
  - (g) by written notice and after consultation with an owner, instruct any owner of property –
    - (i) to retain stormwater originating from his or her property on such property or to lay, at the cost of such owner, a stormwater drain pipe or gutter to a suitable place indicated by the municipality, irrespective of whether the course of the pipe or gutter will run over private property or not;
    - (ii) to allow the owner of a higher lying property to lay a stormwater drain pipe or gutter over his or her property for the draining of concentrated stormwater;
  - (h) discharge stormwater into any watercourse, whether on private land or not.
- (3) Should an owner of property fail to comply with an instruction contemplated in subsection (2)(g)(i), the municipality may undertake measures to retain such stormwater or to lay such stormwater drain pipe or gutter.
- (4) Where it seems that any action or neglect by a person or owner of property may lead to a contravention of a provision of this by-law, the municipality may notify, in writing, such person or owner to comply with such requirement as may be necessary to prevent the occurrence of such contravention.

- (5) The municipality may recover all reasonable costs incurred as a result of action taken –
- (a) in terms of subsection (2)(c) or (d), from the person who was responsible for a contravention of the provisions of this by-law or the owner of the property on which a contravention occurred; or
  - (b) in terms of subsection (3), from the owner of the property.
- (6) Any drain, pipe or structure provided in terms of subsection (2)(a) vests in the municipality.
- (7) A person commits an offence if he or she –
- (a) fails to comply with a notice contemplated in subsection (2)(g);
  - (b) threatens, resists, hinders, obstructs or otherwise interfere with, or who uses foul or abusive language towards or at an employee or contractor of the municipality in the exercise of any powers or performance of any duty or function in terms of this by-law; or
  - (c) impersonates an employee or contractor of the municipality.

#### **8. Authentication and service of notices and other documents**

- (1) A notice or other document requiring authentication by the municipality must be signed by the municipal manager and when issued by the municipality in terms of this by-law is deemed to be duly issued if it is signed by the municipal manager.
- (2) Any notice or other document that is served on a 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 16 years;
  - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;
  - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
  - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, 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 such body corporate; or
  - (g) when it has been delivered, at the request of that person, to his or her e-mail address.
- (3) Service of a copy is deemed to be service of the original.
- (4) When any notice or other document 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 in question, and it is not necessary to name that person.
- (5) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

**9. Appeal**

A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

**10. Exemptions**

- (1) Any person may by means of a written application, in which the reasons are given in full, apply to the municipality for exemption from any provision of this by-law.
- (2) The municipality may –
  - (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted must be stipulated therein;
  - (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 all conditions imposed by the municipality under subsection (2), 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.

**11. Penalties**

A person who has committed an offence in terms of this by-law is, on conviction, liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

**12. Repeal 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.

**13. Short title and commencement**

This by-law may be cited as the Stormwater Management By-law, and commences on the date of publication thereof in the Provincial Gazette.

## PRINS ALBERT MUNICIPALITY SPORTING FACILITIES BY-LAW

In terms of and under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Prins Albert Municipality, enacts as follows:-

### TABLE OF CONTENT

#### Section

1. Interpretation
2. Principles and objectives
3. Application of By-laws
- Chapter 1: Administration, access, fees and prohibited behaviour
4. Administration, control over, and maintenance of sporting facilities
5. Access to sporting facilities and storage facilities
6. Admission fees and other fees
7. Prohibited behaviour in or on a sporting facility or its premises
- Chapter 2: Organised sporting activities
8. Organised sporting activities
9. Reservation and hiring of sporting facilities
10. Cancellation, postponement or extension of reservation
11. Termination of hire
12. Duties of organisation
- Chapter 3: Miscellaneous provisions
13. Enforcement
14. Indemnity
15. Appeal
16. Penalty
17. Revocation of by-laws
18. Short title and commencement

### 1. Definitions

In this by-law, unless the context otherwise indicates –

**"accessories"** means an object or objects on or in a field, sporting area or course necessary for a particular sport to be performed, such as, but not limited to goal posts, a tennis net, or a flag, and any other feature or fixture;

**"appurtenance"** means any fitting, installation, appliance, device, instrument, apparatus, utensil, tool whatsoever on the premises, such as, but not limited to a lock, cock, tap, valve, pipe and includes any other appliance or any machine;

**"equipment"** means gear used by a person in a sporting activity;

**"facility"** means a sporting facility and includes any appliance, equipment, apparatus or storage facility in or on a facility;

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

**"organised sporting activity"** means a sporting activity that is organised or controlled by an organisation, and includes a practice or training session;

**"organisation"** means a sport club, educational institution, or association of people, and includes a group or sport club established by the municipality, which sport club or association or group can be joined by a member of the public;

**"sporting facility"** means any land, area, premises, building or structure, or part thereof, which is administered or controlled by the municipality and which is designated, demarcated, or set aside for a sporting activity, and includes facilities surrounding and normally supplementary to a sporting facility.

## **2. Principles and objectives**

The municipality recognizes the right of the community, whether associated to an organization or not, to use and enjoy sporting facilities, and accepts the duty to maintain and develop the resources of the municipality to the best interest of the community, and aims, in this by-law, to control and administer sporting facilities.

## **3. Application of By-laws**

This by-law apply to all sporting facilities under the control and administration of the Municipality, but do not apply to land, areas, buildings, and structures regulated by the Municipality's Public Amenities By-laws.

# **CHAPTER 1: ADMINISTRATION, ACCESS, FEES AND PROHIBITED BEHAVIOR**

## **4. Administration, control over and maintenance of sporting facilities**

(1) The municipality may establish a body or sport committee with the aim of advising it on matters relating to sporting facilities.

(2) All sporting facilities must be administered by the municipality in accordance with this By-law.

(3) The municipality may acquire land or a building with the aim of developing sporting facilities, or dispose of existing sporting facilities or any rights thereto.

- (4) A person or organisation who uses or hires sporting facilities does so subject to the provisions of this by-law and in terms of conditions as may be determined by the municipality.
- (5) Where an organized sporting activity is not organized or controlled by the municipality, a municipal employee may be present.
- (6) Subject to the terms and conditions stipulated in any contract of hire, and subject to any applicable national laws, no person –
- (a) may sell any alcoholic beverage on the premises of a sporting facility without first obtaining express approval for that activity from the municipality;
  - (b) may bring his or her own supply of alcoholic beverages on or into a sporting facility without written authority from an authorised official.
- (7) If the municipality permits the sale or consumption of alcohol on or in a facility by an organization or body, the sale or consumption is subject to the following conditions:
- (a) no alcoholic beverage may be served in a glass bottle, glass cup or other container made of glass;
  - (b) beer, cider and alcoholic cordials may be served in cans, kegs, or plastic cups only;
  - (c) the organization or body must maintain good order within the sporting facility.
- (8) The municipality may close a facility when:
- (a) The facility is substantially unusable due to -
    - (i) destruction;
    - (ii) severe damage; or
    - (iii) the absence of municipal services;
  - (b) the facility constitutes a danger to human life or property;
  - (c) an emergency has arisen which requires such closure.
- (9) The municipality may temporarily close a facility for purposes of repair or maintenance or for any other reason in the municipality's discretion.
- (10) A person who or organization that contravenes subsection (6) or (7) commits an offence.

## **5. Access to sporting facilities and storage facilities**

- (1) The municipality may by notice posted at or near the entrance to a facility indicate the hours during which it may be used by the public.
- (2) The municipality reserves the right of access to a facility and an official may instruct a person who has contravened a provision of this by-law to leave the facility or premises immediately and should the person fail to observe the instruction, the official may remove or cause the person to be removed.

(3) The municipality has the right to determine the maximum capacity of a sporting facility and an official must, once the maximum capacity has been reached, refuse further access and may take measures necessary to prevent access.

## **6. Admission fees and other fees**

The municipality may prescribe fees to be charged for admission to or the hire or use of a sporting facility or equipment.

## **7. Prohibited behavior in or on sporting facility or its premises**

- (1) No person may –
  - (a) enter any part of a facility otherwise than by an entrance designated for that purpose;
  - (b) enter or remain inside a facility, without permission, or at any time other than during the hours when such facility is open to members of the public, or when access to the facility has been denied;
  - (c) smoke in a sporting facility, except in an open air facility or in those areas which have been designated for this purpose, as indicated by notices to that effect;
  - (d) wear footwear that may damage the surface of a facility;
  - (e) attend or engage in a sporting activity if dressed indecently or if undressed, except in a facility set aside for use by a person of the same sex;
  - (f) relieve him or herself in any part of the sporting facility other than in the ablution facilities;
  - (g) excluding a child under the age of five years, use change rooms, places of ablution, cubicles, or any other facilities set aside for a particular sex if he or she is not of that particular sex;
  - (h) enter or remain in any area of the sporting facility, which area is reserved for the use of persons of the other sex;
  - (i) use a change room, place of ablution, cubicle or any other facility for longer than is reasonably necessary to undertake an activity intended to be undertaken;
  - (j) use profane or indecent language or behave in any other manner that constitutes a nuisance or unacceptable behavior towards other persons;
  - (k) destroy, damage or deface any part of a sporting facility, accessories or equipment;
  - (l) discard rubbish other than in a container provided for that purpose;
  - (m) in any manner, interfere with the substance covering the surface of a sporting facility;
  - (n) light any fire;

- (o) drive, draw, or propel a vehicle, or walk upon or recline on lawn on the premises of a sporting facility if prohibited to do so by a notice on the premises;
  - (p) ride or use in or on a sporting facility a bicycle, roller blades, roller skates, a skateboard, a tricycle or any similar form of transport or amusement, except in a sporting facility which specifically provides for the riding of bicycles;
  - (q) without the prior written consent of the municipality, sell, hawk, advertise, offer for sale or purchase or exhibit any article for sale, lease or hire, distribute a pamphlet, book, handbill or other written or printed matter inside a sporting facility or in the immediate vicinity of the entrance thereto;
  - (r) neither inside nor outside a sporting facility, obstruct, resist or interfere with an official in the execution of his or her duties or the exercise of any authority in terms of this by-law;
  - (s) tamper or interfere with an appurtenance in or on the premises of a sporting facility;
  - (t) bring into or keep on a sporting facility an animal, except a guide dog, without the prior consent of the municipality, unless the sporting activity engaged in involves the use of animals;
  - (u) bring into or keep on a facility a weapon or any other dangerous object;
  - (v) erect or attempt to erect any enclosure, tent or similar construction, stall, booth, stand, screen, fence, or drive into the ground any peg or spike without the permission of the official in charge of the facility;
  - (w) behave or conduct himself or herself in a manner which may prejudice good order;
  - (x) bring into or onto a facility any substance or matter which may endanger the safety of people, or which may be used to disrupt proceedings at or spoil the peaceful enjoyment of the facility;
  - (y) behave or conduct himself or herself in a manner which may disrupt a sporting activity; or
  - (z) fail to comply with a lawful instruction given by an official.
- (2) A person who contravenes any of the provisions of this section commits an offence.

## **CHAPTER 2: ORGANISED SPORTING ACTIVITIES**

### **8. Organised sporting activities**

- (1) The municipality may allow the use of its facilities by sport organisations, municipal staff, or other persons such as, but not limited to free lance instructors.
- (2) An organization to which a sporting facility or a portion thereof has been allocated for use at regular times, must ensure that only its members or

persons invited by an organisation use the facility, and should it be impossible for the organisation to use the facilities at those times, the organization must notify the official in charge of the sporting facility beforehand, and should an organization fail to do so, the municipality may suspend or cancel the organisation's further use of the facility.

## **9. Reservation and hiring of sporting facilities**

(1) The municipality may set aside or hire out a sporting facility for the purpose of organised sport or for special occasions on such conditions as it may prescribe and the municipality may charge a fee, or may make it available free of charge or grant free admission to selected persons.

(2) The representative of an organization that wishes to hire a sporting facility must complete and lodge a prescribed application form with the municipality.

(3) When considering an application the municipality may have, in addition to other relevant factors, due regard to the following:

- (a) The principles and objectives of this by-law;
- (b) that the sporting facility may be used for lawful purposes only;
- (c) that the use of the sporting facility will not constitute a nuisance or annoyance to other users of another part of the sporting facility which has not been hired by the organisation, or to the occupiers of neighbouring premises; and
- (d) that the use of the sporting facility will not constitute a danger to any person or property or negatively affect the environment.

(4) The municipality may approve the use of a sporting facility subject to any condition it may impose, or it may refuse consent.

(5) The municipality must, within seven days after the application form has been lodged, in writing notify the organisation if the application has been approved or refused, and –

- (a) if the application is refused, the municipality must supply to the organisation the reasons why the application was refused; or
- (b) if the application is approved, the municipality must forward a notice of approval which must specify the conditions to which the use of the sporting facility is subject.

(6) An organisation may not, before the municipality's approval has been received by it, advertise or announce the sporting activity for which it has lodged an application.

(7) The municipality may, before it approves an application, require of an organization that wishes to make use of a sporting facility to take out, with an insurance company approved by the municipality –

- (a) insurance in an amount approved by the municipality to cover any structural damage which may occur to the sporting facility whilst being used by the organization; and

- (b) public liability insurance.
- (8) An organization which supplies false information in an application form or with respect to the requirements in subsection (7) or which contravenes subsection (6) commits an offence.

## **10. Cancellation, postponement or extension of reservation**

- (1) An organisation who has applied for the reservation of a sporting facility, may cancel the application, and where the organisation has paid a fee the municipality will determine the percentage of the paid fee to be refunded to the organisation.
- (2)
  - (a) After approval has been given by the municipality, an organisation may apply for the postponement of the reservation to a later date.
  - (b) Approval of the postponement does not result in a penalty or forfeiture of any fees already paid.
  - (c) Postponement may be refused if the facility has been reserved.
- (3) An organisation may apply for an extension of the period of use of the sporting facility, and -
  - (a) the application must be in writing and lodged at the Municipal Manager's offices; and
  - (b) the facility must be available for such use.
- (4) The municipality may cancel the hire of a facility under the circumstances contemplated in section 4(8), or should the municipality require the facility for municipal purposes at the same time, however, the municipality may refund the fees that have already been paid to it in respect of the reservation; or
- (5) Should the municipality cancel a reservation, the municipality must, within a reasonable time and in writing notify the organisation of its decision, however, where a notice is given in terms of section (4)(8), the notice is deemed to be effective from the date on which the destruction or damage took place.
- (6) Subject to the provisions of subsection (4), an organisation has no claim against the municipality for loss of use of the sporting facility or for damage arising from a cancellation in terms of subsection (4).

## **11. Termination of hire**

- (1) Prior to and upon termination of the hire an organisation and an official must inspect the facilities for the purpose of assessing the conditions of the facilities.
- (2) The organisation must –
  - (a) return the sporting facility to the municipality in the condition it was when it was hired out to the organisation;
  - (b) repair any damage or breakages;
  - (c) comply with any instructions by the municipality in respect of

- the cleaning of the sporting facility; and
- (d) vacate the sporting facility within the period stated in the application;
- and should the organisation fail to comply with –
- (i) subsection (2)(a), (b) or (c), the municipality may replace, repair or make good any breakages or damages, and recover the costs from the organisation; or
- (ii) (d), the municipality may levy an additional fee for the period during which the organisation occupies the sporting facility after the expiry of the period stipulated in the application.

## **12. Duties of organisation**

- (1) Before an organisation commences to use the sporting facility, a representative must inspect the facilities, and should he or she find that buildings, structures, accessories or equipment are in a state of disrepair, this fact must be reported to the municipality in writing, and failure to do so is deemed as an acceptance by the organisation that the facilities are in a proper condition.
- (2) The organisation must comply with any conditions determined by the municipality in terms of section 4(4) and take all reasonable measures to ensure that its members and persons attending a sporting activity, as participants, visitors or spectators comply with section 7.

## **CHAPTER 3: MISCELLANEOUS PROVISIONS**

### **13. Enforcement**

- (1) An official may, with consent of the person involved, search any person, vehicle or container in, entering into or being brought onto a facility; provided that a woman shall be searched by a woman only.
- (2) A person who refuses consent to being searched, may be refused entrance to the facility.
- (2) An official may, upon searching a person, vehicle or container as contemplated in subsection (1), confiscate liquor, or any other dangerous object, substance or matter which may endanger the safety of people in the facility, or which may be used to disrupt proceedings at or spoil the enjoyment of the facility, but must return to the person such confiscated item when he or she leaves the sporting facility.
- (3) If the official finds an unlawful substance as a result of the search contemplated in subsection (1), he or she must immediately alert the South African Police Services, or if he or she is appointed as a peace officer in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), he or she may act in terms of the Act.

**14. Indemnity**

Any person visiting or using a facility does so at his or her own risk and the municipality will not be liable for any injury, loss or damage that such person may suffer while in or on the facility.

**15. Appeal**

A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

**16. Penalty**

A person who has committed an offence in terms of this by-law is liable upon conviction to a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment and, 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, 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.

**17. 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, and insofar as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

**18. Short title and commencement**

This by-law may be cited as the Sporting Facilities By-law, and commences on the date of publication thereof in the Provincial Gazette.

## PRINS ALBERT MUNISIPALITEIT VERORDENING INSAKE DIE SKUT VAN DIERE

Kragtens die bepalings van artikel 156 van die Grondwet, 1996, saamgelees met artikel 11(3)(m) van die Wet op Plaaslike Regering: Munisipale Stelselswet, 2000 (Wet 32 van 2000), verorden die Prins Albert Munisipaliteit as volg:

### INHOUDSOPGAWE

1. Woordomsrywings
  2. Toepassing
  3. Vestiging van skut
  4. Aanstelling van skutmeester
  5. Skut van diere wat rondloop of oortree
  6. Diere wat te wild, onhanteerbaar, siek of boosaardig is om te skut
  7. Vrylating van diere voordat dit geskut word
  8. Versorging van diere wat oortree
  9. Skut waarheen diere geneem moet word
  10. Inligting wat aan skutmeester verstrek moet word
  11. Aanvaarding van diere by skut
  12. Skutregister
  13. Kennisgewing aan eienaars van diere
  14. Versorging van geskutte diere
  15. Afsondering van besmette diere
  16. Geskutte diere nie geskik vir werk
  17. Geskutte diere wat vrek, beseer raak of gesteel word
  18. Afskrifte van verordeninge
  19. Gelde en kostes betaalbaar
  20. Vrylating van geskutte diere
  21. Verkoop van geskutte diere
  22. Skutmeester verbied om geskutte diere te koop
  23. Diere wat nie verkoop kan word nie
  24. Opbrengs
  25. Aksie vir verhaling van skade
  26. Prosedure met die bring van hofaansoeke
  27. Vrywaring
  28. Oortredings en boetes
  29. Bylae 1 en 2 vorm deel van hierdie verordening
  30. Herroeping van verordening
  31. Kort titel en inwerkingtrede
- Bylae 1: Kode van goeie praktyk  
Bylae 2: Skutregisterinligting

### 1. Woordomsrywings

Tensy teenstrydig met die sinsverband van hierdie verordening, beteken-

**“diensleweringsooreenkoms”** 'n diensleweringsooreenkoms soos omskryf in artikel 1 van die Plaaslike Regering: Munisipale Stelselswet, 2000 (Wet 32 van 2000).

**“dier”** 'n perd, bees, donkie, skaap, bok, vark, volstruis, hond, kat of die baster van enige sodanige dier en het **“diere”** 'n ooreenstemmende betekenis;

**“eienaar”** 'n eienaar wat bekend is, of wie se identiteit redelik vinnig vasgestel kan word, en in verhouding tot enige -

- (a) dier, sluit dit die agent van die eienaar in of enige ander persoon wat wetlike toesig of besit het van sodanige dier; of
- (b) grond, sluit dit die eienaar, huurder of wettige bewoner van sodanige grond of sy of haar agent in;

**“Hof”** 'n Landdroshof soos na verwys in artikel 166(d) van die Grondwet, 1996, met jurisdiksie in die gebied waarbinne die skut geleë is;

**“Koerant”** die amptelike Provinsiale Koerant van die Provinsie: Wes-Kaap.

**“munisipaliteit”** die Prins Albert Munisipaliteit wat ingevolge artikel 155(6) van die Grondwet en artikel 11 en 12 van die Plaaslike Regering: Munisipale Strukturewet, 1998 (Wet 117 van 1998) daargestel is;

**“openbare plek”** enige plek waartoe die publiek toegang het, insluitend en sonder beperking van die voorafgaande, enige -

- (a) plein;
- (b) park;
- (c) ontspanningsgebied;
- (d) sportgronde;
- (e) oopruimte;
- (f) strand;
- (g) inkopiesentrum op munisipale grond;
- (h) ongebruikte of onbeboude munisipale grond; of
- (i) begraafplaas;

**“openbare pad”** enige pad soos bedoel in artikel 1 van die Padverkeerswet, 1996 (Wet 93 van 1996);

**“skut”** ‘n skut opgerig soos bedoel in artikel 3; en

**“skutmeester”** die persoon wat van tyd tot tyd aangestel word soos bedoel in artikel 4 en dit sluit enige persoon in wat namens die aangestelde skutmeester waarneem;

## 2. Toepassing

Hierdie verordening is van toepassing binne die regsgebied van die Munisipaliteit met dien verstande dat niks sal verhoed dat enige dier wat ingevolge hierdie verordening in aanhouding is, geskut word in 'n skut of soortgelyke plek, wat deur 'n ander munisipaliteit of ander wettige owerheid opgerig is nie.

## 3. Vestiging van skut

(a) Die Munisipaliteit mag 'n skut op enige gerieflike plek binne sy regsgebied vestig, met dien verstande dat dit 'n diensleweringsooreenkoms mag aangaan met enige instelling of persoon in bedoel in artikel 76(b) van die Plaaslike Regering: Munisipale Stelselswet, 2000 (Wet 32 van 2000) ten einde vir die vestiging en bestuur van 'n skut, wat sy hele regsgebied bedien, voorsiening te maak.

(b) Die Munisipaliteit moet in ten minste twee geregistreerde koerante wat binne sy regsgebied sirkuleer, kennis gee van sy voorneme om 'n skut te vestig.

## 4. Aanstelling van skutmeester

Die Munisipaliteit moet kragtens sy menslike hulpbronne beleid, 'n geskikte gekwalifiseerde persoon as skutmeester aanstel, tensy die skut gevestig en bestuur word ingevolge 'n diensleweringsooreenkoms soos bedoel in artikel (3)(a).

## 5. Diere wat rondloop of oortree mag geskut word

(1) Die eienaar van grond waarop 'n dier oortree mag op die dier beslag lê met dien verstande dat sodanige dier nie na 'n skut afgevoer mag word alvorens skriftelike kennis van minstens 24 uur, waar die besonderhede van die eienaar van die dier bekend is, voor afvoering na die skut, aan sodanige eienaar daarvan gegee is nie.

(2) Enige dier wat sonder toesig op 'n openbare pad of openbare ruimte rondloop, mag gevang word met die doel om dit te skut, deur -

- (a) 'n lid van die Suid-Afrikaanse Polisiediens;
- (b) 'n lid van die Suid-Afrikaanse Weermag;
- (c) 'n lid van die Provinsiale Padverkeersinspektoraat;
- (d) 'n lid van enige dierebeskermingsorganisasie;
- (e) 'n gemagtigde munisipale beampte; of
- (f) die eienaar van enige grond waardeur of waarlangs sodanige pad loop of wat aan sodanige openbare ruimte grens.

(3) 'n Persoon wat 'n dier vang met die doel om dit te skut ingevolge sub-artikels (1) en (2), mag nie die dier langer as ses uur aanhou, sonder om dit van genoegsame voedsel en water te voorsien nie.

(4) Enige persoon wat 'n dier vang met die doel om dit te skut, moet voldoen aan die bepalings van die Kode van Goeie Praktyk insake die Hantering en Vervoer van Geskutte Diere, soos vervat in Bylae 1.

#### **6. Diere wat te wild, onbeheerbaar, beseer of boosaardig is om te skut**

Indien 'n veearts of beamppte bedoel in artikel 5(2)(a) tot (e), tevrede is dat 'n dier wat oortree op enige grond, of sonder toesig op enige openbare pad of oop ruimte rondloop, te gevaarlik, wild, onbeheerbaar, beseer of boosaardig is om te skut, mag hy of sy toestemming gee dat dit op menslike wyse vankant gemaak of mee weggedoen word, nadat skriftelike kennisgewing met verstrekking van redes op die eienaar van die dier bestel is waar die besonderhede van sodanige eienaar bekend is.

#### **7. Vrylating van diere voor afvoering na skut**

(1) Die eienaar van 'n dier wat ingevolge artikel 5(1) gevang is, mag vertoë rig tot die eienaar van grond, bedoel in artikel 5(2) vir die vrylating van die dier, alvorens die dier na 'n skut afgevoer word.

(2) Die eienaar van grond soos bedoel in artikel 5(1) -

- (a) mag sodanige dier onmiddellik vrylaat; of
- (b) mag die vrylating van die dier weier en daarop by die hof aansoek doen vir magtiging om die dier te skut, of skadevergoeding eis wat hy of sy gelyk het, in welke geval 'n Hof 'n bevel mag maak, insluitende 'n kostebevel wat die Hof as billik en regverdig beskou.

(3) Die eienaar van 'n dier wat gevang is ingevolge artikel 5(e) mag aansoek doen vir vrylating van sodanige dier voordat dit na 'n skut afgevoer word, in welke geval die persoon wat die dier gevang het, die dier onmiddellik moet vrylaat.

#### **8. Versorging van diere wat oortree**

'n Persoon mag nie 'n dier wat gevang is nadat dit op enige grond oortree het of 'n dier wat in die proses is van afvoering na 'n skut, laat werk of mishandel nie.

#### **9. Skut waarheen diere afgevoer moet word**

'n Dier wat gevang is met die doel om dit te skut soos bedoel in artikel 5, moet na die naaste toeganklike skut, langs die kortste mees praktiese roete en in die kortste tyd prakties moontlik, afgevoer word, met dien verstande dat diere van verskillende spesies te alle tye afsonderlik gehou moet word.

#### **10. Inligting wat aan skutmeester verstrek moet word**

'n Persoon wat diere na 'n skut stuur, moet die skutmeester skriftelik van die volgende inligting voorsien -

- (a) die getal en beskrywing van die diere;
- (b) die grond waarop die dier gevang is toe dit oortree het; en
- (c) die afstand in kilometer, langs die kortste mees praktiese roete, tussen die plek waar die dier gevang is en die skut.

#### **11. Aanvaarding van diere wat geskut word**

Onderworpe aan die bepalings van artikel 5, mag die skutmeester nie 'n dier wat na die skut gebring word vir daardie doel, weier nie.

#### **12. Skutregister**

(1) Die skutmeester moet -

- (a) 'n register op datum hou wat die inligting in Bylae 2 beoog, bevat en wat te alle redelik tye vir publieke insae beskikbaar moet wees; en
- (b) die register onmiddellik voltooi sodra 'n dier in die skut opgeneem word.

(2) Indien die skutmeester -

- (a) nalaat of weier om aan die bepalings van sub-artikel 1 te voldoen;
- (b) wetend 'n vals inskrywing in die skutregister maak;
- (c) op bedrieglike wyse enige bestaande inskrywing in die register verwoes of uitvee; of

- (d) opsetlik 'n vals afskrif of uittreksel uit die register aan enige persoon verskaf, maak hy of sy hom of haar skuldig aan 'n misdryf.

### **13. Kennisgewing aan eienaars van diere**

(1) Die eienaar van 'n dier beoog in artikel 5(1), 6, 14(2)(b), 15(1)(c), 17(b), 21(1)(b) en 23(a), moet in kennis gestel word deur -

- (a) 'n geskrewe kennisgewing op hom te bestel waar sy identiteit bekend is;
- (b) 'n afskrif van die kennisgewing aan die eienaar op die Munisipale Kennisgewingbord te plaas; of
- (c) 'n afskrif van die kennisgewing in 'n koerant te publiseer wat in algemene sirkulasie in die munisipale gebied is of waar daar nie sodanige koerant in sirkulasie is nie, deur 'n kennisgewing by die munisipale kantore te plaas in die dorp waar die dier oortree of rondgeloop het.

(2) Indien die besonderhede van die eienaar van die dier onbekend is moet die skutmeester die skut van die dier by die naaste polisiekantoor aanmeld.

### **14. Versorging van geskutte diere**

(1) Die skutmeester -

- (a) is verantwoordelik vir die behoorlike versorging van alle geskutte diere;
- (b) moet verseker dat water en voldoende voedsel te alle tye vir geskutte diere beskikbaar is; en
- (c) is aanspreeklik teenoor die eienaars van geskutte diere vir enige skade aan diere berokken as gevolg van sy of haar opsetlike of nalatige optrede of versuim.

(2) Indien die skutmeester van mening is dat 'n geskutte dier gevaarlik, boosaardig, permanent gebreklik of dodelik siek, beseer of in so 'n fisiese toestand is dat dit vernietig behoort te word, moet hy 'n polisiebeampte in kennis stel en hom versoek om ingevolge artikel 5 van die Wet op Dierbeskerming, 1962 (Wet 71 van 1962) op te tree.

### **15. Afsondering van besmette diere**

(1) Indien die skutmeester vermoed of bewus raak daarvan dat 'n geskutte dier of diere wat geskut staan te word, besmet is met enige siekte vermeld in die Wet op Diersiektes, 1984 (Wet 35 van 1984), moet hy of sy-

- (a) afsonderlike verblyf vir sodanige dier voorsien;
- (b) die dier onmiddellik afsonder en die siekte aan die naaste staatsveearts rapporteer; en
- (c) waar die besonderhede van die eienaar beskikbaar is, onmiddellik die eienaar van die dier skriftelik in kennis stel.

### **16. Geskutte diere nie geskik vir werk**

Die skutmeester -

- (a) mag nie 'n geskutte dier vir werk of enige ander doeleinde gebruik of toelaat dat dit vir werk of enige ander doeleinde gebruik word nie; en
- (b) moet te alle tye toesien dat manlike diere afsonderlik van vroulike diere gehou word.

### **17. Geskutte diere wat vrek, beseer raak of gesteel word**

Indien 'n geskutte dier vrek of beseer of gesteel word, moet die skutmeester -

- (a) die oorsaak van die vrek of besering of the feit dat die dier gesteel is in die skutregister bedoel in artikel 12 aanteken;
- (b) waar die besonderhede van die eienaar beskikbaar is, die eienaar van die vrek, besering of diefstal van die dier in kennis stel; en
- (c) in die geval van diefstal, die diefstal by die naaste kantoor van die SA Polisie dienste aanmeld.

### **18. Afskrifte van verordeninge**

Die skutmeester moet sorg dra dat afskrifte van hierdie verordening by die skut ter insae lê.

**19. Gelde en koste betaalbaar**

Die skutmeester moet -

- (a) die gelde wat van tyd tot tyd deur die Munisipaliteit vasgestel word kragtens artikel 75A van die Plaaslike Regering, Munisipale Stelselswet, 2000 (Wet 32 van 2000) van die eienaar van 'n geskutte dier verhaal; en
- (b) die koste vir dip, mediese behandeling, insputings of ander behandeling wat nodig geag word ingevolge hierdie verordening of enige ander wetgewing, van die eienaar van die dier verhaal.

**20. Vrylating van geskutte diere**

(1) Onderworpe aan subartikel (2) moet die skutmeester onmiddellik 'n geskutte dier vrylaat en aan die eienaar 'n kwitansie voorsien, indien die eienaar -

- (a) bewys van eienaarskap van sodanige dier lewer; en
- (b) die gelde en kostes beoog in artikel 19, betaal.

(2) Indien 'n geskutte dier 'n dier is wat 'n identifikasiemerk moet dra soos bedoel in die Wet op Identifikasie van Diere, Wet 6 van 2002, en indien sodanige dier nie sodanige merk dra nie, mag die munisipaliteit die aangeleentheid by die SA Polisiedienste aanmeld en mag die munisipaliteit weier om sodanige dier vry te laat indien die SA Polisiediens die munisipaliteit skriftelik versoek om die dier aan te hou.

(3) Indien die eienaar van 'n geskutte dier nie die gelde en kostes soos bedoel in artikel 19 kan betaal nie, mag die skutmeester sodanige dier terughou totdat die gelde en kostes betaal is.

(4) Enige risiko verbonde aan die eienaarskap van 'n dier gaan oor op die persoon wat bewys van eienaarskap verskaf wanneer die skutmeester sy tevredenheid uitspreek dat voldoende bewys van eienaarskap verskaf is.

**21. Verkoop van geskutte diere**

(1) Die skutmeester moet -

- (a) wanneer ookal enige geskutte dier nie binne sewe dae gelos word nie, by die hof aansoek doen om sodanige dier te verkoop; en
- (b) in die aansoek beoog in paragraaf (a), bewys lewer aan die Hof dat hy of sy 'n faktuur soos beoog in sub-artikel (2), aan die eienaar bestel het, indien die besonderhede van die eienaar bekend was.

(2) Die faktuur beoog in sub-artikel (1)(b), moet -

- (a) die gelde en kostes betaalbaar ingevolge hierdie verordening; en
- (b) die bedrag van enige skade wat die eienaar van grond waarop die dier oortree het, gely het, aandui.

(3) Die Hof moet, ongeag of die bedrae in die faktuur in artikel (1)(b) genoem, betwis word al dan nie -

- (a) summier die saak ondersoek;
- (b) ondersoek instel of die skutmeester wel 'n kennisgewing op die eienaar van die dier bestel het; en
- (c) 'n bevel maak wat as billik en regverdig beskou word, insluitend 'n bevel,
  - (i) rakende koste; en
  - (ii) rakende die prosas wat deur die skutmeester gevolg moet word met die verkoop van die dier.

**22. 'n Skutmeester mag nie geskutte diere koop nie**

Die skutmeester of 'n familielid, deelgenoot of enige medewerkers of enige munisipale amptenaar mag nie persoonlik of deur enige persoon aan die koop van diere by 'n skutverkoop, deelneem nie.

**23. Diere wat nie verkoop word nie**

(1) In die geval dat enige dier nie verkoop soos bedoel in artikel 21 nie -

- (a) moet die skutmeester onmiddellik die Hof en die eienaar, waar die besonderhede van die eienaar bekend is, van die geskatte waarde asook die koste en gelde betaalbaar, in kennis stel; en
- (b) mag die Hof enige bevel maak wat dit as billik en regverdig beskou.

(2) Indien enige dier wat nie normaalweg by 'n veiling verkoop word nie, nie binne 3 dae nadat 'n kennisgewing dat die dier geskut is op die eienaar van die dier bedien is of binne 3 dae nadat 'n advertensie van sodanige skut ingevolge artikel 13 deur die eienaar opgeëis word nie, mag sodanige dier afgemaak word en die kostes vir die onderhoud en afmaking mag van die eienaar verhaal word.

#### **24. Opbrengs**

Die volle opbrengs van die gelde en kostes bedoel in artikel 19 moet in die munisipale inkomstefonds gestort word, met dien verstande dat indien 'n dier teen 'n hoër prys verkoop word as -

- (a) die gelde en kostes aangegaan; en
- (b) enige skadevergoeding toegeken ingevolge artikel 21(3)(c),

moet sodanige oorskot binne 30 dae na die verkoping aan die eienaar betaal word, behalwe as die identiteit van die eienaar nie vasgestel kan word nie, in welke geval die oorskot in die inkomstefonds gestort moet word.

#### **25. Aksie vir verhaling van skadevergoeding**

Niks in hierdie verordening verhoed die eienaar van grond of enige ander persoon om 'n regsaksie in te stel in enige hof teen die eienaar van 'n dier wat oortree nie, vir die verhaling van skade gelyk as gevolg van 'n dier wat oortree het.

#### **26. Prosedure met die bring van hofaansoeke**

'n Aansoek aan die Hof om -

- (a) 'n dier kragtens hierdie verordening te skut, moet voldoen aan die prosedure vervat in Reël 55 van die Hofreëls; en
- (b) 'n dier kragtens hierdie verordening te verkoop, moet voldoen aan die prosedure bedoel in artikel 66 van die Wet op Landdroshowe, 1944 (Wet 32 van 44) en Reël 41 van die Reëls van die Hof,

gemaak deur die Reëlsraad vir Howe kragtens artikel 6 van die Wet op die Reëlsraad vir Howe, 1985 (Wet 107 van 1985), en afgekondig onder Goewermentskennisgewing Nr. R1108 in Regulasie Koerant no. 980 van 21 Junie 1968, soos van tyd tot tyd aangepas, saamgelees met die nodige wysigings.

#### **27. Vrywaring**

Die Munisipaliteit, skutmeester en enige beampte, werknemer of agent van die Munisipaliteit sal nie aanspreeklik wees vir die dood van of besering aan enige dier as gevolg van sy of haar aanhouding skut of vrylating of as gevolg van die skut proses nie.

#### **28. Oortredings en boetes**

'n Persoon wat -

- (a) 'n dier wat wettiglik gevang is met die doel om dit te skut of wat wettiglik geskut is, vrylaat;
- (b) onwettig 'n dier vang met die doel om dit te skut;
- (c) onwettig 'n dier skut;
- (d) met 'n skutmeester in die uitvoering van sy pligte inmeng;
- (e) enige dier toelaat om vanaf sy eiendom op 'n openbare pad of straat te gaan; of
- (f) enige bepalinge van hierdie verordening oortree, is skuldig aan 'n misdryf en mag by skuldigbevinding -
  - (i) 'n boete of tronkstraf of enige van sodanige boete of sodanige tronkstraf of beide sodanige boete en sodanige tronkstraf opgelê word; en
  - (ii) in geval van 'n voortdurende oortreding tot 'n bykomende boete of bykomende termyn tronkstraf of tot sodanige bykomende tronkstraf sonder die keuse van 'n boete, of tot beide sodanige boete en tronkstraf vir elke dag wat sodanige oortreding voortduur opgelê word; en
  - (iii) 'n verdere bedrag gelyk aan enige koste en uitgawe wat die hof bevind deur die munisipaliteit aangaan is as gevolg van sodanige oortreding of nalatigheid, opgelê word.

**29. Bylae 1 en 2 vorm deel van hierdie verordening**

Bylae 1 en 2 tot hierdie verordening vorm deel van hierdie verordening.

**30. Herroeping van bestaande verordeninge**

Die volgende verordening en die bepalings van enige verordening wat met die bepalings van hierdie verordening instryd is word hiermee herroep:

Prins Albert Munisipaliteit:

<b>Provinsiale Kennisgewing No.</b>	<b>Titel</b>	<b>Omvang van herroeping</b>
P.K. 6588 dated 19/12/2008	Skut van diere	In geheel

**31. Kort titel en inwerkingtrede**

Hierdie verordening staan bekend as die Verordening insake die Skut van Diere en tree in werking op die datum waarop dit in die Provinsiale Koerant afgekondig word.

**BYLAE 1**  
**Kode van Goeie Praktyk insake die Hantering en Vervoer van Geskutte Diere**  
*(Artikel 5(4))*

**DEEL I: Kraalvereistes**

1. Verskillende spesies diere moet in afsonderlike krale gehou word.
2. Diere mag nie in oorvol krale opeengehoop word nie en die ruimte moet voldoende wees sodat alle diere gelyktydig kan lê en mag nie minder as 1,5 vierkante meter grondruimte per dier wees nie.
3. Opstandige diere mag nie saam met ander diere gehou word nie.
4. Jong gespeende of jeugdige diere mag nie saam met volwasse diere gehou word nie, met uitsondering van 'n ma en haar kleintjies.
5. Voorsiening moet in krale gemaak word vir -
  - (a) geriewe soos rakke, voerbakke of ander geskikte houers wat maklik skoonmaak, wat die voer van diere van die grond af moontlik maak en wat gediens kan word sonder om diere te steur;
  - (b) watertroë wat 'n voldoende, geskikte voorraad vars water te alle tye voorsien;
  - (c) voldoende geriewe vir die behoorlike skoonmaak van hokke; en
  - (d) geriewe vir die veilige hantering van diere.
6.
  - (a) Die kampe moet te alle tye in 'n goeie werkende toestand gehou word.
  - (b) Skerp punte, soos punte van drade, gebreekte planke, happerige punte, skarniere of boutte wat uitsteek, wat beserings aan diere kan veroorsaak, moet verwyder of na behore bedek word.
7. Die vloer van die hele kamp, insluitend 'n op-en-aflaai vragwal, toevoerbane en gange moet voorsien word met 'n oppervlakte wat voldoende glipvry is, sodat dit geskik sal wees vir die aanhou van diere.

**DEEL II: Hantering van diere**

8. Diere moet te alle tye menslike, met geduld en verdraagsaamheid behandel word.
9. Die volgende moet in gedagte gehou word tydens die hantering van diere -
  - (a) diere reageer beter wanneer hul aanjaer agter hulle staan, maar binne hul gesigsveld.
  - (b) tropdiere reageer beter wanneer hulle in 'n trop aangejaag word, in plaas van een een.
10. Diere mag nie aan hul bene gesleep, of aan hul koppe, ore of sterte gedra word nie.
11. Jong kalfies moet opgelig word by die bors en agterkwart en gedra word indien hulle nie self met gemak kan loop nie, in die alternatief moet hulle gerig word deur een hand op 'n agterkwart en die ander hand naby die skof of nek, deur saam te stap in die vereiste rigting teen 'n geskikte en gemaklike pas.
12. Slegs stokke met seildoek oorgetrek of dryfbande mag gebruik word tydens die aanjaag van diere en dit is verkieslik om op die grond agter die dier te slaan as op die dier self.
13. Elektriese aanporders, stokke of sambokke mag nie op jong kalwers gebruik word nie.

14. Elektriese aanporders mag nie oormatig of voor die voet gebruik word nie en mag ook nie op die gesig of anale- of geslagsdele van diere gebruik word nie.

### **DEEL III: Verskuiwing van diere**

15. Diere wat aangejaag word moet te alle tye onder behoorlike en bekwame toesig wees. Diere wat aangejaag word moet op 'n kalm manier teen 'n pas wat ontspanne, gemaklik, natuurlik vir daardie dier is en nie vinniger as die pas van die stadigste dier daar, aangejaag word nie.
16. Diere mag nie vir langer as tien uur aaneen aangejaag word sonder 'n rustyd van minstens een uur nie, asook die voorsiening van genoegsame, geskikte vars water wat aan al die diere beskikbaar moet wees nie.
17. Geen dier mag vir afstande langer as die volgende aangejaag word nie -
- (a) gedurende 'n reis wat nie langer as een dag duur nie -
    - (i) 20 km vir skape en bokke; en
    - (ii) 30 km vir beeste; en
  - (b) gedurende 'n reis wat meer as een dag duur -
    - (i) 20 km gedurende die eerste dag en 15 km vir elke daaropvolgende dag, vir skape en bokke; en
    - (ii) 25 km gedurende die eerste dag en 20 km vir elke daaropvolgende dag vir beeste;
18. Sodra diere hul oornag kamp bereik moet hulle onmiddellik voer en water kry, welke voer voldoende en geskik moet wees vir elke spesie.
19. Diere mag nie na donker aangejaag word nie.
20. Geen dier wat siek, beseer of vermink is, mag aangejaag word nie.

### **DEEL IV: Voertuie gebruik tydens vervoer van diere**

22. Voertuie en alle sleepwaens wat vir die vervoer van behoefde diere gebruik word, moet geskik wees vir sodanige diere en in 'n padwaardige toestand wees.
23. Alle voertuie en sleepwaens in item 22 genoem moet -
- (a) 'n geskikte glipvrye vloer hê wat nie die skoonmaak van die voertuie se vloer belemmer nie, hoewel heglatte of staal traliwerk toelaatbaar is;
  - (b) voldoende lug en lig deurlaat terwyl dit in beweging of stilstand is, terwyl geen voertuig geheel en al toegemaak mag wees nie.
  - (c) voldoende beskerming van uitlaatgasse hê, aangesien blootstelling aan uitlaatgasse diere se asemhaling kan belemmer en angs veroorsaak;
  - (d) sywande hê wat hoog genoeg is om te voorkom dat diere ontsnap of uit die voertuig val:  
met dien verstande dat -
    - (i) die sywande en afskortings wanneer in gebruik op 'n voertuig om diere van mekaar te skei van 'n hoogte moet wees, nie laer as die skouer van die grootste dier wat vervoer word nie;
    - (ii) in die geval van beeste uitgesonderd kalwers, moet die minimum hoogte 1800 millimeter wees; en
    - (iii) in die geval van kleiner diere moet die minimum hoogte 750 millimeter wees.
  - (e) in die geval van 'n multiverdieping voertuig moet die hoogtes tussen dekke voldoende wees en in die geval van skape en varke nie minder as 1000 millimeter

wees nie, ten einde die grootste diere in staat te stel om natuurlik vry en ten volle regop te staan en om voldoende ruimte toe te laat bokant die diere vir lug om vrylik te vloei.

- (f) soliede ondeurdringbare vloere hê;
- (g) op en aflaai openinge aan die agterkant van die voertuig hê gelyk aan die volle wydte van die voertuig of indien aan die kante, 'n wydte hê van nie minder nie as 2400 millimeter.
- (h) hekke hê met of sonder afskortings -
  - (i) van 'n ontwerp en konstruksie, sterk genoeg en geskik vir die vervoer van die beoogde besending.
  - (ii) wat vrylik kan oop en toemaak en in staat is om goed beveilig te word.

24. Die digtheid van diere wat saam geplaas is in enige ruimte moet sodanig wees dat die veiligheid en gerief van die diere gedurende vervoer verseker word en die voorgestelde vloerruimte per dier sal -
- (a) 1,4 vierkante meter per groot dier; en
  - (b) 0,5 vierkante meter per klein dier wees.

#### **DEEL V: Voer en water gee van lewende hawe voor oplaai**

25. Diere moet voorsien word van voldoende en geskikte voeding en vars water totdat die reis 'n aanvang neem.

#### **DEEL VI: Op-en-aflaai prosedure**

26. Op-en-aflaai van diere op en vanaf voertuie moet so stil en kalm moontlik geskied met geduld en verdraagsaamheid sonder onnodige teistering, verskrikking, verkneusing, besering, lyding of spanning.
27. Geen dier mag aan sy kop, wol, vel, ore, stert, horings of bene op- of afgelaai word nie.
28. Geen dier mag op enige ander wyse as die volgende op- of afgelaai word nie -
- (a) by wyse van 'n laaibrug met 'n glipvry oppervlakte, sterk genoeg om die gewig van die spesie dier wat hanteer word te ondersteun, met voldoende sypanele of traliewerk wat die ontsnapping of afval van diere van die loopplank sal voorkom en wat teen 'n helling van nie meer as 25 grade lê nie; of
  - (b) by wyse van 'n laaiwal wat gelyk is aan die vloer van die voertuig of, wanneer afgelaai word, nie meer as 310 mm onder die vloer van die aflaai voertuig nie en met 'n helling van nie meer as 25 grade nie.
29. Indien 'n voertuig toegerus is met sy eie verwyderbare laaibrug moet dit 'n glipvrye oppervlakte hê en van voldoende lengte wees om, wanneer dit laat sak is, die helling nie meer sal wees as die na verwys in item 28 nie, en met die afstand tussen die grond en die haak van die laaibrug nie meer as 120 mm nie.
30. 'n Laaibrug se hoogte moet elke keer aangepas word om presies met die voertuig se vloerhoogte ooreen te stem.
31. Die reis moet so gou moontlik begin nadat lewende hawe opgelaai is en moet onmiddellik afgelaai word, wanneer hulle hul bestemming bereik.
32. Tensy voldoende voorsiening gemaak is vir die effektiewe skeiding van verskillende spesies diere, mag dit nie in dieselfde voertuig gelaai en vervoer word nie.
33. Diere van verskillende ouderdom, grootte en geslag mag nie gelaai en vervoer word nie, tensy voldoende voorsiening gemaak is vir die effektiewe skeiding van sodanige diere.

34. Volwasse beeste met horings mag nie saam met poenskopbeeste vervoer word nie en hulle moet afsonderlik gehok word.
35. Indien daar voldoende rede bestaan om te glo dat 'n dier tydens 'n voorgenome reis geboorte mag skenk, mag sodanige dier nie gelaai word nie.
36. Ingeval 'n dier wel tydens 'n reis geboorte skenk moet die nodige voorsorg getref word om die ma en kroos te beskerm teen vertrapping of besering of teistering deur ander diere.
37. Ingeval die -
- (a) transport voertuig onklaar raak;
  - (b) transport voertuig in 'n ongeluk of botsing betrokke raak; of
  - (c) dier of diere in transito beseer raak of vrek, moet die karweier onmiddellik die besonderhede rapporteer aan , of hulp vra van -
    - (i) in die geval van paragraaf (a) 'n insleepdiens;
    - (ii) in die geval van paragraaf (b) die Suid-Afrikaanse Polisie Diens en die verkeersowerheid; of
    - (iii) in die geval van paragraaf (c), 'n veearts.

#### **DEEL VII: Beheer van diere tydens vervoer**

38. Indien die vervoer van enige dier 'n besering aan die dier self of ander diere kan veroorsaak, moet dit onder bedwang gehou word, op so 'n manier dat sodanige besering voorkom word.
39. Geen dier mag vir meer as vier uur in enige vier en twintig uur tydperk onder bedwang gehou word nie.
40. Geen draad of baaltou mag gebruik word om diere se bene of voete mee vas te bind nie.
41. Ten einde verwurging of nekbreke te voorkom mag geen dier met 'n skuifknoop aan hul horings of nek aan 'n voertuig vasgemaak word nie en die tou moet op die dier se kniehoogte aan die voertuig vasgemaak word sodat ingeval die dier sou val die moontlikheid dat die dier beseer raak verminder word, met die tou synde lank genoeg ten einde die dier toe te laat om gemaklik in 'n natuurlike posisie te lê, met sy kop regop.

**BYLAE 2****Skutregister Inligting**  
(Artikel 12)

'n Skutregister moet ten minste die volgende inligting bevat -

1. Naam van die skut
2. Datum waarop 'n dier ontvang is
3. Getal en beskrywing van diere
4. Merke of brandmerke op diere
5. Oorettiket nommer deur skutmeester toegeken
6. Naam en adres van persoon wat die dier gevang het
7. Naam en adres van persoon wat die dier aan die skut gelever het
8. Naam en adres van die eienaar van grond waarop die dier gevang is
9. Naam en adres van die eienaar van die dier
10. Naam en adres of beskrywing van plek waar die dier gevind is
11. Afstand tussen die plek waar die dier gevang is en die skut
12. Besonderhede van skade deur die dier aangerig
13. Vervoerkoste betaalbaar
14. Besonderhede van uitsit of wegdoening van die dier
15. Oorsaak van dood of besering van geskutte dier
16. Beskrywing en bedrag van skutgelde
17. Skadevergoeding toegeken deur die Hof
18. Datum van aflossing van die dier
19. Datum van verkoop van die dier
20. Opbrengs vir die verkoop van die dier
21. Naam en adres van koper van 'n dier
22. Oorskot bedrag (indien enige) aan die eienaar of munisipaliteit betaal
23. Kwitansie nommer
24. Besonderhede van hofbevel rakende diere wat nie tydens veiling verkoop is nie

## PRINS ALBERT MUNICIPALITY

### FIREWORKS BY-LAW

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Prins Albert Municipality, enacts as follows:-

#### Table of contents

1. Definitions
2. Principles and objectives
3. Designation of places
4. Discharge of fireworks
5. Seizure of fireworks
6. Offences and penalties
7. Revocation of by-laws
8. Short title and commencement

#### 1. Definitions

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

**“designated area”** means a place designated as such in terms of Section 3;

**“fireworks”** shall have the meaning assigned thereto in the Explosives Act, Act 26 of 1956, as amended, and the Regulations framed there under, and shall include any article or thing commonly recognized as a firework;

**“municipality”** means the Prins Albert Municipality, and includes any political structure, political office bearer, duly authorised agent thereof, or a service provider fulfilling a responsibility under this by-law assigned to it in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) or any other law, as the case may be, or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated, to such political structure, political office bearer, agent or employee;

**“peace officer”** shall have the meaning assigned thereto in the Criminal Procedure Act 51 of 1977, in respect of persons authorized by the municipality to enforce the provisions of this By-law;

**“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;
- (b) been used by the public without interruption for a period of at least thirty years; or at any time been declared or rendered such by the municipality or other competent authority; and

**“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 the public;
  - (ii) used without interruption by the public for a period of at least thirty years;

- (iii) declared or rendered such by the municipality or other competent 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 –
  - (aa) any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon, or
  - (bb) any general plan as defined in the Land Survey Act, 1927, 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.

## **2. 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 of safeguarding its residents and property and to minimize the effects of fireworks on animals and pets.

## **3. Designation of places and conditions**

- (1) The municipality may 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 of 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 subsections (1) and (2) or any amendment thereof must be published by the municipality in terms of its communication strategy.
- (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 in any designated area and may further impose conditions as to the manner of discharge.
- (5) A person who fails to comply with any condition imposed in terms of subsection (4) commits an offence.

## **4. Discharge of fireworks**

- (1) No person may discharge any fireworks outside an area designated by the municipality in terms of Section 3.
- (2) A person who contravenes subsections (1) commits an offence.

## **5. Seizure of fireworks**

A peace officer may take into his or her possession any fireworks found by him in contravention of section 4(1) and such fireworks must be dealt with in terms of the relevant provisions of the Criminal Procedure Act (No 51 of 1977) relating to seizure and disposal.

## **6. Offences and penalties**

A person who has committed an offence in terms of this by-law is, on conviction, liable to a fine, or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to additional imprisonment.

**7. 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.

**8. Short title and commencement**

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

## **PRINS ALBERT MUNICIPALITY**

### **FIRE SAFETY BY-LAW**

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

#### Table of Contents

#### CHAPTER 1: DEFINITIONS AND INTERPRETATION OF THIS BY-LAW

##### 1. Definitions and interpretation

#### CHAPTER 2: PURPOSE AND APPLICATION OF BY-LAW

##### 2. Purpose of by-law

##### 3. Application of by-law

#### CHAPTER 3: ESTABLISHMENT OF A FIRE BRIGADE SERVICE

##### 4. Establishment and maintenance of service

##### 5. Objects of the Service

##### 6. Reporting a fire hazard and other threatening danger

##### 7. Administration and enforcement

##### 8. Delegation

##### 9. Chief fire officer

##### 10. Instructions by members of service

##### 11. Pretending to be member of service prohibited

##### 12. Certificates to identify members of service

##### 13. Wearing of uniform and insignia

##### 14. Driving service vehicles

##### 15. Duties and orders during emergency situations

##### 16. Right of access to buildings and premises and issue of instructions

##### 17. Interference with the Service

##### 18. Furnishing of false information

##### 19. Denial, suspension or revocation of an approval or a certificate

##### 20. Records required, access to records and release of media statements

##### 21. Failure to comply with provisions

##### 22. Payment for services

##### 23. Joint Fire Services Committee

#### CHAPTER 4: FIRE PROTECTION

##### *Part A: Fire Protection for buildings and premises*

##### 24. General provisions

##### 25. Design and construction of buildings

##### 26. Design and construction of dumping sites

##### 27. Design and construction of other structures and sites

##### 28. Requirements for sprinkler systems

##### 29. Requirements for extractor fan systems

- 30. Requirements for emergency exits
- 31. Requirement regarding fire doors and assemblies
- 32. Design, identification and access for fire-fighting and rescue purposes
- 33. Accessibility of fire-fighting equipment and fire installations
- 34. Barricading of vacant buildings
- 35. Fire protection for thatch roof structures

*Part B: Fire fighting equipment*

- 36. Installation and maintenance of fire-fighting equipment
- 37. Fire alarms and fire hydrants

*Part C: Emergency evacuation plans*

- 38. Chief Fire Officer may designate premises for emergency evacuation plans
- 39. Duties of owner or occupier of designated premises

*Part D: Public gatherings*

- 40. Prohibition of public gatherings in certain circumstances
- 41. Application for certificate of fitness
- 42. Requirements for certificate of fitness
- 43. Form and content of certificate of fitness
- 44. Duties of holder of certificate of fitness
- 45. Cancellation of certificate of fitness

*Part E: Water supply for fire fighting purposes*

- 46. Township development water supply requirements
- 47. Township development fire-extinguishing stream requirements
- 48. Township development fire hydrant requirements
- 49. Fire risk categories
- 50. Connections to water reticulation system

*Part F: Prevention of fire hazards*

- 51. Applicable legislation , permit procedures and norms and guidelines
- 52. Certain fires prohibited
- 53. Storage and accumulation of combustible material and overgrown premises or road reserves
- 54. Electrical fittings, equipment and appliances
- 55. Flame-emitting devices
- 56. Discard of flammable liquid or substance in sewers or drains
- 57. Flammable gas
- 58. Smoking restrictions and discarding of combustibles
- 59. Safety requirements for informal settlement areas

**CHAPTER 5: CERTIFICATE OF REGISTRATION FOR USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES**

- 60. Use, handling and storage of flammable substances prohibited in certain circumstances
- 61. Application for certificate of registration for flammable substances
- 62. Issue of certificate of registration
- 63. Availability of certificate of registration at premises

- 64. Fire-fighting equipment
- 65. Amendment to certificate of registration
- 66. Cancellation of certificate of registration
- 67. Renewal of certificate of registration
- 68. No authorisation required for certain motor vehicle fuel tanks
- 69. Record of certificates of registration

#### CHAPTER 6: DECLARATION OF FIRE CONTROL ZONES

- 70. Fire Control Zones

#### CHAPTER 7: GENERAL PROVISIONS REGARDING THE USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES

- 71. General prohibitions regarding the use, handling and storage of flammable substances
- 72. Use, handling and storage of liquefied petroleum gas
- 73. Display of symbolic warning signs required
- 74. Duty to report fires, accidents and dumping

#### CHAPTER 8: STORAGE OF FLAMMABLE SUBSTANCES

- 75. Storage of flammable substances prohibited in certain circumstances
- 76. Taking of samples in respect of flammable substances
- 77. Symbolic safety signs must be displayed
- 78. Construction of flammable substance storerooms
- 79. Requirements for storeroom doors
- 80. Requirements for storeroom windows
- 81. Requirements for storeroom catch pits
- 82. Ventilation of storerooms
- 83. Electrical equipment in storerooms
- 84. Foam inlets required for certain storerooms
- 85. Shelving in storerooms
- 86. Unauthorised use and entry of storerooms prohibited
- 87. Mixing and decanting rooms
- 88. Temporary above ground storage of flammable substances
- 89. Hand tools must be intrinsically safe
- 90. Permanent above ground storage tanks for flammable liquids
- 91. Underground storage tanks for flammable liquids
- 92. Installing, erecting, removing and demolishing prohibited without prior notice
- 93. Repair and maintenance of access to storage tanks
- 94. Termination of storage and use of flammable substances
- 95. Container handling and storage

#### CHAPTER 9: HAZARDOUS SUBSTANCES

- 96. Application for the approval of plans
- 97. Issuing of certificates of registration
- 98. Supply of hazardous substances
- 99. Exemptions
- 100. Renewal of spraying permits and/or certificates of registration
- 101. Temporary storage of hazardous substances
- 102. Delivery of hazardous substances

- 103. Prohibition of certain actions
- 104. "No Smoking" Signs
- 105. Group I hazardous substances
- 106. Group II hazardous substances
- 107. Flammable liquids
- 108. Installation of storage tanks

#### CHAPTER 10: TRANSPORT, SUPPLY AND DELIVERY OF DANGEROUS GOODS

- 109. Transport of dangerous goods prohibited without permits
- 110. Application for transport permits
- 111. Requirements of transport permits
- 112. Cancellation of transport permit
- 113. Exemption from transport permits
- 114. Design, construction, maintenance and repair of road tankers
- 115. Design, construction, maintenance and repair of other vehicles
- 116. General prohibitions regarding transport of dangerous goods
- 117. Supply of dangerous goods prohibited in certain circumstances
- 118. Records of transport permits

#### CHAPTER 11: SPRAY PAINTING AND SPRAYING ROOMS

- 119. Spray rooms and booths
- 120. Spraying prohibited without spraying permit
- 121. Application for spraying permit
- 122. Cancellation of spraying permit

#### CHAPTER 12: MISCELLANEOUS

- 123. Handling of animals during emergencies
- 124. Exemption from provisions of this by-law
- 125. Approval, authorisation or permission under this by-law
- 126. Cancellation of approval, authorisation or permission
- 127. By-law binds State
- 128. Appeal
- 129. Repeal of by-laws
- 130. Short title and commencement

#### SCHEDULES

- Schedule 1: Guidelines for emergency evacuation plans
- Schedule 2: Exemption from certificate of registration
- Schedule 3: Exemption from transport permit
- Schedule 4: Spray booth construction

### CHAPTER I: DEFINITIONS AND INTERPRETATION OF THIS BY-LAW

#### 1. Definitions and interpretation

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 flammable substances as contemplated in SANS 0131 and SANS 089 Part 1 and SANS 087 Part 3;

**“agricultural holding”** means a portion of land not less than 0,8 hectares in extent used solely or mainly for the purpose of agriculture, horticulture or for breeding or keeping domesticated animals, poultry or bees;

**“animal”** means any animal that is kept for domestic, breeding, research, agricultural, resale, veterinary treatment or animal welfare purposes within the area of the controlling authority;

**“approved”** means as approved by the municipality;

**“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;

**“basement”** in relation to a building, means any part of the building which is below the level of the ground storey;

**“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) or (b);
- (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, storm water 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 an impervious material and designed to contain 110% of the contents of the tank;

**“Prins Albert Municipality”** means the Prins Albert Municipality established in terms of section 12 of the Municipal Structures Act, (Act 117 of 1998);

**“certificate of fitness”** means a certificate contemplated in section 41;

**“certificate of registration”** means a certificate contemplated in section 60;

**“chief fire officer”** means the chief fire officer appointed by the municipality in terms of section 5 of the Fire Brigade Services Act and includes any person appointed as acting chief fire officer;

**“Chief Inspector of Explosives”** means the Chief Inspector of Explosives appointed in terms of section 2 of the Explosives Act, 1956;

**“Civil Aviation Authority”** means the South African Civil Aviation Authority established in terms of section 2 of the South African Civil Aviation Authority Act, 1998 (Act No. 40 of 1998);

**“class”** means a class of petroleum product based on the following classification-

- (a) Class O: liquefied petroleum gasses;
- (b) Class I: liquids subdivided as follows:

- (i) Class IA: liquids which have a closed-cap flash point below 23°C and a boiling point below 35°C; and
- (ii) Class IB: liquids which have a closed-cap flash point below 23°C and a boiling point of 38°C or above;
- (iii) Class IC: liquids which have a closed-cap flash point of 23°C or above but below 38°C;
- (c) Class II: liquids which have a closed-cap flash point of 38°C or above but below 60,5°C;
- (d) Class IIIA: liquids which have a closed-cap flash point of 60,5°C or above but below 93°C; and
- (e) Class IIIB: liquids which have a closed-cap flash point of 93°C or above;

**“combustible liquid”** means a liquid which has a close-cap flash point of 38°C or above;

**“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;

**“competent person”** means a person who is qualified by virtue of his or her experience and training;

**“control room”** means a room on any premises which is equipped and used to co-ordinate and control an emergency situation in or on designated premises;

**“Constitution”** means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

**“Criminal Procedure Act”** means the Criminal Procedure Act, 1077 (No. 51 of 1977);

**“dangerous goods”** means any flammable gas, flammable liquid or flammable solid as contemplated in SANS 0228;

**“designated premises”** means any premises designated and registered as such by the municipality and which is required to have an emergency evacuation plan as contemplated in section 38 of this by-law;

**“district”** means the area of jurisdiction of the Prins Albert Municipality and includes the area of jurisdiction of the Category B municipalities within such area;

**“dwelling house”** means a single dwelling unit situated on its own site, including any motor vehicle garage and other domestic outbuildings on that site;

**“dump”** means to abandon or discard any hazardous substance by depositing, discharging, spilling or releasing it;

**“emergency”** means any incident or eventuality which seriously endangers or may endanger any person or property;

**“emergency evacuation plan”** means an emergency evacuation plan contemplated in section 38;

**“emergency route”** means that part of any escape route which-

- (a) protects the occupiers of any building from fire; and
- (b) leads to an escape door;

**“enclosed place”** in respect of domestic animals means any kraal, cage, camp or similar enclosure where domestic animals are kept or exercised;

**“escape door”** means any door at the end of an emergency route and includes any door providing entrance to, or exit from, a building;

**“escape route”** means the entire path of travel, measured from an escape door to the furthest point in any room in a building;

**“explosives”** means explosives as defined in section 1 of the Explosives Act, 1956 and the regulations promulgated there under;

**“Explosives Act”** means the Explosives Act, 1956 (Act No. 26 of 1956), and any regulations made under that Act;

**“extinguishing stream”** means the amount of water that the municipality needs in order to extinguish a fire;

**“feeder route”** means that part of an escape route which allows travel in two different directions to the access doors of at least two emergency routes;

**“Fire Brigade Services Act”** means the Fire Brigade Services Act, 1987 (Act No. 99 of 1987), and any regulations made under that Act;

**“fire control zone”** means an area that falls within the jurisdiction of a local authority where no making of fires is allowed within a stipulated period;

**“fire damper”** means an automatic damper, including its assembly, which complies with the requirements of SANS 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-fighting equipment”** means any portable or mobile fire extinguisher, hose reel or fire hydrant;

**“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 installation”** means any water installation which conveys water solely for the purposes of fire-fighting;

**“fire protection installation”** 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 risk category”** means the definition of the risk profile of any sub-area within the area of the controlling authority as provided for in SANS 10090 and includes:

**Category A:** Central business districts and extensive commercial and industrial areas normally found in cities and large towns (areas where the risk to life and property are likely to be high due to fire occurrence and spread).

**Category B:** Limited central business districts, smaller commercial or industrial areas normally associated with small towns and decentralised areas of cities and large towns (areas where the risk to life and property is likely to be moderate due to fire occurrence and spread).

**Category C:** Residential areas of conventional construction.

**Category D:** Rural risks of limited buildings and remote from urban areas.

**Category E:** Special risks. Individual risks requiring a pre-determined attendance over and above the predominant risk category in an area. Includes large shopping/entertainment centres, informal settlements, harbours, hospitals, prisons, large airport buildings, high-rise buildings and petrochemical plants.

NOTE: High-rise buildings are an integral part of central business districts and would therefore be included in Category A. Buildings with major fire safety or other risk implications may, however, be classed as special risks;

**"fireworks"** means any explosive device or substance which burns or explodes after ignition, including firecrackers, and which is regulated under the Explosives Act;

**"fireworks display "** means the use of fireworks for purposes of a public display;

**"flammable gas"** means a gas which at 20°C and 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%, regardless of the lower flammable limit;

**"flammable liquid"** means a liquid or combustible liquid which has a closed-cap flash point of 93°C or below;

**"flammable solid"** as contemplated in SANS 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 desensitised (wetted) explosives that can explode if not diluted sufficiently;

**"flammable store"** means a store that is used for the storage of flammable liquids and complies with the criteria set out in Chapter 8 of this by-law;

**"flammable substance"** means any flammable liquid, combustible liquid or flammable gas;

**"Group I, II, III, V, VI, VIII and IX hazardous substances"** means Group I, II, III, V, VI, VIII and IX hazardous substances, as the case may be, as contemplated in the Hazardous Substances Act;

**"hazardous substance"** means any hazardous substance contemplated in the Hazardous Substances Act;

**"Hazardous Substances Act"** means the Hazardous Substances Act, 1973 (Act No. 15 of 1973), and any regulations made under that Act;

**"Land Survey Act"** means the Land Survey Act, 1997 (Act No. 8 of 1997);

**"liquefied petroleum gas"** means a mixture of light hydrocarbons (predominantly propane, butane) that is gaseous under conditions of ambient temperature and pressure and that is maintained in a liquid state by an increase of pressure or lowering of temperature;

**"municipal manager"** means a person appointed in terms of section 82 of the Municipal Structures Act or his nominee;

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

**"Municipal Systems Act"** means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

**"member"** means a member of the Service and includes the chief fire officer;

**"National Archives and Record Service of South Africa Act"** means the National Archives and Record Service of South Africa Act, 1996 (Act 43 of 1996);

**"National Building Regulations"** means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and any regulations made under that Act;

**“National Road Traffic Act”** means the National Road Traffic Act, 1996 (Act No. 93 of 1996), and any regulations made under that Act;

**“Occupational Health and Safety Act”** means the Occupational Health and Safety Act, 1993 (Act No 85 of 1993);

**“occupier”** means any person who occupies or has control over any premises;

**‘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 or order of a High Court;
- (b) in relation to land controlled by a community, the executive body of the community in terms of its constitution or any law or custom;
- (c) in relation to State land not controlled by a person contemplated in paragraph (a) or a community-
  - (i) the Minister of the Government department or the member of the executive council of the provincial administration exercising control over that State land; or
  - (ii) a person authorised by him or her; and
- (d) in relation to a municipality, the municipal manager of the municipality or a person authorised by him or her;

**“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 chief fire officer being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is in the opinion of the chief fire officer deemed to be in charge of such premises, building or installation;

**“Promotion of Access to Information Act”** means the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000);

**“prescribed”** means as determined by the municipality;

**“premises”** means any land, building, terrain, road, construction or structure or part thereof and includes any train, boat, aircraft or other vehicle;

**“prescribed fee”** means a fee determined by the municipality by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;

**“public gathering”** includes any gathering by members of the public-

- (a) to view any theatrical or operatic performances, orchestral or choral recitals or cinematic-graphic screenings; or
- (b) to attend, practice or participate in any indoor sports activity, dance, physical activity or other recreational activity;

**“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;
- (b) been used by the public without interruption for a period of at least thirty years; or

(c) at any time been declared or rendered such by the municipality or other competent authority;

**“registered premises”** means any premises in respect of which a certificate of registration has been issued;

**“SANS”** means the South African National Standards contemplated in section 2 of the Standards Act, 1993 (Act No. 29 of 1993), and SANS followed by any number means a reference to a SANS code of practice, specification or standard of the corresponding number;

**“service”** means the Fire Brigade Service established and maintained by the municipality as contemplated in section 4;

**“service installation”** means any automatic fire-extinguishing installation, fire pump connector, fire pump, emergency power or stand-by generator, fire detection, locating or alarm system, emergency lighting or evacuation communication system, mechanical ventilation system, pressure regulation system, smoke ventilation system, hoist, symbolic safety sign and smoke or fire door assembly;

**“spray”** means to spray, coat, plate or epoxy-coat with any hazardous substance and “spraying” has a corresponding meaning;

**“spraying permit”** means a permit contemplated in section 120;

**“spraying room”** means a room contemplated in section 119;

**“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 made under the Occupational Health and Safety Act;

**“store room”** means a room for storage of flammable substances contemplated in section 75;

**“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 the public;
  - (ii) used without interruption by the public for a period of at least thirty years;
  - (iii) declared or rendered such by the municipality or other competent 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 –
    - (aa) any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon, or
    - (bb) any general plan as defined in the Land Survey Act, 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;

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

**“summary abate”** 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;

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

**“use”** in relation to fireworks means discharging, lighting or igniting;

**“vegetation”** includes grass, weeds, leaves, shrubs and trees; and

**“vehicle”** includes a trailer or semi-trailer which-

- (a) has at least 4 wheels with independent axles and suspension systems; and
- (b) can be hitched to a truck-tractor or any other motor vehicle contemplated in the National Road Traffic Act.

## **CHAPTER 2: PURPOSE AND APPLICATION OF BY-LAW**

### **2. Purpose of by-law**

The purpose of this by-law is to establish and maintain a service for the area of jurisdiction of the municipality, to promote the achievement of a fire-safe environment for the benefit of all persons within the area of jurisdiction of the municipality and to provide for procedures, methods and practices to regulate fire safety within the area of jurisdiction of the municipality.

### **3. Application of by-law**

(1) This by-law is applicable to all persons within the area of jurisdiction of the municipality and includes both formal and informal sectors of the community and economy.

(2) Notwithstanding the provisions in either the Hazardous Substances Act or the Occupational Health and Safety Act, and in addition to any other applicable national or provincial law, this by-law regulates flammable substances in the area of jurisdiction of the municipality so as to prevent and reduce fire hazards or other threatening dangers.

(3) The municipality may, in terms of an agreement as contemplated in section 12 of the Act, and the payment of tariffs in accordance with the municipality's tariff policy or as contemplated in this by-law, be employed outside the area of jurisdiction of the municipality.

(4) 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.

## **CHAPTER 3: ESTABLISHMENT OF A FIRE BRIGADE SERVICE**

### **4. Establishment and maintenance of service**

(1) A service for the area of jurisdiction of the municipality is established as contemplated in section 3(1) of the Act, read with section 156(1)(a) and Part B of Schedule 4 of the Constitution.

- (2) The municipality must maintain the Service, which includes -
- (a) appointing a chief fire officer and the necessary members of the Service;
  - (b) ensuring that such officer and members are properly trained; and
  - (c) acquiring and maintaining the necessary vehicles, machinery, equipment, devices and accessories to ensure that the Service is effective and able to fulfil its objects.

## **5. Objects of the Service**

- (1) The objects of the Service are –
- (a) to prevent the outbreak or spread of a fire;
  - (b) to fight and extinguish any fire that endangers any person or property;
  - (c) to protect any person or property against any fire or other danger as contemplated in this by-law;
  - (d) to rescue any person or property from any fire or other danger as contemplated in this by-law; or
  - (e) to perform any other function connected with any of the matters referred to in subsection (a) to (d).
- (2) The Service may provide any service related to its objects to any other person.
- (3) Any service contemplated in subsection (2) may, at the discretion of the chief fire officer, be terminated without notice if the municipality's, equipment or members involved in providing that service are required to deal with an emergency situation, fire hazard or other threatening danger.

## **6. Reporting a fire hazard and other threatening danger**

- (1) An owner or the person in charge of premises, upon discovering any evidence of a fire hazard or other threatening danger as contemplated in this by-law, must immediately notify the Service.
- (2) An owner or the person in charge of premises must provide all details pertaining to the incident as contemplated in subsection (1), to the Service as requested.
- (3) Any person who contravenes subsections (1) and (2) commits an offence.

## **7. 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, or where no acting chief fire officer has been appointed by the municipal manager as contemplated in section 9(3), the municipal manager is responsible for the administration and enforcement of this by-law.

## **8. Delegation**

- (1) The chief fire officer may delegate any power granted to him in terms of this by-law as contemplated in section 19 of the Act or in accordance with the system of delegation of the municipality developed in terms of section 59 of the Municipal Systems 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.

## **9. Chief fire officer**

- (1) The chief fire officer has the powers as contemplated in sections 8(1) and 8(2) of the Act, and must also -
- (a) make or implement such general orders, procedures, rules and such other measures as he may consider necessary for the proper administration and enforcement of this by-law; provided that the making or implementation of such general orders, procedures, rules and such other measures are not inconsistent with the provisions of this by-law or any other by-law or policy of the municipality.
  - (b) ensure that contact numbers in respect of the Service are made available to the public and other institutions or organisations;
  - (c) inform the municipal manager of operational requirements for the structuring of the Service as contemplated in section 5.
- (2) Notwithstanding anything to the contrary contained in any other law, the chief fire officer has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.
- (3) Whenever the chief fire officer is for any reason unable to perform his duties of office, the municipal manager must appoint a suitably qualified member of the Service as acting chief fire officer to perform the duties and functions of the chief fire officer.

## **10. Instructions by members of service**

- (1) In addition to any powers as contemplated in section 8 of the Act, a member may give any instruction to any person in order to secure compliance with this by-law or to ensure the safety of any person or property.
- (2) An instruction may be given orally or in writing and if the instruction is given orally, the member must confirm it in writing and give it to the person concerned at the earliest opportunity.
- (3) An instruction contemplated in subsection (1) may include, but is not limited to an instruction –
- (a) for the immediate evacuation of any premises;
  - (b) to close or barricade any premises, or part thereof, until such time as any contravention of this by-law has been rectified;
  - (c) to cease any activity;
  - (d) to remove any immediate threat to the safety of any person or property;
  - (e) to take specified steps to comply with this by-law, either immediately or within a specified period; and
  - (f) if it is not reasonable for steps referred to in paragraph (e) to be taken immediately for the owner or person in charge of the premises concerned, to provide the chief fire officer with a written description of the steps to be taken and a time-table for the taking of these steps in order to ensure compliance with this by-law.
- (4) Any person who contravenes subsection (3) commits an offence.

## **11. Pretending to be member of service prohibited**

- (1) No person may pretend to be a member.
- (2) No person who is not a member may wear any official clothing, uniform, badge or insignia of the Service.

- (3) Any person who contravenes subsections (1) and (2) commits an offence.

**12. Certificates to identify members of service**

- (1) The chief fire officer must provide each member with an identification document identifying that person as a member.
- (2) A member, while performing any function or exercising any power as contemplated in this by-law must –
- (a) keep the identification document provided in terms of subsection (1), on his person; and
  - (b) produce it for inspection on request by any person.

**13. Wearing of uniform and insignia**

- (1) The chief fire officer and every member of the Service must wear the uniform, rank markings and insignia of the Service as prescribed.
- (2) Uniform, rank markings and insignia as contemplated in subsection (1) must be issued to the chief fire officer and members of the Service in accordance with the conditions of employment of the municipality or as agreed collectively.

**14. Driving service vehicles**

- (1) A member may, with the written authority of the Chief Fire Officer and as directed in the exercise of his or her duties, drive a Service vehicle if he or she is in possession of a valid driving licence for the code of vehicle in question.
- (2) A member, who is duly authorised to do so, as contemplated in subsection (1), must drive a Service vehicle in accordance with the provisions of the National Road Traffic Act, 1996, and any regulations made under the Act.
- (3) Any member who fails to comply with the provisions of this section is guilty of an offence.

**15. Duties and orders during emergency situations**

- (1) The Chief Fire Officer or a member in charge of an emergency situation, including one attended in terms of an agreement, must, in respect of every such emergency situation, ensure that-
- (a) adequate manpower and the appropriate apparatus and equipment are made available, deployed and are used without delay;
  - (b) the emergency situation is immediately assessed upon arrival and additional resources or assistance that he may deem necessary, are called for without delay.
  - (c) all pertinent information, including information about places and times and relevant particulars, is recorded during the emergency situation or as soon as possible after the emergency situation, and that the recorded information is preserved in accordance with the provisions of the National Archives of South Africa Act, 1996 (Act 43 of 1996), and any regulations made under the Act.
- (2) Any person or body, including any State department as contemplated in section 17 of the Act, the South African Police Service and the Department of Justice, who wishes to inspect any information referred to in subsection (1)(c) must send a motivated request in writing to the Chief Fire Officer along with the prescribed fees.

(3) Any press or media release concerning the Service, emergency situations or any matter in relation thereto must be in accordance with the policy guidelines determined by the municipality.

#### **16. Right of access to buildings and premises and issue of instructions**

(1) 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.

(2) Should any fire hazard or condition of non-compliance contemplated in subsection (1) 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.

(3) 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 be immediately 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 subsection (2), 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.

(4) 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.

(5) Any person who fails to comply with a written instruction referred to in this section is guilty of an offence.

#### **17. Interference with the Service**

(1) No person may interfere with, prevent, obstruct or hinder the chief fire officer, municipal manager or any member in the execution of his duties as contemplated in this by-law or the Act.

(2) Any person who contravenes subsection (1) commits an offence.

#### **18. Furnishing of false information**

(1) No person may wilfully give any member of the Service any notice, or furnish any information regarding an outbreak of fire, or any other emergency situation requiring the attendance of the Service, and which, to his knowledge, is false or inaccurate.

(2) Any person who contravenes subsection (1) commits an offence.

#### **19. Denial, suspension or revocation of an approval or a certificate**

(1) The chief fire officer 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.

**20. Records required, access to records and release of media statements**

- (1) The safekeeping of all relevant records and documents pertaining to the Service in accordance with the provisions of the National Archives and Record Service of South Africa Act is the responsibility of the municipal manager.
- (2) A request for access to a record held for the purpose or with regard to the exercise of a power or the performance of a function in respect of the Service must be made in accordance with the provisions of the Promotion of Access to Information Act.
- (3) Media statements regarding the Service must be released as prescribed in terms of the communication strategy of the municipality.

**21. Failure to comply with provisions**

- (1) When the chief fire officer finds that there is non-compliance with the provisions of this by-law, excluding the situation in section 16(2), a written notice must be issued and 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) 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 chief fire officer, 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.
- (4) An owner or the person in charge of premises, whose rights are affected by any decision of the chief fire officer as contemplated in subsection (1), may appeal against such decision in terms of section 62 of the Municipal Systems Act.

**22. Payment for services**

- (1) The municipality may charge the fees payable in terms of its Tariff Policy by a person on whose behalf the municipality rendered any service as contemplated in this by-law.
- (2) The municipality may charge a prescribed fee for the provision of an inspection, re-inspection or any other service, including the approval or issuing of permits or certificates as contemplated in this by-law.
- (3) Any cost incurred by the municipality for any action necessary to prevent a fire hazard, accident or other threatening danger shall be considered a fee payable by a person for services rendered as contemplated in subsection (1).
- (4) Any costs incurred by the municipality in connection with the examination or analysis of any sample taken from any premises for the purposes of this by-law, and a report on such analysis by an institution accredited by the chief fire officer for that purpose may be recovered from the owner or person in charge of the premises if such owner or person in charge is not in compliance with this by-law regarding the substance concerned.
- (5) Notwithstanding the provisions of subsection (1), the chief fire officer may assess the aggregate of charges as contemplated in subsection (1) or any portion thereof, provided that such portion shall not be less than ninety percent of the aggregate of the

charges that would have been payable; provided further that in assessing such charges or portion thereof, due regard, in addition to other factors, be given to:

- (a) the fact that the amount so assessed shall be commensurate with the services rendered;
  - (b) the manner, place and origin of fire or other emergency situation;
  - (c) the loss that might have been caused by the fire or other emergency situation to the person liable to pay the charges, if the services had not been rendered.
- (6) Where charges are assessed in terms of paragraph (a) and the person liable to pay such charges is aggrieved by or is with such assessment, he may lodge a written appeal in terms of section 128 of this by-law.

### **23. Joint Fire Services Committee**

- (1) A Joint Fire Services Committee representing the fire services in the area of jurisdiction of the Prins Albert Municipality and all Category B Municipalities in the area of jurisdiction of such municipality may be established.
- (2) The Joint Fire Services Committee as contemplated in subsection (1) must collaborate and liaise for the purposes of making recommendations with regard to –
- (a) the planning and co-ordination of the services within the district;
  - (b) the co-ordination and standardisation of infrastructure, vehicles, equipment and procedures pertaining to the service;
  - (c) the training of members; and
  - (d) any other operational matters relating to the Service.
- (3) The chief fire officer of each municipality within the district may be a member of the Joint Fire Services Committee.
- (4) The Joint Fire Services Committee may determine its rules of meeting procedures, provided that such procedures are not inconsistent with generally accepted municipal administrative practices, this by-law or any other legislation.

## **CHAPTER 4: FIRE PROTECTION**

### *Part A: Fire protection for buildings and premises*

### **24. General provisions**

The chief fire officer must in terms of sections 16(3) and 21(1) of this by-law abate a contravention of the National Building Regulations relating to fire and safety of buildings and premises.

### **25. Design and construction of buildings**

- (1) Subject to the provisions of subsection (3), every owner of a building, excluding a dwelling house, must ensure that it is designed and constructed in a manner that –
- (a) provides for –
    - the effective drainage of any water that may result from fire extinguishing activities; and
    - the discharge of such water directly into a storm water drain;
  - (b) prevents any water that may result from fire-extinguishing activities from draining–
    - (i) down any stairway or lift shaft;
    - (ii) down any electrical shaft or telecommunications service shaft;

- (iii) down any shaft that is connected to a basement level; or
    - (iv) along any approach to a building or any vehicle access ramp leading to or from a building;
  - (c) if any water resulting from fire-extinguishing activities should spill into a basement, such water is discharged directly into a storm water drain; and
  - (d) complies with the requirements of SANS 0400 (Parts A, K, M, O, T, V and W) insofar as it relates to fire protection.
- (2) Subject to the provisions of subsection (3), every owner of a building equipped with a transformer room must ensure that -
- (a) the transformer room is situated on the ground level;
  - (b) access to the transformer room is from outside the building; and
  - (c) there is adequate and ready access to the transformer room for fire-fighting and maintenance activities.
- (3) Subsections (1) and (2) do not apply in respect of any building which exists at the commencement of this by-law.
- (4) Any person who contravenes subsections (1) and (2) or Parts A, K, M, O, T, V or W of SANS 10400 in so far as it relates to fire protection, commits an offence.

## **26. Design and construction of dumping sites**

- (1) Every person who designs or constructs any dumping site, must ensure that it is designed and constructed in accordance with the instructions of-
- (a) the Department of Water Affairs and Forestry; and
  - (b) the municipality.
- (2) Any person who contravenes subsection (1) commits an offence.

## **27. Design and construction of other structures and sites**

- (1) Every person who designs, constructs or erects any of the following structures, must ensure that they comply with a rational design as contemplated by the National Building Regulations -
- (a) any grain silo;
  - (b) any atrium;
  - (c) any air traffic control tower;
  - (d) any tower for telecommunications or other uses;
  - (e) any thatched structure which is larger than 20 square metres and situated within 4.5 metres of any boundary line of the property concerned;
  - (f) any tent or other temporary structure for holding a public gathering; and
  - (g) any open-plan commercial or industrial premises with a covering distance that exceeds 45 metres measured from any point in the premises to any escape or exit door.
- (2) Every person who designs or constructs any aircraft hanger or helicopter pad, must ensure that it -
- (a) complies with a rational design as contemplated by the National Building Regulations;
  - (b) provides for the effective drainage of any liquid from the floor of the hanger or helicopter pad or any approach to the aircraft hanger or helicopter pad;
  - (c) provides for the effective channelling of any liquid from the floor of the hanger or helicopter pad to a drainage area connected to a separator well;

- (d) prevents the spread of any liquid from the floor of the hanger or helicopter pad; and
  - (e) is equipped with effective earthing devices for the discharge of static electricity.
- (3) Any person who contravenes subsections (1) and (2) commits an offence.

## **28. Requirements for sprinkler systems**

- (1) If a sprinkler system is required in any building in accordance with SANS 0400, SANS 087 (Part III) or SANS 089 (Part I) or if the chief fire officer so requires, the owner or person in charge of the premises must ensure that the building is equipped with a sprinkler system.
- (2) Every person who designs, constructs or installs a sprinkler system must ensure that it is designed, constructed and installed -
- (a) in accordance with SANS 0287; and
  - (b) in compliance with the requirements of SANS 0400 (Parts A, K, M, O, T, V and W) insofar as it relates to fire protection.
- (3) Any person who contravenes subsections (1) and (2) commits an offence.

## **29. Requirements for extractor fan systems**

- (1) Every person who designs, constructs or installs an extractor fan system, any related ducts or any similar chimney system and every owner or person in charge of the building in which such a system is installed must ensure that –
- (a) it is designed, constructed and installed in a manner that provides for clearly demarcated, adequate and easy access for inspection, maintenance and repairs; and
  - (b) the conduit and outlet of any such system is installed in a manner that does not result in a fire hazard to any person or property.
- (2) Every owner or person in charge of a building in which an extractor fan system, any related ducts or any similar chimney system has been installed, must ensure that every filter, damper, screen or conduit forming an integral part of the system is regularly inspected, cleaned and maintained to ensure that fatty residues or any other combustible residues do not accumulate.
- (3) Any person who contravenes subsections (1) and (2) commits an offence.

## **30. Requirements for emergency exits**

- (1) Every owner of a building must ensure that any escape door in that building –
- (a) is fitted with hinges that open in the direction of escape; and
  - (b) is equipped with a fail-safe locking device or devices that do not require a key in order to exit.
- (2) Every owner of a building must ensure that any door in a feeder route –
- (a) is a double swing-type door;
  - (b) is not equipped with any locking mechanism.
- (3) Notwithstanding the provisions of subsection (2), if it is necessary that a door in a feeder route be locked for security reasons, the owner or person in charge of the building must provide an alternative means of escape approved by the chief fire officer.
- (4) No person may obstruct or allow the obstruction of any escape route from any premises that may prevent or hinder the escape of any person or animal from the premises in an emergency.

(5) Where required by the chief fire officer, an escape route must be clearly indicated with signage, which complies with SANS 1186, indicating the direction of travel in the event of fire or any other emergency.

(6) Any person who contravenes subsections (1), (2), (3), (4) and (5) commits an offence.

### **31. Requirement regarding fire doors and assemblies**

(1) Subject to the provisions of SANS 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 chief fire officer.

(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.
- (4) Any person who contravenes subsections (1), (2) and (3) commits an offence.

### **32. Design, identification and access for fire-fighting and rescue purposes**

(1) Subject to the requirements of any applicable zoning scheme regulations or the conditions of establishment of any township, every person who plans, designs or constructs a building, excluding a dwelling house, must ensure that the premises on which the building is situated, are planned, designed and constructed so that –

- (a) at least one elevation of the building fronts onto a street;
  - (b) if the premises do not front onto a street, an access road is provided with dimensions and carrying capacity approved in writing by the chief fire officer;
  - (c) a motorised or electronically operated gate is equipped in such a manner that access to the premises can be gained without the use of a motor or any other electronic device or any other assistance;
  - (d) there is a climate-proof and weather-proof parking surface for parking and operating fire brigade machines and equipment in an emergency –
    - (i) of dimensions at least 10 metres wide;
    - (ii) that runs the full length of the side elevation of the building that borders the surface; and
    - (iii) with a carrying capacity of at least 70 metric tons; and
    - (iv) any entrance arch to the premises provides an opening with dimensions at least 4 metres wide x 4.2 metres high, unless there is an alternative and easy access route to the premises of at least the same dimensions.
- (2) For purposes of easy identification by any member in an emergency, every owner or person in charge of the premises must ensure that the correct street number of the premises–

- (a) is displayed clearly on the street boundary of the premises in numbers at least 75 millimetres high;
  - (b) is visible from the street; and
  - (c) is maintained in a legible condition at all times.
- (3) Any person who contravenes subsections (1) and (2) commits an offence.

### **33. Accessibility of fire-fighting equipment and fire installations**

- (1) Any fire-fighting equipment or fire protection installations installed on any premises must be accessible to the Service at all times.
- (2) Any person, who causes or permits any fire-fighting equipment or fire protection installations to be obstructed or impedes such accessibility or operation, commits an offence.

### **34. Barricading of vacant buildings**

- (1) Every owner or person in charge of a building or portion of a building that is vacant must, to the satisfaction of the chief fire officer –
  - (a) remove all combustible waste and refuse from the building; and
  - (b) block, barricade or otherwise secure all windows, doors and other openings in the building in a manner that will prevent the creation of any fire hazard caused by entering of the building by any unauthorised person.
- (2) Any person who contravenes subsection (1) commits an offence.

### **35. Fire protection for thatch roof structures**

- (1) Any thatch roof construction with a span not exceeding 6 metres and which is supported by structural walls must comply with the provisions of SANS 10407: 2004.
- (2) A rational design must be provided for any thatch roof construction with a span exceeding 6 metres or where such construction is not supported by structural walls.
- (3) Where a new or replacement thatch structure is to be constructed for any building, the following must be incorporated into the design and construction of such thatch roof:
  - (a) The thatch density should not be less than 35 to 50 kg/m<sup>2</sup> for a thickness of 175mm to 200mm;
  - (b) Sisal binding twine shall be used;
  - (c) Construction of any thatch roof must be sound and all materials used therein must be of good quality;
  - (d) Where electrical wiring passes through the roof space of any thatch roof, all wiring shall be run in continuous conduit and all junction boxes shall be properly sealed;
  - (e) Where, in the opinion of the chief fire officer, the risk of lightning may pose a hazard, it may direct that certain occupancies, as he may determine, be protected by the installation of lightning conductors in accordance with SABS 03: 1985;
  - (f) All wooden components and all exposed surfaces of thatch must be treated with an approved fire retardant and the thatching must be rodent proofed;
  - (g) Upon completion of any thatch construction, the owner must provide the Chief Fire Officer with written certification of compliance with all of the provisions of regulation 21(3).

- (4) Where, in the opinion of the Chief Fire Officer, any fire in a thatched building will pose an unacceptable risk to any adjacent buildings or property or where its location will result in an increased risk from an external fire, the Chief Fire Officer may prescribe the installation of a sprinkler or drencher system, provided that such system may be manual or automatic in operation.
- (5) Any chimney passing through a thatch roof must be constructed so that:
- (a) only full 220mm bricks are used and laid so that the unexposed faces in contact with thatch do not become hot;
  - (b) all joints and spaces are properly filled with mortar;
  - (c) no wooden building component or decoration is built into or through any chimney
  - (d) the top of any chimney stack must extend at least 1 metre above the highest point of the roof;
  - (e) a spark arrestor comprising a stainless steel wire mesh measuring 10 x10 x 1mm across the full width of the flue shall be fitted not less than 700mm from the top of the stack.
- (6) Any person who contravenes subsections (1) to (5) commits an offence.

*Part B: Fire fighting equipment*

**36. Installation and maintenance of fire-fighting equipment**

- (1) Every owner of a building must ensure that—
- (a) all fire-fighting equipment and service installations on the premises are installed in a manner and condition ready for use in an emergency;
  - (b) all portable and mobile fire-extinguishers and all hose reels on the premises are serviced and maintained in accordance with SANS 0105 and SANS 1475; and
  - (c) all fire-fighting equipment and service installations on the premises are —
    - (i) maintained in a good working condition by a competent person;
    - (ii) inspected and serviced in accordance with manufacturer specifications; and
    - (iii) are inspected by an appropriately registered and competent person at least once every 12 months; and
  - (d) a comprehensive service record of all fire-fighting equipment and service installations on the premises is maintained and furnished to the chief fire officer every 12 months or as otherwise directed.
- (2) Every person who inspects, services or repairs any fire-fighting equipment or service installation must—
- (a) on completing the inspection, service or repairs, as the case may be —
    - (i) certify in writing that the equipment or installation concerned is fully functional; and
    - (ii) furnish that certificate to the owner of the premises; or
  - (b) if the equipment or installation cannot readily be repaired to a functional state, notify the chief fire officer of this fact in writing without delay.
- (3) Except for purposes of inspection, service, repair or fire-fighting, no person may remove or interfere with any fire-fighting equipment or service installation at any premises.

- (4) No person may alter, damage, misuse or render ineffective any fire-fighting equipment or service installation at any premises.
- (5) Any person who contravenes subsections (1), (2), (3) and (4) commits an offence.

### **37. Fire alarms and fire hydrants**

- (1) Without compensation to the owner of the premises concerned, the chief fire officer 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 chief fire officer 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, metal plate or painted marker or by any other means, as prescribed.
- (3) The chief fire officer may at any time cause a fire alarm, other transmission instrument mentioned in subsection (1), board, metal plate or painted marker to be removed from the premises concerned.
- (4) An unauthorised person is prohibited from removing, defacing, altering, tampering or damaging a fire alarm, other transmission instrument mentioned in subsection (1), board, metal plate or painted marker.
- (5) No person may render less effective, inoperative, inaccessible, obstruct or tamper and interfere with a fire hydrant.
- (6) Any person who contravenes subsections (1), (2), (3), (4) and (5) commits an offence.

### *Part C: Emergency evacuation plans*

### **38. Chief Fire Officer may designate premises for emergency evacuation plans**

- (1) The chief fire officer may by written notice designate any premises as premises requiring an emergency evacuation plan.
- (2) The notice contemplated in subsection (1), must be served on the premises concerned and addressed to the owner or person in charge of the premises.

### **39. Duties of owner or occupier of designated premises**

- (1) The owner, or with the approval of the chief fire officer, the occupier, of any premises designated in terms of section 38 must –
  - (a) prepare a comprehensive emergency evacuation plan for the premises in accordance with the guideline contained in Schedule 1 and submit it to the chief fire officer in triplicate within 30 days of service of the designation notice;
  - (b) establish a fire protection committee comprised of occupiers of the premises to assist the owner or person in charge of the premises to organise a fire protection programme and regular and scheduled fire evacuation drills;
  - (c) ensure that the emergency evacuation plan is reviewed-

- (i) at least every 12 months;
    - (ii) whenever the floor layout of the premises is changed; and
    - (iii) whenever the Chief Fire Officer requires revision of the plan;
  - (d) ensure that an up-to-date emergency evacuation plan, any fire protection programmes, evacuation drills and any related documents are kept, maintained and at all times available in a control room on the premises for inspection by any member;
  - (e) display the emergency evacuation plan at conspicuous positions inside the premises; and
  - (f) identify a place of safety off the designated premises, but in the immediate vicinity of the premises, where persons who reside or work on the premises may gather during an emergency for the purpose of compiling a list of survivors.
- (2) The chief fire officer may in respect of premises designated in terms of section 38 –
- (a) require the review of any emergency evacuation plan by the owner or person in charge of the premises and may provide directions in this regard;
  - (b) instruct the owner or person in charge of the premises to implement a fire protection program that the chief fire officer believes is necessary to ensure the safety of persons and property on the premises; and
  - (c) require the owner or person in charge of the premises to provide the chief fire officer with a certified copy of the emergency evacuation plan and any associated documents at a specified time and place.

#### *Part D: Public gatherings*

#### **40. Prohibition of public gatherings in certain circumstances**

- (1) No person may hold a public gathering or allow a public gathering to be held in any building or temporary structure unless a certificate of fitness has been issued by the chief fire officer in respect of that building or temporary structure or unless a certificate of fitness previously issued in terms of this subsection, has not yet expired.
- (2) Subsection (1) does not apply in respect of a building or temporary structure which existed at the commencement of this by-law, unless after that date –
- (a) the building or temporary structure is rebuilt, altered, extended or its floor layout is changed; or
  - (b) ownership or control of the building or structure changes.
- (3) Any person who contravenes subsection (1) commits an offence.

#### **41. Application for certificate of fitness**

- (1) Every owner of a building or temporary structure intended for the holding of a public gathering must complete and submit to the chief fire officer an application form for a certificate of fitness in the form and manner as contemplated in section 43.
- (2) An application contemplated in subsection (1) must be submitted at least 30 days before any intended public gathering.
- (3) Any person who contravenes subsection (1) commits an offence.

#### **42. Requirements for certificate of fitness**

- (1) The chief fire officer may not issue a certificate of fitness in respect of a building or temporary structure –

- (a) unless the municipality is in possession of an up-to-date set of building plans for the premises;
- (b) unless the building or temporary structure complies with the requirements of this by-law; and
- (c) for a period of validity exceeding 12 months.

#### **43. Form and content of certificate of fitness**

- (1) A certificate of fitness must be in the form as prescribed and must at least record the following information, where applicable-
  - (a) the trade name and street address of each occupier of the building or temporary structure;
  - (b) a description of the type of activity carried on by each occupier of the building or structure;
  - (c) the full names and addresses of the persons who serve on the governing or similar body of each occupier;
  - (d) the maximum permissible number of people who may be admitted to the useable floor area of the building or structure;
  - (e) the number of emergency exits and their dimensions; and
  - (f) the dates of issue and expiry of the certificate and its serial number.
- (2) Notwithstanding subsection (1), the chief fire officer may request additional information from the applicant.

#### **44. Duties of holder of certificate of fitness**

- (1) The holder of a certificate of fitness must –
  - (a) comply with the provisions of the certificate of fitness;
  - (b) at all times –
    - (i) display the certificate prominently on the premises; and
    - (ii) maintain the certificate in a legible condition;
  - (c) immediately notify the chief fire officer in writing of any change to the trade name, activity or governing or similar body of any occupier of the building or structure;
  - (d) submit any application for renewal of the certificate of fitness at least 30 days before its expiry in the form and manner prescribed.
- (2) Any person who contravenes subsection (1) commits an offence.

#### **45. Cancellation of certificate of fitness**

- (1) The chief fire officer may cancel any certificate of fitness in respect of premises or temporary structure if he has reason to believe that –
  - (a) the owner or person in charge of the premises concerned contravenes or fails to comply with any provision of this by-law; or
  - (b) the building or structure contravenes or does not comply with the requirements of this by-law.
- (2) Subject to subsection (3), before the chief fire officer cancels a certificate of fitness as contemplated in subsection (1), he must –
  - (a) give the owner or person in charge of the premises written notice of the intention to cancel the certificate of fitness and the reasons for such cancellation;

- (b) give the owner or person in charge of the premises a period of at least 21 days to make written representations regarding the matter to the municipality.
- (3) If the chief fire officer has reason to believe that the failure to cancel a certificate of fitness may endanger any person or property, he may cancel a certificate of fitness without prior notice to the owner or person in charge of the premises as contemplated in subsection (2).
- (4) If the chief fire officer cancels a certificate of fitness in terms of subsection (3), he must –
  - (a) furnish the owner or person in charge of the premises or temporary structure concerned with written notice of the cancellation;
  - (b) give the owner or person in charge of the premises a period of at least 21 days to make written representations regarding the matter to the municipality.

*Part E: Water supply for fire fighting purposes*

**46. Township development water supply requirements**

- (1) Every person who develops or redevelops a township must design and develop that township with a sufficient water supply, minimum fire flow and hydrant requirements as contemplated in section 11 of SANS 10090 and must furnish written proof of such compliance to the chief fire officer.
- (2) Every person who develops or redevelops a township must ensure that –
  - (a) the storage capacity and rate of replenishment of the reservoirs supplying water to the township are sufficient for the fire-fighting purposes contemplated in this by-law;
  - (b) the water supply from these reservoirs is reticulated in a manner that ensures that the water supply to any area in the township can be provided from at least two directions; and
  - (c) double supply mains are installed from the water supply source to the distribution reservoirs and double pumps are installed for the delivery of the water supply.
- (3) Subsection (2)(c) is deemed to be satisfied, if -
  - (a) the water is supplied to the township from more than one reservoir;
  - (b) each reservoir receives water from a separate supply main and pump; and
  - (c) the reservoirs are connected to each other.
- (4) Every person who develops or redevelops a township must ensure that –
  - (a) the water distribution system is designed and equipped with control valves positioned so that it is not necessary to close off any branch or any portion of the distribution system for more than 150 metres in any high risk area or for more than 300 metres in any moderate or low risk area in the event that the system, excluding any of the branches, is damaged or requires repair; and
  - (b) if the redevelopment of any township alters the fire risk category of any area in the township as contemplated in section 49, the water reticulation system is adapted without delay so as to comply with the requirements of sections 47 and 48.
- (5) The chief fire officer must inspect fire hydrants and conduct flow and pressure tests as contemplated in SANS 10090.

- (6) Any person who contravenes subsections (1), (2), (3) and (4) commits an offence.

#### **47. Township development fire-extinguishing stream requirements**

- (1) Every person who develops or redevelops a township must ensure that the water supply provides a fire-extinguishing stream that is immediately available to the municipality in an emergency, of the following volume and duration:

<b>Fire risk category</b>	<b>Minimum volume of extinguishing stream (litres per minute)</b>	<b>Minimum duration of extinguishing stream (hours)</b>
High risk	11 500	6
Moderate risk	5 750	4
Low risk	2 300	2

- (2) Any person who contravenes subsection (1) commits an offence.

#### **48. Township development fire hydrant requirements**

- (1) Every person who develops or redevelops a township must ensure that fire hydrants are plotted on a plan and installed in accordance with the following minimum delivery volumes and distance frequencies:

<b>Fire risk category</b>	<b>Minimum fire hydrant delivery volume measured at peak consumption (litres per minute)</b>	<b>Minimum distance between fire hydrants (metres)</b>
High risk	1980	120
Moderate risk	1 150	180
Low risk	900	240

- (2) Every person who develops or redevelops a township must ensure that the position of fire hydrants is plotted accurately on a plan that is furnished to the chief fire officer for operational fire-fighting purposes.

- (3) Any person who contravenes subsections (1) and (2) commits an offence.

#### **49. Fire risk categories**

- (1) For purposes of sections 47 and 48, the following areas of a township must be regarded-

- (a) as high risk –

- (i) any factory area, high density shopping area, warehouse or commercial building;
- (ii) any plantation, timber yard or wooden building;
- (iii) any building higher than 3 storeys;

- (iv) any building in which hazardous substances are used, handled or stored or in which hazardous processes are conducted; and
- (v) any other area that has a high fire risk or high fire spread risk;
- (b) as moderate risk –
  - (i) any area in which –
    - (aa) factories, commercial buildings or residential buildings are generally detached from each other and do not exceed 3 storeys; and
    - (bb) the chief fire officer has not declared the materials processed or stored in these buildings as highly dangerous;
  - (ii) any area where the fire risk and spread risk of fire is moderate; and
  - (iii) any other area that is not a high or low risk area; and
- (c) as low risk –
  - (i) any area that is mainly residential or semi-rural;
  - (ii) any area that has predominantly detached, duet, cluster or town house developments; and
  - (iii) any area where the fire risk or risk of spread of fire is slight or insignificant.

#### **50. Connections to water reticulation system**

- (1) No person may obtain a water connection to the water reticulation system of the municipality unless the fire protection plans for the premises to be connected have been approved by the chief fire officer.
- (2) Every person or owner of premises who requires a water connection to the water reticulation system of the municipality must –
  - (a) if the premises to be connected are protected by a sprinkler installation, ensure that –
    - (i) the connection is calculated and designed for each sprinkler installation in accordance with a rational design as contemplated in the National Building Regulations, and
    - (ii) the size, delivery pressure and flow of the water connection is calculated in advance by the responsible engineer;
  - (b) if the chief fire officer requires a larger water connection for purposes of fire-fighting, provide the larger water connection;
  - (c) ensure that the size, work pressure and delivery flow, except in the case of a water connection to a sprinkler installation, is calculated and designed in accordance with SANS 0400 (Part W); and
  - (d) ensure that the water installation upon completion complies with the provisions of SANS-1:1994.
- (3) Any person who contravenes subsection (1) commits an offence.

#### *Part F: Prevention of fire hazards*

#### **51. Applicable legislation, permit procedures and norms and guidelines**

- (1) The municipality, taking cognisance of the provisions of the Environment Conservation Act, 1989, (Act No. 73 of 1989), the National Veld and Forest Fires Act, 1998, (Act No. 101 of 1998), the Conservation of Agricultural Resources act, 1983, (Act 43 of 1983) and the regulations made under these acts, adopts the provisions thereof in this part.

(2) The municipality may determine and publish permit procedures, norms, standards and guidelines which describe appropriate measures for the submission and consideration of applications in terms of this by-law, and such procedures, norms standards and guidelines may be kept in the form of an operational manual.

(3) The procedures, norms, standards and guidelines contemplated in subsection (2) may differentiate between communities, geographical areas and different kinds of premises.

## **52. Certain fires prohibited**

(1) No person may make or allow any other person to make a fire that may endanger any person, animal or property.

(2) No person may burn or allow any other person to burn any refuse or combustible material—

- (a) without the prior written permission of the chief fire officer; or
- (b) unless the refuse or combustible material is burnt in an approved incinerating device.

(3) 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.

(4) The prohibition in subsection (2) does not apply to any fire made —

- (a) in an approved and purpose-made stove, fireplace or hearth that forms an integrated part of a building or structure;
- (b) for the purpose of preparing food on private premises set aside for that purpose; or
- (c) in any device for preparing food which —
  - (i) is heated by electricity or liquefied petroleum gas; and
  - (ii) is so positioned that the fire does not endanger any person, animal or property.

(5) Any person who contravenes subsections (1), (2), (3) and (4) commits an offence.

## **53. Storage and accumulation of combustible material and overgrown premises or road reserves**

(1) No person may store any combustible material or allow it to be stored, at any place or in any manner that may pose a fire hazard to any person, animal or property.

(2) No person may allow the accumulation of dust at any place in quantities sufficient to pose a fire hazard to any person, animal or property.

(3) No person may use or allow to be used any sawdust or similar combustible material to soak up any flammable liquid.

(4) No person may allow soot or any other combustible material to accumulate in any chimney, flue or duct in such quantities or in any manner that may pose a fire hazard to any person or property.

(5) No person, whether as owner or person in charge of land or premises, may allow any vegetation to become overgrown at such land or premises, including road reserves of roads under national or provincial control, to the extent that it may pose a fire hazard to any person, animal or property.

(6) If a fire hazard contemplated in subsection (5) arises, the owner or person in charge of the premises must without delay eliminate the hazard or cause the hazard to be eliminated by —

- (a) cutting any grass, leaves or weeds associated with the fire hazard to a maximum height of 150 millimetres;
  - (b) pruning, chopping down or sawing any shrub or tree; and
  - (c) removing any resulting combustible residue from the property.
- (7) Any person who contravenes subsections (1), (2), (3), (4), (5) and (6) commits an offence.

**54. Electrical fittings, equipment and appliances**

- (1) No person may cause or allow –
- (a) any electrical supply outlet to be overloaded; or
  - (b) any electrical appliance or extension lead to be used in any manner that may pose a fire hazard to any person or property.
- (2) Any person who contravenes subsection (1) commits an offence.

**55. Flame-emitting devices**

- (1) No person may use or cause or allow the use of any flame-emitting device, including but not limited to any candle, lantern or torch, in any manner that may pose a fire hazard to any person or property.
- (2) Any person who contravenes subsection (1) commits an offence.

**56. Discard of flammable liquid or substance in sewers or drains**

- (1) No person may discard into, or cause, permit or allow a flammable liquid or flammable substance to enter any waste or foul water or storm water sewer or drain whether underground or on the surface.
- (2) A person who becomes aware of any escape, whether accidental or otherwise, of any quantity of flammable liquid or flammable substance which is likely to constitute a fire hazard, from any premises or vehicle into any sewer or drain or any inlet or drain linking with such sewer or drain, must immediately report such escape to the chief fire officer.
- (3) Any person who contravenes subsections (1) and (2) commits an offence.

**57. Flammable gas**

- (1) No person may fill any balloon or other device with flammable gas without the written authority of the chief fire officer, and subject to such conditions as he may require after having regard to the circumstances of the specific case.
- (2) Any person who contravenes subsection (1) commits an offence.

**58. Smoking restrictions and discarding of combustibles**

- (1) 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.
- (2) A person may not remove or damage a “No Smoking” sign.
- (3) 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.
- (4) 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.

(5) Where smoking is permitted, adequate provision must be made for the safe disposal of any smoking materials and matches.

(6) No person may discard or otherwise dispose of a burning 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.

(7) Where any 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.

(8) Any person who contravenes the provisions of this section commits an offence.

#### **59. Safety requirements for informal settlement areas**

In the event of establishment of any informal settlement, inclusive of any temporary settlement area, the following minimum requirements shall apply:

- (a) a safety distance of 3 metres between structures shall be maintained;
- (b) the settlement must be divided into blocks of not more 20 structures per block, with a minimum distance of 6 metres between blocks.

### **CHAPTER 5: CERTIFICATE OF REGISTRATION FOR USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES**

#### **60. Use, handling and storage of flammable substances prohibited in certain circumstances**

(1) Subject to the provisions of subsection (3), no person may use, handle or store any flammable substance or allow such substance to be used, handled or stored on any premises unless that person is the holder of a certificate of registration issued by the chief fire officer in respect of the flammable substance and the premises concerned.

(2) A certificate of registration contemplated in subsection (1) is not required if the flammable substance concerned is of any class and does not exceed the quantity stipulated in Schedule 2.

(3) No person may use, handle or store any flammable substance in respect of which no certificate of registration is required or allow such substance to be used, handled or stored on any premises, unless the flammable substance –

- (a) is used, handled or stored in a manner that ensures that –
  - (i) no flammable substance nor any flammable substance fumes come into contact with any source of ignition that may cause the flammable substance or fumes to ignite;
  - (ii) in the event of a fire or other emergency, the escape of any person or animal is not hindered or obstructed in any way; or
- (b) is used, handled or stored –
  - (i) in a naturally ventilated room that prevents the accumulation of fumes or gas;
  - (ii) in a suitable place outdoors that ensures the safe disposal of fumes or gas; or
- (c) is stored in strong, gas-tight containers and labelled as such.

- (4) Any person who contravenes subsections (1) and (3) commits an offence.

**61. Application for certificate of registration for flammable substances**

- (1) An application for a certificate of registration contemplated in section 60(1) must be completed and submitted in the form and manner prescribed.

**62. Issue of certificate of registration**

- (1) If the chief fire officer issues a certificate of registration to any person, he must endorse on the certificate –

- (a) the class and quantity of the flammable substance for which the premises have been registered;
  - (b) the number of storage tanks or storage facilities on the premises and their capacities;
  - (c) the number of flammable substance storerooms on the premises and their capacities;
  - (d) the number of liquefied petroleum gas installations, types of installations and the combined capacity of all cylinders that may be stored on the premises;
  - (e) the number of storage facilities for any other flammable substance and the volume of each such facility;
  - (f) the period of validity and expiry date of the certificate; and
  - (g) the physical address of the premises and the name and postal address of the occupant.
- (2) A certificate of registration –
- (a) is not transferable between premises;
  - (b) may not be issued by the chief fire officer for a period exceeding 12 months;
  - (c) may be transferred to the new owner of the premises in respect of which it was issued, only if an application for such transfer is approved by the chief fire officer in writing.
- (3) A certificate of registration is valid only for –
- (a) the installation for which it was issued;
  - (b) the state of the premises at the time of issue; and
  - (c) for the quantities of flammable substance stated on the certificate.

**63. Availability of certificate of registration at premises**

- (1) The holder of a certificate of registration must ensure that the certificate is available on the premises concerned at all times for inspection by any member.

**64. Fire-fighting equipment**

- (1) Any person who holds a certificate of registration or other authorisation contemplated in this by-law must ensure that the premises to which the authorisation applies, are equipped with –
- (a) subject to the provisions of subsection (6), portable fire extinguishers –
    - (i) as specified in SANS 1567 (carbon dioxide-type), SANS 810 (dry chemical-type), SANS 1573 (foam-type) and SANS 1571 (transportable-type);

- (ii) in such numbers as is appropriate in each section of the premises in accordance with the SANS codes applicable to the flammable substance and risk concerned;
- (b) if applicable, hose reels as specified in SANS 453 (hose reels), that are connected to a water supply –
  - (i) as contemplated in SANS 0400 (Part W); and
  - (ii) that enables each hose reel to maintain a minimum flow of 0,5 litres per second at a minimum work pressure of 300 kPa;
- (c) if applicable, fire hydrants –
  - (i) with couplings as specified in SANS 1128 (Part II) (fire-fighting equipment- couplings); and
- (d) in a ratio of at 1 to every 1000 square metres or part thereof.
- (e) if applicable, in relation to any above-ground facility, a sprinkler system or dilute system that –
  - (i) is approved by the chief fire officer; and
  - (ii) with the exception of temporary storage facilities, is installed in a position indicated in the building plans for the premises.
- (2) Notwithstanding the provisions of subsection (1), if the chief fire officer believes that there is any exceptional hazard or risk in respect of the premises concerned, he may –
  - (a) specify the type of fire extinguisher to be installed;
  - (b) require that a greater number of fire extinguishers be installed; and
  - (c) require that a fire detection or warning system be installed.
- (3) The holder of any certificate of registration or other authorisation contemplated in this by-law must ensure that all fire-fighting equipment contemplated in subsection (1) –
  - (a) is inspected, maintained and serviced to the satisfaction of the chief fire officer –
    - (i) by a competent, registered and appropriately qualified tradesman in accordance with the provisions of SANS 1015 and SANS 1475;
    - (ii) at least every 12 months;
  - (b) if installed outside the premises, is adequately protected from the weather; and
  - (c) is positioned prominently or where this is not possible, the position of the fire-fighting equipment is clearly indicated by a symbolic safety sign-
    - (i) in accordance with the specifications of SANS 1186; and
    - (ii) to the satisfaction of the chief fire officer.
- (4) Any person who contravenes subsections (1), (2) and (3) commits an offence.

#### **65. Amendment to certificate of registration**

- (1) The chief fire officer may amend any certificate of registration on application by the holder.

#### **66. Cancellation of certificate of registration**

- (1) The provisions of section 45, read with the necessary changes, apply to any cancellation by the chief fire officer of a certificate of registration.

**67. Renewal of certificate of registration**

(1) Any application for the renewal of a certificate of registration must be submitted to the chief fire officer at least 30 days prior to the expiry date of the certificate.

**68. No authorisation required for certain motor vehicle fuel tanks**

(1) No certificate of registration contemplated in section 60(1) or any other authorisation contemplated in this by-law is required in respect of flammable liquids in a fuel tank –

- (a) of any motor vehicle; and
- (b) of any stationary engine if the volume of the fuel tank does not exceed 1 000 litres.

**69. Record of certificates of registration**

(1) The chief fire officer must keep updated records of all premises in respect of which a certificate of registration has been issued, amended or renewed.

**CHAPTER 6: DECLARATION OF FIRE CONTROL ZONES****70. Fire Control Zones**

(1) Where the Chief Fire Officer is of opinion that a fire control zone should be declared in an area or that a fire control zone should be disestablished, he or she must, after consultation with the Fire Protection Association for its area of jurisdiction, cause such intention to be published in terms of the municipality's public participation policy.

(2) If the municipality is of opinion that any objection or comment should be investigated, it may decide to hold a public enquiry.

(3) If the municipality decides to hold a public inquiry, it must:

- (a) appoint a suitably qualified person or panel of persons to hold such enquiry; and
- (b) determine the procedure for the public inquiry, which may include a public hearing.

(4) The person or panel of persons appointed to hold such enquiry must conduct the inquiry in accordance with the procedure prescribed and compile a written report to the relevant portfolio committee on the inquiry and give reasons for any administrative action recommended.

(5) Where practical, the municipality shall as soon as possible after the submission of the report to the relevant portfolio committee, publish a concise summary of such report and the particulars of the places and times at which the report may be inspected and copied; and

(6) After the municipality has taken into account any comment or objection in respect of such proposed declaration or disestablishment it may declare a fire control zone or disestablish any such fire control zone concerned.

(7) The municipality must publish such zone or amended zone.

## **CHAPTER 7: GENERAL PROVISIONS REGARDING THE USE, HANDLING AND STORAGE OF FLAMMABLE SUBSTANCES**

### **71. General prohibitions regarding the use, handling and storage of flammable substances**

- (1) No person who uses, handles or stores a flammable substance or allows them to be used, handled or stored on any premises may –
  - (a) do anything or allow anything to be done that may result in or cause a fire or explosion;
  - (b) do anything or allow anything to be done that may obstruct the escape to safety of any person or animal during an emergency.
- (2) No person may –
  - (a) dump or spill or allow the dumping or spilling of any flammable substance into any borehole, sewer, drain system or surface water;
  - (b) discard or allow the discarding of any flammable substance from any premises in any way other than by a competent person who is properly equipped and authorised to do in terms of this by-law;
  - (c) make or bring any fire or device capable of producing an open flame or allow any other person to do so, within 5 metres of any place where a flammable substance is stored;
  - (d) use or allow to be used any device in connection with a flammable substance in any basement level of a building, other than a gas welding or cutting device, used for the sole purpose of maintenance of the building;
  - (e) while any person, except the driver or any other person responsible for a bus contemplated in the National Road Traffic Act, is in or on the bus –
    - (i) fill or allow the filling of its fuel tank; or
    - (ii) transport or allow the transport of any flammable substance on the bus, except in its fuel tank; and
  - (f) deliver or supply or allow to be delivered or supplied, any flammable substance to any premises unless the owner or person in charge of the premises is in possession of a valid certificate of registration.
- (3) Any person who contravenes subsections (1) and (2) commits an offence.

### **72. Use, handling and storage of liquefied petroleum gas**

- (1) No person may use, handle or store liquefied petroleum gas in any quantity exceeding that stipulated in Schedule 2 unless –
  - (a) the person is in possession of a certificate of registration contemplated in section 60; and
  - (b) the use, handling and storage of the liquefied petroleum gas complies with the requirements of SANS 087, Parts 1, 3, 7 and 10.
- (2) Liquid petroleum gas may only be used, handled or stored within property boundaries and in compliance with safety distances stipulated in SANS 087, Parts 1, 3, 7 and 10.
- (3) Any storage of liquid petroleum gas cylinders at any service station for retail purposes must comply with SANS 087, Part 7.
- (4) No liquid petroleum gas cylinder may be used, handled or stored at any public exhibition or demonstration without the prior written permission of the chief fire officer.

(5) An application for permission contemplated in subsection (4) must be made in writing at least 14 days before the event concerned.

(6) The chief fire officer may impose any reasonable condition on the use, handling and storage of liquid petroleum gas cylinders at a public exhibition or demonstration, including but not limited to, the number of cylinders, the manner of storage, safety distances and other safety requirements.

(7) Any person using, handling or storing any liquid petroleum gas cylinder at any public exhibition or demonstration must comply with any condition imposed in terms of subsection (6).

(8) Any person who contravenes subsections (1), (2), (3), (4), (5), (6) and (7) commits an offence.

### **73. Display of symbolic warning signs required**

(1) The owner or person in charge of any premises where any flammable or explosive substance is used, handled or stored must, in the affected area of the premises, display symbolic signs –

- (a) prohibiting smoking and open flames;
- (b) of a size and number determined by the chief fire officer; and
- (c) prominently in places where the signs can be clearly observed.

(2) No person may disregard or allow to be disregarded any prohibition on a symbolic sign displayed in terms of subsection (1).

(3) Any person who contravenes subsections (1) and (2) commits an offence.

### **74. Duty to report fires, accidents and dumping**

(1) If any fire, accident or dumping involving a flammable substance has caused damage to any person, animal, property or the environment on any premises, the owner or occupier of the premises must immediately report it to the chief fire officer.

(2) Any person who contravenes subsection (1) commits an offence.

## **CHAPTER 8: STORAGE OF FLAMMABLE SUBSTANCES**

### **75. Storage of flammable substances prohibited in certain circumstances**

(1) No person may store or allow the storage of any flammable substance in any storeroom unless –

- (a) that person has a certificate of registration contemplated in section 60(1); and
- (b) the storeroom complies with the requirements of this by-law and any other applicable law.

(2) Any person who contravenes subsection (1) commits an offence.

### **76. Taking of samples in respect of flammable substances**

(1) Whenever a member inspects any premises and suspects that a flammable substance is used, handled or stored on such premises without a certificate of registration or other authority as contemplated in this by-law, such member must take a sample of such substance for the purposes of analysis or examination.

(2) Any sample as contemplated in subsection (1) must be taken in the presence of the owner or person in charge of the premises and must –

- (a) be divided into two equal parts;

- (b) be sealed in similar containers; and
  - (c) such containers must be marked with the following information -
    - (i) the address of the premises;
    - (ii) the trade name of the premises or concern;
    - (iii) the name and signature of the person in whose presence the sample was taken;
    - (iv) the date and time the sample was taken; and
    - (v) a description of the location on the premises where the sample was taken.
- (3) The chief fire officer must within reasonable time submit any sample taken as contemplated in subsection (1) to an accredited institution for an analysis or examination and written report on the findings.

#### **77. Symbolic safety signs must be displayed**

- (1) The holder of a certificate of registration for a storeroom to be used for any flammable substance must ensure that -
- (a) symbolic safety signs prohibiting open flames and smoking are displayed in the storeroom -
    - (i) of a number determined by the chief fire officer;
    - (ii) of dimensions at least 290 millimetres by 200 millimetres; and
    - (iii) manufactured in accordance with SANS 1186;
  - (b) the groups of flammable substances and their corresponding quantities which may be stored in the storeroom are indicated on the outside of every door to the storeroom in red letters at least 75 millimetres high, against a white background.
- (2) Any person who contravenes subsection (1) commits an offence.

#### **78. Construction of flammable substance storerooms**

- (1) Every storeroom must be designed and constructed according to the following criteria -
- (a) the storeroom floor must consist of concrete;
  - (b) the storeroom walls must consist of material that has a fire resistance of at least 120 minutes;
  - (c) the storeroom roof must consist of -
    - (i) reinforced concrete with a fire resistance of at least 120 minutes; or
    - (ii) any other non-combustible material, if the storeroom -
      - (aa) is not situated within 5 metres of any adjacent building or boundary of the premises; or
      - (bb) adjoins a higher wall with no opening within 10 metres of any adjacent building.
- (2) Any person who contravenes subsection (1) commits an offence

#### **79. Requirements for storeroom doors**

- (1) Every storeroom must be equipped with a fire rated fire door that -
- (a) is manufactured and installed in accordance with SANS 1253;
  - (b) opens to the outside;
  - (c) is equipped with a lock or locks approved by the chief fire officer; and
  - (d) is at all times capable of being opened from the inside of the storeroom without the use of a key.

- (2) A storeroom must be equipped with two or more fire doors if the distance to be covered from any part in that storeroom to a door is 4 metres or more, in which case, the fire doors must be installed as far from each other as is practicable in the circumstances.
- (3) Fire doors contemplated in subsections (1) and (2) must if installed on –
  - (a) external walls, be “B” class fire doors; and
  - (b) internal walls in communication within a building, be “D” class fire doors.
- (4) Any person who contravenes subsections (1), (2) and (3) commits an offence

#### **80. Requirements for storeroom windows**

- (1) Every storeroom window frame must –
  - (a) consist of steel;
  - (b) have window panels of dimensions not exceeding 450 millimetres x 450 millimetres; and
  - (c) be fitted with wire glass of a thickness not less than 8 millimetres.
- (2) No storeroom window must be capable of being opened.
- (3) Every storeroom window must be fitted to the external wall of a building.
- (4) Any person who contravenes subsections (1), (2) and (3) commits an offence.

#### **81. Requirements for storeroom catch pits**

- (1) Every storeroom must be designed and constructed so that its floor is recessed below the level of the door sill to form a catch pit –
  - (a) with a holding capacity at least equal to the total volume of hazardous substances capable of being stored in the storeroom, plus 10 percent; and
  - (b) if required by the chief fire officer –
    - (i) covered at door sill level by a strong, stable, non-combustible and oxidation free floor grill; and
    - (ii) equipped, at its lowest level, with a non-corrosive drainage valve for cleaning purposes and product recovery.
- (2) The floor grill contemplated in subsection (i) must contain a suitably positioned access hatch for cleaning purposes.
- (3) Any person who contravenes subsections (1) and (2) commits an offence.

#### **82. Ventilation of storerooms**

- (1) Every storeroom must be designed and constructed to ensure –
  - (a) the effective ventilation of flammable substance fumes;
  - (b) that fumes released from the storeroom into the open air will not come into contact with any source of ignition.
- (2) If the storeroom is designed and constructed for natural ventilation, the owner or person in charge of the storeroom must ventilate the storeroom at a minimum cycle of 30 air changes per hour by installing non-combustible airbricks –
  - (a) that are not less than 140 millimetres by 250 millimetres in extent, with non-corrosive gauze wire with a minimum opening diameter of 0.5 millimetres;
  - (b) that are provided in at least 3 external walls of the storeroom; and
  - (c) that are positioned 100 millimetres above the level of the sill and 100 millimetres below the level of the roof and not more than 450 millimetres apart.

(3) If the storeroom is designed and constructed for mechanical ventilation, the owner or person in charge of the storeroom must equip it with a mechanical ventilation system –

- (a) designed and installed for this purpose;
  - (b) with a flow rate of 0,5 meters / second across the store;
  - (c) with vanes that consist of a static-free material;
  - (d) that discharges through a vertical metal duct into the open air –
    - (i) not situated within 5 metres of any opening of a building or erf boundary; and
    - (ii) terminating at least 1 metre above roof height or at least 3,6 meters above ground level, whichever is the greater;
  - (e) equipped with ventilators that are firmly attached to the inside of the walls of the storeroom and, in the case of bottom ventilators, as close as possible to the level of the sill;
  - (f) with all ventilation or air duct openings in the external wall opposite the mechanical ventilator installed 100 millimetres above the level of the sill to ensure effective cross-ventilation; and
  - (g) equipped with ducting material that –
    - (i) is as short as possible in the circumstances and does not have sharp bends; and
    - (ii) is fitted with a fire damper of at least 120 minutes fire resistance at any point where the ducting exits the storeroom, if ducting material is installed external to the storeroom in communication with the remainder of the building
- (4) Any person who contravenes subsections (1), (2) and (3) commits an offence.

### **83. Electrical equipment in storerooms**

- (1) The owner or person in charge of any storeroom must ensure that –
- (a) all electrical apparatus, fittings or switch gear used or installed in the storeroom are used or installed as contemplated in SANS 0108;
  - (b) no switch gear, distribution box, fuse or other electrical equipment, except electrical equipment as contemplated in SANS 0108, is situated –
    - (i) inside the storeroom; or
    - (ii) in any position where it may come into contact with any flammable substance fumes leaving the storeroom;
  - (c) any metal part, electrical fittings and device used in or in connection with the storeroom are earthed effectively to each other and to the ground;
  - (d) any mechanical ventilation system switch is situated outside the storeroom;
  - (e) any mechanical ventilation system is on at all times, except when the system is being repaired or replaced, in which case the system must be repaired or replaced without delay; and
  - (f) all electrical apparatus and fittings, except the mechanical ventilation system, are switched off when the storeroom is unattended.
- (2) Any electrical installation in a storeroom may be installed and certified only by an electrician who is qualified and competent by virtue of his or her training and experience.
- (3) The owner or person in charge of a storeroom must submit the certificate contemplated in subsection (2) to the chief fire officer for record purposes immediately after installation contemplated in such subsection.

- (4) Any person who contravenes subsections (1), (2) and (3) commits an offence.

**84. Foam inlets required for certain storerooms**

- (1) The owner or person in charge of a storeroom that is used or intended to be used for storing more than 5000 litres of flammable substance must ensure -
- (a) that the storeroom is provided with a foam inlet consisting of a 65 mm male instantaneous coupling and mild steel pipe work leading to the inside thereof; and
  - (b) that the foam inlet is identified by a sign in block letters at least 100 millimetres high, displaying the words "foam inlet".
- (2) Any person who contravenes subsection (1) commits an offence.

**85. Shelving in storerooms**

- (1) The owner or person in charge of a flammable storeroom must ensure that any racking of shelving erected or installed in the storeroom is of non-combustible material.
- (2) Any person who contravenes subsection (1) commits an offence.

**86. Unauthorised use and entry of storerooms prohibited**

- (1) No person may -
- (a) without the authority of the owner or person in charge, enter or allow any other person to enter any flammable storeroom;
  - (b) use any storeroom or allow it to be used for any purpose other than for the use, handling or storage of flammable substances;
  - (c) allow any person to work in a storeroom unless all the doors of the storeroom are wide open or the mechanical ventilation system is switched on; or
  - (d) place or allow to be placed any obstruction or hindrance in a passage of any storeroom or in front of any storeroom door.
- (2) Any person who contravenes subsection (1) commits an offence.

**87. Mixing and decanting rooms**

- (1) The owner or person in charge of any premises where quantities of flammable liquids exceeding those stipulated in Schedule 2 are decanted or mixed, must ensure that any room where decanting or mixing takes place complies with all requirements of this by-law applicable to storerooms.
- (2) Any person who contravenes subsection (1) commits an offence.

**88. Temporary above ground storage of flammable substances**

- (1) Any person, who wishes to store any flammable substance on premises on a temporary basis, must apply to the chief fire officer for a temporary certificate of registration.
- (2) A temporary certificate of registration may be issued by the chief fire officer -
- (a) for a period not exceeding 12 months;
  - (b) if the flammable substance concerned is required -
    - (i) in respect of excavation work, construction work or road construction if the volume of the flammable substance does not exceed 9 000 litres;

- (ii) in respect of small fleet maintenance or research purposes, if the volume of the flammable substance does not exceed 4 400 litres; and
  - (iii) the application complies with the requirements of SANS 0131 and this Chapter.
- (3) Every holder of a temporary certificate of registration contemplated in subsection (1) must ensure that –
  - (a) a storage tank for the flammable substance is not erected within 3.5 metres of any erf boundary, building, excavation, road, driveway or any other flammable substances or combustible material;
  - (b) adequate provision is made for rainwater run-off from retaining walls or embankments;
  - (c) no source of ignition or potential source of ignition exists within 5 metres of a storage tank;
  - (d) a symbolic sign of dimensions at least 300 millimetres by 300 millimetres prohibiting smoking and open flames is displayed on every side of a temporary storage tank; and
  - (e) at least two 9 kilogram dry chemical fire extinguishers are installed and kept in good working condition, within 10 metres of a temporary storage tank.
- (4) Any person who contravenes subsections (1), (2) and (3) commits an offence.

#### **89. Hand tools must be intrinsically safe**

- (1) The owner or person in charge of any flammable substance storeroom must ensure that any hand tool used in the storeroom is intrinsically safe.
- (2) Any person who contravenes subsection (1) commits an offence.

#### **90. Permanent above ground storage tanks for flammable liquids**

- (1) In addition to any other requirement of this Chapter, the owner or person in charge of an above ground storage tank for flammable liquids must ensure –
  - (a) that the tank is erected or installed –
    - (i) in accordance with SANS 0131 and SANS 089, Part I;
    - (ii) at least 3.5 metres from any erf boundary, building, excavation, road, driveway or any other flammable substance, combustible substance or combustible material;
  - (b) that the flammable liquid stored in the tank must be clearly identified by means of Hazchem placards contemplated in SANS 0232, Part 1.
- (2) Any electrical installation associated with the storage tank must comply with SANS 0108 and SANS 089, Part 2.
- (3) Any person who contravenes subsections (1) and (2) commits an offence.

#### **91. Underground storage tanks for flammable liquids**

- (1) The owner or person in charge of any premises used or intended to be used for the underground storage of any flammable liquid must ensure that any underground storage tank, pump, dispenser and pipe work is erected or installed in accordance with SANS 0400, SANS 089, Part 3 and SANS 0131.
- (2) Any person who contravenes subsection (1) commits an offence.

**92. Installing, erecting, removing and demolishing prohibited without prior notice**

- (1) No person may, in respect of registered premises, erect, install, remove, demolish, extend or change any delivery pump, storage tank, storeroom, spraying room, gas installation, storage facility, fire protection arrangement or floor layout unless that person has given the chief fire officer at least 3 working days prior written notice of the intention to do so, in the form and manner as prescribed.
- (2) The notice in term of subsection (1) must include the intended commencement date and estimated completion date of the proposed work.
- (3) The provisions of subsection (1) do not apply to –
  - (a) the necessary replacement of equipment or their parts; and
  - (b) the replacement of any storage tank with a tank of the same capacity.
- (4) Any person who contravenes subsection (1) and (2) commits an offence.

**93. Repair and maintenance of access to storage tanks**

- (1) No person may enter or allow any other person to enter any storage tank that has at any time contained a flammable substance –
  - (a) until such tank has been de-aerated and made free of gas and fumes as contemplated in SANS 089 (Part I); or
  - (b) unless that person –
    - (i) is wearing an effective self-supporting breathing apparatus; and
    - (ii) is attached to a rescue rope under the control of a competent and responsible person.
- (2) Any person who contravenes subsection (1) commits an offence.

**94. Termination of storage and use of flammable substances**

- (1) If an aboveground 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 is located, must –
  - (a) notify the chief fire officer in writing within seven days of such storage or use ceasing;
  - (b) ensure that the flammable substance is removed from the installation and the premises are rendered safe within 30 days of the cessation;
  - (c) unless the chief fire officer directs otherwise, remove the installation including any associated pipe work from the premises within 180 days of the cessation; and
  - (d) to the satisfaction of the chief fire officer, restore any public foot path or roadway that has been disturbed by the removal of the installation within a period of 7 days of completing such removal.
- (2) Notwithstanding the provisions of subsection (1) if the removal of any underground tank installation for the storage of a flammable substance will detrimentally affect the stability of the premises concerned, the owner or person in charge of the installation may, with the prior written permission of the chief fire officer, fill the underground tank with liquid cement slurry.
- (3) Any person who contravenes subsection (1) commits an offence.

**95. Container handling and storage**

- (1) Every flammable substance container must -
  - (a) be kept closed when not in use;
  - (b) be declared gas- or vapour-free by a competent person before any modification or repairs are undertaken;
  - (c) be manufactured and maintained in such condition as to be reasonably safe from damage and to prevent leakage of any flammable substance or vapour from the container.
- (2) Every flammable liquid container must be labelled and marked with words and details indicating the flammable liquid contained in the container as well as any hazard associated with the flammable liquid.
- (3) No person may extract flammable liquid from a container of a capacity exceeding 200 litres, unless the container is fitted with an adequately sealed pump or tap.
- (4) Any empty flammable liquid container must be stored in a storeroom.
- (5) Notwithstanding the provisions of subsection (4) the chief fire officer may permit the storage of any empty flammable liquid container in the open air if no storeroom is available and if he is satisfied that -
  - (a) the storage area is in a position and of sufficient size that a fire hazard or other threatening danger will not be caused;
  - (b) the storage area is well ventilated and enclosed by a wire mesh fence;
  - (c) the fence supports are of steel or reinforced concrete;
  - (d) the storage area has an outward opening gate that is kept locked when not in use;
  - (e) when the floor area exceeds 10 m<sup>2</sup> an additional escape gate is installed and fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key; and
  - (f) the storage area is free of vegetation and has a non-combustible, firm and level base.
- (6) When the quantity of flammable and combustible liquids to be stored is more than 100 litres of class I and/ or more than 210 litres of class II and class III A combined, such flammable and combustible liquids must be stored in a store room.
- (7) Any person who contravenes subsections (1), (2), (3), (4) and (6) commits an offence.

**CHAPTER 9: HAZARDOUS SUBSTANCES****96. Application for the approval of plans**

- (1) Notwithstanding the provisions of the National Building Regulations and Building Standards Act, 1977, every owner of premises on or in which any layout or structural change is envisaged, or on which any facility for or in connection with the use, storage or handling of hazardous substances is to be erected or installed, must submit plans in triplicate to the municipality on the prescribed form.
- (2) The fees for the scrutiny of plans are as stipulated in the municipality's Tariff Policy, which fees exclude the plan submission fees levied by the Building Control Officer.
- (3) Other than plans determined to be minor building work, all plans submitted to the Chief Fire Officer must bear the official stamp or mark of the Building Control Officer.
- (4) No construction work or installation may be commenced unless the building contractor is in possession of officially approved plans, which approval shall include the

comments of the Chief Fire Officer. The plans must be available on the premises for inspection for the duration of construction or installation work.

(5) The provisions of section 23 of the National Building Regulations and Building Standards Act, 1977, are applicable to the approval of all plans as contemplated in this section.

(6) The approval of any plan by the municipality will be null and void if, within one year of the date of such approval, the buildings, constructions or installations have not been erected in accordance with the approved plans.

(7) Any owner of premises or any other person who engages in any activity contemplated in this section on behalf of the owner and who fails to comply with the provisions of this section commits an offence.

#### **97. Issuing of certificates of registration**

(1) No person may use or permit hazardous substances to be used, handled or stored on any premises in excess of the quantities as stipulated in Table 1 below unless such person is in possession of a certificate of registration, provided that this section shall not apply to premises where only one group of hazardous substance is kept or used and where the maximum permissible quantity of such substance is not exceeded.

(2) Where in terms of subsection (1), premises are not required to be registered, no person may use or permit any hazardous substance to be used, handled or stored except in such place or in such manner so as to ensure that:

- (a) no hazardous substance or fumes come into contact or are likely to come into contact with any fire, flame, naked light or other source of ignition;
- (b) hazardous substances are stored in strong, labelled and tightly sealed containers whilst not in use.
- (c) the escape of human beings or animals will not be hindered or obstructed in the event of a fire or an emergency situation; and
- (d) no person on any such premises may use or handle hazardous substances or cause or permit them to be used or handled, except in a suitable place out of doors or in a properly ventilated room.

(3) No certificate of registration for the use, handling or storage of hazardous substances may be issued in respect of premises, unless all the applicable provisions of this by-law have been complied with and a written application for registration, on the prescribed form has been submitted to the municipality, together with the prescribed fees.

(4) A certificate of registration:

- (a) must be displayed in a weatherproof container at all times in a conspicuous place on the premises as designated by a member of the municipality;
- (b) must be maintained in a legible condition;
- (c) must reflect the groups and the quantities of hazardous substances for which the premises have been registered;
- (d) must reflect the number of above-ground and/or under-ground storage tanks or storage facilities, and the capacity of each such storage tank or storage facility; and/ or
- (e) must reflect the number of storerooms and the total capacity of each storeroom; and/or

- (f) must reflect the number of gas installations, the type of gas installation and the total volume and/or delivery capacity of each installation; and/or
  - (g) must specify the number of storage facilities for other hazardous substances and reflect the volumes intended for each facility;
  - (h) must reflect a serial number;
  - (i) must indicate whether the issue of such certificate is permanent or temporary;
  - (j) must reflect the period of validity and the expiry date of the certificate:  
Provided that:
    - (i) the period of validity shall be for a maximum of twelve calendar months, calculated from the date of issue,
    - (ii) written application for renewal of such certificate must reach the municipality at least one calendar month prior to the expiry date.
- (5) A certificate of registration is not transferable from one premises to another.
- (6) A certificate of registration may, subject to the provisions of section 30, be transferable from one owner to another or from one control to another on the same premises: Provided that:
- (a) an application for such transfer is made to the municipality on the prescribed form; and
  - (b) if the trade name of the premises changes, the holder of the spraying permit or certificate of registration must ensure that the municipality is immediately notified of such change in writing.
- (7) A certificate of registration will not be issued or renewed unless:
- (a) the municipality is in possession of a set of approved plans as contemplated in section 30 of this by-law; and
  - (b) the prescribed application form has been completed in full and has been submitted to the municipality.
- (8) Any person who is in possession of a valid certificate of registration may apply to the municipality in writing on the prescribed form to have the total quantity of hazardous substances or the number of under-ground tanks, storerooms, gas installations or other storage areas amended, according to need, provided that:
- (a) any application must be accompanied by the prescribed fee;
  - (b) an application will only be approved if the proposed amendments comply with the provisions of this by-law;
  - (c) if an application is approved, the applicant must submit the original certificate of registration to the municipality for amendment.
- (9) The municipality may send the holder of a certificate of registration a reminder for renewal of registration. A holder of a certificate who has not received a reminder is not indemnified from possible prosecution.
- (10) The holder of a certificate of registration must ensure the validity of a certificate of registration.
- (11) Nothing in this section prevents the Chief Fire Officer from requiring any person who is storing, manufacturing, selling, using or handling on any premises any flammable liquid or flammable substance not falling within a Class I, Class II or Class III flammable liquid, to register such premises in terms of this by-law.
- (12) Where any person has a quantity of any notifiable substance which is equal or greater than that specified in the Occupational Health and Safety Act, No 85 of 1993: General Machinery Regulations, 1988: Schedule A, such person shall immediately notify

the municipality and shall forthwith comply with the provisions of the Major Hazard Installation Regulations, 2001.

(13) Notwithstanding the provisions of subsection (12), where the nature or quantities of hazardous substances on any premises are deemed by the Chief Fire Officer to constitute a major hazard, with particular reference to separation distances, he may direct the owner or user of such hazardous substance(s) to conduct a risk assessment in terms of Section 5 of the Major Hazard Installation Regulations published under Government Notice R 692 of 30 July 2001 and submit such findings to the municipality.

(14) Where any premises are determined to be a major hazard installation, the municipality shall forthwith prepare an off-site emergency plan in respect thereof.

(15) Any person who fails to comply with the provisions of this section or who alters a certificate of registration or who attempts to alter a certificate or permits a certificate to be altered is guilty of an offence.

#### **98. Supply of hazardous substances**

(1) No person may:

- (a) supply, have supplied or permit to be supplied to any unregistered premises, greater quantities of any hazardous substance than referred to in table 1 of this by-law;
- (b) deliver or supply, have supplied or permit the supply of any other group of hazardous substance or greater quantities thereof than are specified in the applicable certificate of registration for any premises or person;
- (c) handle or permit any container containing a hazardous substance to be handled in such a manner that will damage or may cause damage to such container;

(2) Any person who fails to comply with the provisions of this section commits an offence.

#### **99. Exemptions**

(1) Notwithstanding anything to the contrary in this by-law and for the purpose of the registration of premises, flammable liquid is not deemed to be stored, handled or transported provided:

- (a) it is contained in the fuel tank of a motor vehicle for normal use;
- (b) it is contained in the fuel tank of a stationary engine: Provided that the volume of the fuel tank does not exceed 1 000 litres and it is surrounded by an impervious bund wall, volumetrically capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank.

(2) Any person who fails to comply with the provisions of this section commits an offence.

#### **100. Renewal of spraying permits and/or certificates of registration**

(1) Any holder of a certificate of registration or spraying permit must submit an application for renewal of the certificate or permit to the municipality on the prescribed form before the first working day of December each year, which form must be accompanied by the prescribed fees; provided that the municipality may require further, additional or amended plans of registered premises for the purposes of renewal.

(2) Any person who fails to comply with the provisions of this section is guilty of an offence.

**101. Temporary storage of hazardous substances**

(1) The municipality may grant a temporary certificate of registration for a period of not more than six months to any person who, for *bona fide* reasons, requires more hazardous substances on the premises than the quantities contemplated in section 101(12) of this by-law: Provided that:

- (a) if the hazardous substances are required for, or in connection with, excavations, construction work and road construction, the quantity must be limited to 14 000 litres;
- (b) an application is submitted on the prescribed form, accompanied by the prescribed fees together with the plans required under section 96 of this by-law; and
- (c) the duration of the temporary storage is at the discretion of the Chief Fire Officer.

(2) Any person whose application for a temporary storage tank is approved must ensure that:

- (a) the storage tank is surrounded by an impervious bund wall, volumetrically capable of containing the maximum proposed quantity of liquid, plus 10% of the volume of the tank;
- (b) provision is made for the run-off of any possible rainwater from the retaining walls or retaining embankments;
- (c) the storage tank is not erected within 5m of any erf boundary, building, excavation, road or driveway;
- (d) no source of ignition or potential ignition is brought within 5m of the storage tank;
- (e) symbolic signs prohibiting smoking and open flames, at least 300mm x 300mm in size, are affixed to all sides of the temporary installation; and
- (f) a minimum of two 9kg dry chemical fire extinguishers are installed within 10m of the temporary installation.

(3) Any person who fails to comply with the provisions of this section commits an offence.

**102. Delivery of hazardous substances**

(1) Any person delivering hazardous substances to any supplier or user:

- (a) may not park any delivery vehicle on or across any pavement or a public road;
- (b) may not place or allow any delivery hose to lie on or across any pavement, public road or other premises, or pass through or over a building;
- (c) must ensure that a 9kg dry chemical fire extinguisher is available and placed in the immediate readiness at all times;
- (d) must ensure that, during the pumped transfer of hazardous substances by pipe or hose, the delivery vehicle and all components of the transfer including the storage facility are bonded and earthed;
- (e) must ensure that the delivery vehicle is positioned so as to enable quick and easy removal thereof in the event of an emergency situation without exacerbating the situation; and
- (f) must ensure that no hazardous substance is transferred from a delivery vehicle to a facility that is leaking or broken.

- (2) The owner of any device connected with or used for the delivery of a hazardous substance must ensure that the device is designed for the intended purpose and is in a safe and good working condition.
- (3) The person in charge of any delivery process relating to any hazardous substance must take reasonable precautionary measures to ensure that no hazardous substance is spilled on any surface during delivery or the transfer thereof from a delivery vehicle to a storage facility.
- (4) No person may transfer or permit the transfer of any hazardous substance to a motor vehicle, aircraft, vessel, ship or boat whilst the power source thereof is in operation.
- (5) No person may transfer a hazardous substance to an aircraft unless and until the aircraft has been bonded to the transfer device and earthed to ground.
- (6) Any person who fails to comply with the provisions of this section commits offence.

### **103. Prohibition of certain actions**

- (1) Any person who on any premises stores or permits, hazardous substances to be stored, handled or used, as the case may be, may not:
  - (a) perform, have performed or permit any act or action that may reasonably result in or cause a fire or an explosion; and
  - (b) perform, have performed or permit any act or action that may reasonably obstruct the escape to safety of any human being or animal during an emergency situation.
- (2) No person may dump or permit any hazardous substance to be dumped into any borehole, pit, sewer, drain system or surface water.
- (3) No person may discard hazardous substances in any manner other than by having or permitting such substances to be removed by a registered hazardous waste disposal agency that is suitably equipped to do so.
- (4) No person may light, bring or use, or permit any fire, flame or anything that produces or is capable of producing an open flame within 5m of any area where hazardous substances are stored, used or handled.
- (5) No person may use or permit any device to be used in connection with hazardous substances in any basement of a building, excluding a gas welding device and/or gas cutting device for the sole purpose of welding and/or cutting in connection with the maintenance of that building,
- (6) With the exception of the driver or other person in charge thereof, no person may fill, have filled or permit the filling of the fuel tank of a bus while there is any other person or persons on board such bus and no person may transport or permit the transportation of any hazardous substances in or on any bus, except in the fuel tank.
- (7) Any person who fails to comply with the provisions of this section commits an offence.

### **104. "No Smoking" Signs**

- (1) The owner of a building must, in areas where flammable and/or explosive hazardous substances are used, stored and handled, display SABS 1186 symbolic signs prohibiting smoking and open flames. Such signs must be of the size specified by the municipality and must be prominently displayed.
- (2) Any owner or person who fails to comply with or who permits any contravention of subsection (1) commits an offence.

TABLE 1

**Maximum quantities of hazardous substances for Exemption from Certificates of Registration  
(Regulation 31) and Service Transport Permits (Regulation 52)**

(A)	SINGLE-LOAD HAZARDOUS SUBSTANCES	QUANTITIES MAY NOT EXCEED
<b>1.</b>	<b>Group I: Explosives</b>	<b>No exemption</b>
<b>2.</b>	<b>Group II: Gases</b>	
2.1	Flammable gases	100kg total cylinder capacity
2.2	Non-flammable gases	333kg total cylinder capacity
2.3	Toxic gases	<b>No exemption</b>
<b>3.</b>	<b>Group III: Flammable liquids</b>	
3.1	Flash point $\leq 18^{\circ}\text{C}$	100 litres
3.2	Flash point $> 18^{\circ}\text{C}$ but $\leq 23^{\circ}\text{C}$	420 litres
3.3	Flash point $> 23^{\circ}\text{C}$ but $\leq 61^{\circ}\text{C}$	1 100 litres
3.4	Flash point $> 61^{\circ}\text{C}$ but $\leq 100^{\circ}\text{C}$	1 100 litres
<b>4.</b>	<b>Group IV: Flammable solids</b>	
4.1	Flammable solids	Section 1.01 250kg
4.2	Pyrophoric substances	<b>No exemption</b>
4.3	Water-reactive substances	<b>No exemption</b>
<b>5.</b>	<b>Group V: Oxidising agents and organic peroxides</b>	
5.1	Oxidising agents	200kg
5.2	Group I organic peroxides in packets	<b>No exemption</b>
5.3	Group II organic peroxides in packets	200kg
<b>6.</b>	<b>Group VI: Toxic/ Infective substances</b>	
6.1	Group I toxic substances in packets	5kg
6.2	Group II toxic substances in packets	50kg
6.3	Group III toxic substances in packets	500kg
6.4	Infective substances	<b>No exemption</b>
<b>7.</b>	<b>Group VII: Radioactive materials</b>	<b>No exemption</b>
<b>8.</b>	<b>Group VIII: Corrosive/ caustic substances</b>	
8.1	Group I acids in packets	50kg
8.2	Group II acids in packets	200kg
8.3	Group III acids in packets	1 000kg
8.4	Group I alkaline substances in packets	50kg
8.5	Group II alkaline substances in packets	200kg
8.6	Group III alkaline substances in packets	1 000kg
<b>9.</b>	<b>Group IX: Miscellaneous substances</b>	
9.1	Liquids	210 litres
9.2	Solids	210 kg
<b>(B)</b>	<b>MULTIPLE-LOAD HAZARDOUS SUBSTANCES</b>	<b>No exemption</b>

### 105. Group I hazardous substances

(1) All Group I hazardous substances (explosives) must be handled, used, stored and transported in accordance with the provisions of SANS 0228, 0229, 0232 and 0263, the Explosives Act, 1956, and the Hazardous Substances Act, 1973, and any regulations made under these Acts, as the case may be.

(2) Any person who by any act or omission commits a breach of any provision of this section commits an offence

**106. Group II hazardous substances**

- (1) Portable containers
  - (a) All portable metal containers and related devices for Group II hazardous substances must be manufactured, marked, maintained, filled and stored in accordance with the provisions of SANS 10019, SABS 0228, SABS 0229 and SABS 0238, as the case may be.
  - (b) All portable metal containers for liquid petroleum gas must be stored, filled and/or installed in accordance with the provisions of SABS 0228, SABS 0229, SABS 0238, SANS 10019 and SANS 10087, Parts 1 to 10, as the case may be.
  - (c) All portable containers for Group II hazardous substances must at all times be transported, stored and/or installed in a vertical position.
- (2) Bulk containers
  - (a) All bulk containers for Group II hazardous substances must be designed, manufactured, maintained and installed in terms of the provisions of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), and any regulations made under the Act; SANS 10019; SANS 10087-3; and the provisions of the National Building Regulations and Building Standards Act, 1977, and any regulations made under the Act, as the case may be.
- (3) Manifold installations
  - (a) No Group II hazardous substance may, for any reason whatsoever, be used, stored, handled or installed indoors in any manifold installation or otherwise on any premises.
  - (b) The provisions of this section are not applicable to the storage, use, handling or installation of any portable liquid petroleum gas container with a maximum water capacity of 45 Litres inside a detached private dwelling, on condition that such container is used solely for *bona fide* residential purposes: Provided that such cylinders are installed in accordance with the requirements of SANS 10087-1.
    - (i) Any person who furnishes proof, as contemplated in subsection (4)(b), must be an approved professional engineer or other registered competent person and, in terms of Regulation A19 of the National Building Regulations, be appointed by the owner or occupier of the building in question.
    - (ii) Scientifically based detailed calculations and tests must form the basis of such proof.
- (4)
  - (a) No person may, without the permission of the Chief Fire Officer, use, handle, display or apply any hydrogen-filled portable containers, hydrogen devices and/or hydrogen balloons indoors, for whatever purpose.
  - (b) In enforcing this subsection, hydrogen gas shall include any gas compound that contains hydrogen gas, unless the non-flammable nature and/or non-explosiveness of the gas compound can be scientifically certified.
- (5) Acetylene welding and/or cutting devices may only be used indoors in accordance with the provisions of SABS 0238: Provided that the Chief Fire Officer may prescribe fire protection requirements concerning the installation, storage and use of such devices.

(6) The installation of under ground pipelines for any Group II hazardous substance within the area, including branches and manifolds of such pipelines, as the case may be, is *mutatis mutandis* subject to the provisions of sections 96 to 104 of this by-law.

(7) Under ground pipelines:

Any under ground pipeline for a Group II hazardous substance must comply with the following requirements:

- (a) The owner of the pipeline must provide fire hydrants, of which the required delivery of each individual fire hydrant must be at least 1 600ℓ per minute at a work pressure of 300 kPa, and such fire hydrants must be parallel to the pipeline at every pump station within the area. The owner must maintain the fire hydrants in a working condition at all times.
  - (b) The owner of a pipeline must provide sufficient cathodic protection for the pipeline and maintain the cathodic protection in a working condition at all times.
  - (c) A pipeline must be indicated by markers approved by the Chief Fire Officer and such markers must be maintained in a functional condition at all times by the owner of the pipeline.
  - (d) The installation and extension of a pipeline or branches to consumers' premises, and the maintenance of the pipeline within the area of the local authority, must *in toto* be done according to a recognised standard approved by the Chief Fire Officer.
  - (e) No construction work above or below the ground may be done within 16m of the pipeline reserve, unless the construction company is in possession of written authorisation to do so, which authorisation has been issued by the controlling authority and the owner of the pipeline.
- (8) Any person who fails to comply with the provisions of this section commits an offence.

#### **107. Flammable liquids**

(1) Tank manufacture

- (a) No person may install, use or utilise or attempt to install, use or utilise any storage tank for the under-ground storage of flammable liquids, unless the tank has been manufactured in accordance with the provisions of SANS 1535.
- (b) Any person who installs, uses or utilises or attempts to install, use or utilise any under-ground storage tank which does not comply with the requirements of SANS 1535 commits an offence.

#### **108. Installation of storage tanks**

(1) Any storage tank for Group III hazardous substances must be installed in accordance with the provisions of SANS 10400; SABS 1089, Parts I, II and III; SABS 10131, Parts I, II and III; SABS 0108 and SABS 086, as the case may be: Provided that:

- (a) all storage tanks installed indoors must be installed in accordance with the provisions of SANS 10131;
- (b) all pumps and filling devices installed indoors must be in purpose-built, registered premises;

- (c) all installations, as contemplated in subsection 106(1) and (2), are subject *mutatis mutandis* to the provisions of section 96 and section 97 of this by-law; and
  - (d) except for storage tanks contemplated in section 108 of this by-law, all above-ground storage tanks may only be installed in bulk depots.
- (2) Any person who fails to comply with the provisions of this section is guilty of an offence.

## **CHAPTER 10: TRANSPORT, SUPPLY AND DELIVERY OF DANGEROUS GOODS**

### **109. Transport of dangerous goods prohibited without permits**

- (1) The owner of any vehicle used for transporting dangerous goods, must -
- (a) be in possession of a valid transport permit issued in accordance with the National Road Traffic Act; and
  - (b) ensure that the transport permit is available in the vehicle for inspection at all times.
- (2) Any person who contravenes subsection (1) commits an offence.

### **110. Application for transport permits**

An application for a transport permit must be completed and submitted to the chief fire officer in the form and manner prescribed.

### **111. Requirements of transport permits**

- (1) A transport permit -
- (a) may not be issued by the chief fire officer for a period longer than 12 months; and
  - (b) must –
    - (i) indicate the date of issue and expiry;
    - (ii) identify the issuing officer and bear that officer's signature;
    - (iii) contain a serial number;
    - (iv) indicate the group and quantity of dangerous goods that may be transported under the permit; and
    - (v) contain a description of the vehicle concerned, including its registration number.

### **112. Cancellation of transport permit**

The provisions of section 45, read with the necessary changes, apply to any cancellation of a transport permit by the chief fire officer.

### **113. Exemption from transport permits**

- (1) A transport permit contemplated in section 109 is not required for the transportation of dangerous goods of the type and not exceeding the quantities stipulated in Schedule 3.

### **114. Design, construction, maintenance and repair of road tankers**

- (1) Every person who designs, constructs, maintains or repairs any road tanker for the transportation of dangerous goods must -

- (a) comply with the provisions of SANS 0189, SANS 1398, SANS 0233, SANS 087, Part 6 SANS 089, Part 1, SANS 0230 and SANS 1518, as the case may be; and
  - (b) ensure that the road tanker is labelled in a manner that complies with the provisions of SANS 0232 and any applicable law.
- (2) Any person who contravenes subsection (1) commits an offence.

**115. Design, construction, maintenance and repair of other vehicles**

- (1) Every person who designs, constructs, maintains or repairs any vehicle for the transportation of dangerous goods, except a road tanker, must ensure that the vehicle –
- (a) is designed and constructed –
    - (i) to safely transport the quantity and type of dangerous goods for which the vehicle is intended to be used; and
    - (ii) with at least two independent axle systems, each with its own suspension system, excluding any trailer forming part of an articulated vehicle;
  - (b) is equipped with –
    - (i) a safety edge or safety railing -
      - (aa) at least 1 metre high when measured from the surface of the body of the vehicle; and
      - (bb) capable of securing dangerous goods containers;
    - (ii) strong and durable straps -
      - (aa) capable of fastening dangerous goods containers securely to the body of the vehicle;
      - (bb) that are anchored firmly to the bodywork of the vehicle; and
      - (cc) that are fitted with a reversible cog winch mechanism that can be locked;
    - (iii) electrical wiring that complies with SANS 314;
    - (iv) at least 2 static-free wheel blocks;
    - (v) a power insulating switch, excluding the ignition switch, situated in close proximity to the vehicle battery and in a position readily accessible in any emergency; and
    - (vi) a spark-proof and static-free tank that is designed, constructed and equipped to protect any dangerous goods consignment from shock or ignition while in transit.
- (2) Any person who contravenes subsection (1) commits an offence.

**116. General prohibitions regarding transport of dangerous goods**

- (1) No person may use or allow to be used, any vehicle to transport dangerous goods, unless –
- (a) the vehicle has a valid roadworthy certificate;
  - (b) if not exempt in terms of section 113, the vehicle is equipped with at least two 9 kilogram dry chemical fire extinguishers -
    - (i) designed and manufactured in accordance with SANS 810 and maintained in accordance with SANS 0105 and SANS 1475; and
    - (ii) positioned and installed so that there is at least one fire extinguisher on each side of the vehicle that can be reached quickly and easily in the event of a fire.

(2) No person may use or allow to be used any vehicle to transport dangerous goods unless the vehicle cabin, body, cargo space, cargo tank, fuel tank, chassis and engine are effectively and permanently earthed with each other.

(3) Any person who contravenes subsections (1) and (2) commits an offence.

#### **117. Supply of dangerous goods prohibited in certain circumstances**

(1) No person may deliver or supply or allow to be delivered or supplied any dangerous goods of a type and in a quantity exceeding that specified in Schedule 2 to any premises that are not registered as contemplated in section 60(1).

(2) No person may deliver or supply or allow to be delivered or supplied any dangerous goods to any premises in contravention of any conditions of the certificate of registration applicable to those premises.

(3) No person may handle or allow to be handled any container containing dangerous goods in a manner that may damage that container.

(4) Every person who delivers dangerous goods must ensure that -

- (a) a 9 kilogram dry chemical fire-extinguisher is available at all times during the delivery;
- (b) during any transfer of the dangerous goods, the delivery vehicle is physically earthed to the storage facility to which the dangerous goods are being transferred;
- (c) while delivering –
  - (i) the delivery vehicle is placed in such a position that it can be moved easily and quickly in the event of an emergency;
  - (ii) the delivery vehicle is not parked on or across a pavement or a road;
  - (iii) no delivery hose lies on or across a pavement, road or other premises;
- (d) no dangerous goods are transferred to a storage facility that does not comply with the requirements of Chapter 8 of this by-law and the provisions of SANS 0263;
- (e) any device connected with, or used for, the delivery of the dangerous goods –
  - (i) is designed for its purpose; and
  - (ii) is maintained in safe and good working condition; and
- (f) no dangerous goods are spilled during delivery.

(5) No person may transfer or allow to be transferred any dangerous goods to any motor vehicle, aircraft, vessel, ship or boat while its power source is in operation.

(6) No person may transfer any dangerous goods to any aircraft unless the aircraft is earthed to the transferral device by means of an earth cable.

(7) Any person who contravenes subsections (1), (2), (3), (4), (5) and (6) commits an offence.

#### **118. Records of transport permits**

The chief fire officer must keep updated records of all vehicles in respect of which a transport permit has been issued, amended or renewed.

## **CHAPTER 11: SPRAY PAINTING AND SPRAYING ROOMS**

### **119. Spray rooms and booths**

A spray room, booth or area designated for the application of a flammable liquid must be constructed and equipped according to the requirements in Schedule 4 of this by-law and must be operated in such a manner as to comply with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act.

### **120. Spraying prohibited without spraying permit**

(1) No person may spray, coat, plate or epoxy-coat any vehicle, article, object or building or part thereof or allow them to be sprayed, coated, plated or epoxy-coated with any flammable substance unless -

- (a) that person is in possession of a spraying permit contemplated in section 121;
  - (b) the spraying, coating, plating or epoxy-coating as the case may be is conducted in a spraying room approved by the chief fire officer on premises registered for that purpose.
- (2) Any person who contravenes subsection (1) commits an offence.

### **121. Application for spraying permit**

- (1) Any person who wishes to obtain a spraying permit must -
- (a) complete and submit to the chief fire officer an application form for such permit in the form and manner as prescribed.

### **122. Cancellation of spraying permit**

The provisions of section 45, read with the necessary changes, apply to the cancellation by the chief fire officer of any spraying permit.

## **CHAPTER 12: MISCELLANEOUS**

### **123. Handling of animals during emergencies**

- (1) The owner, occupier or person in charge of any zoological garden, feedlot, stable, research institution, veterinary practice or any place of veterinary science study, must ensure the professional handling of any animal on the premises concerned during an emergency.
- (2) Notwithstanding the provisions of subsection (1), the chief fire officer may, in respect of any premises, authorise a suitably qualified person to handle or put down any animal during an emergency.
- (3) The municipality may recover any costs incurred in relation to the professional handling or putting down of any animal during an emergency from the owner or person in charge of the premises concerned.

### **124. Exemption from provisions of this by-law**

- (1) Any person may make application to the municipality in writing, for an exemption from any provision of this by-law, specifying the reasons for exemption in such application.
- (2) The municipality may grant an exemption –
- (a) in general or in particular;

- (b) for any period; and
  - (c) subject to any condition that will provide the same overall fire prevention and protection that would result from the full application of this by-law.
- (3) If an exemption is granted in terms of subsection (2), the municipality must issue a certificate of exemption to the person concerned, specifying the scope and period of the exemption and any condition imposed.
- (4) The municipality may amend or withdraw a certificate of exemption at any time.
- (5) The holder of a certificate of exemption must ensure that the certificate is available on the premises concerned at all times for inspection by any member.

#### **125. Approval, authorisation or permission under this by-law**

Any person who requires any approval, authorisation or permission contemplated in this by-law in respect of which no application procedure is provided, must apply for that approval, authorisation or permission -

- (a) by completing and submitting an application in the form and manner determined by the municipality; and
- (b) by paying the prescribed fee.

#### **126. Cancellation of approval, authorisation or permission**

The provisions of section 45, read with the necessary changes, apply to any approval, authorisation or permission contemplated in section 125.

#### **127. By-law binds State**

This by-law binds the State and any person in the municipality of the State.

#### **128. Appeal**

A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

#### **129. Repeal 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, and insofar as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

#### **130. Short title and commencement**

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

## **SCHEDULE 1**

### **GUIDELINES FOR EMERGENCY EVACUATION PLANS**

#### **Content of emergency evacuation plans**

1. 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 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.

Review of emergency evacuation plans

2. (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.

Emergency evacuation drills

3. (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.

Emergency evacuation awareness

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

Training of persons

5. 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

### EXEMPTION FROM CERTIFICATE OF REGISTRATION

A certificate of registration in terms of section 60 is not required if the flammable substances concerned are of a type and do not exceed the quantity stipulated below.

<b>GASES :</b>		
Class O	Liquefied petroleum gas	<p>Flat- Total cylinder capacity may not exceed 9 kg per flat.</p> <p>Houses or commercial premises- Total maximum of 19 kg inside and total maximum of 100 kg on premises.</p> <p>Industrial premises- Maximum of 19 kg per 600 m<sup>3</sup> of building space with a total maximum of 100 kg.</p>
<b>FLAMMABLE LIQUIDS AND COMBUSTIBLE LIQUIDS :</b>		
Class I	Liquids that have a closed-cap flash point of below 38°C	Total maximum of 40 litres
Class II	Liquids that have a closed-cap flash point of 38°C or above, but below 60,5°C	Total quantity of Class II and Class IIIA together may not exceed the maximum quantity of 210 litres
Class IIIA	Liquids that have a close-cap flash point of 60,5°C or above but below 93°C	

**SCHEDULE 3****EXEMPTION FROM TRANSPORT PERMIT**

A transport permit in terms of section 109 is not required for the transport of dangerous goods of the type and not exceeding the quantity stipulated below.

<b>GROUP</b>	<b>DESCRIPTION</b>	<b>QUANTITY</b>
<b>II</b>	<b>GASES</b>	
	Flammable gases	Total cylinder capacity may not exceed 50 kilograms
	Non-flammable gases	Total cylinder capacity may not exceed 333 kilograms
<b>III</b>	<b>FLAMMABLE LIQUIDS</b>	
	With flash points $\leq 18^{\circ}\text{C}$	Total quantity may not exceed 100 litres
	With flash points $> 18^{\circ}\text{C}$ but $\leq 23^{\circ}\text{C}$	Total quantity may not exceed 420 litres
	With flash points $> 23^{\circ}\text{C}$ but $\leq 61^{\circ}\text{C}$	Total quantity may not exceed 1100 litres
	With flash points $> 61^{\circ}\text{C}$ but $\leq 100^{\circ}\text{C}$	Total quantity may not exceed 1 100 litres
<b>IV</b>	<b>FLAMMABLE SOLIDS</b>	
	Flammable solids	Total quantity may not exceed 250 kg
<b>V</b>	<b>OXIDISING AGENTS AND ORGANIC PEROXIDES</b>	
	Oxidising agents	Total quantity may not exceed 200 kilograms
	Group II organic peroxides in packets	Total quantity may not exceed 200 kilograms
<b>VI</b>	<b>TOXIC / INFECTIVE SUBSTANCES</b>	
	Group I toxic substances in packets	Total quantity may not exceed 5 kilograms
	Group II toxic substances in packets	Total quantity may not exceed 50 kilograms
	Group III toxic substances in packets	Total quantity may not exceed 500 kilograms
<b>VIII</b>	<b>CORROSIVE / CAUSTIC SUBSTANCES</b>	
	Group I acids in packets	Total quantity may not exceed 50 kilograms
	Group II acids in packets	Total quantity may not

GROUP	DESCRIPTION	QUANTITY
		exceed 200 kilograms
	Group III acids in packets	Total quantity may not exceed 1000 kilograms
	Group I alkaline substances in packets	Total quantity may not exceed 50 kilograms
	Group II alkaline substances in packets	Total quantity may not exceed 200 kilograms
	Group III alkaline substances in packets	Total quantity may not exceed 1000 kilograms
<b>IX</b>	<b>MISCELLANEOUS SUBSTANCES</b>	
	Liquids	Total quantity may not exceed 210 litres
	Solids	Total quantity may not exceed 210 kilograms

**SCHEDULE 4****SPRAY BOOTH CONSTRUCTION**

WALLS	225mm Brickwork.
ROOF	Reinforced concrete.
FLOOR	Concrete or other impervious material.
DOORS (A)	Constructed of 50mm hardwood completely covered, including the edges, with 24 s.w.g. metal secured to the door with bolts at 30mm centres along the edges. The doors to open outwards and to be hung on Tee hinges bolted to the door.
(B)	Close fitting metal doors not less than 3mm in thickness, carried on an angle iron frame and having an all round overlap or not less than 50mm.
<b>NOTE :</b>	Where the floor area exceeds 18 sq. metres 2 doors must be provided.
WINDOWS	Metal frames with no opening sections glazed with wire-woven glass not exceeding 460mm x 460mm. Putty approved by the SANS Code No. 680/59 only to be used and the occupier to furnish proof of this to the Director: Fire and Emergency Services.
<b>NOTE :</b>	The Factory Inspector requires natural light to the extend of 20% of the floor area.
VENTILATION	30 Lineal metres/minute velocity across the room must be provided by means of mechanical ventilation, with the center line of the inlets 460mm above the floor level and to discharge through vertical metal ducting terminating one (1) metre above the apex of the roof. No right angle bends to be used in the ducting system. Exhaust fans to be installed at four (4) metre centers or horizontal metal ducting extending the entire length of the wall with suitable inlets, must be provided.
<b>NOTE :</b>	If the ducting is external to the Spray Booth and in communication with the Workshop etc., it must be protected by either 110mm brick or 50mm asbestos cement lagging.
VENTILATION INLETS	The wall opposite the exhaust fans to be honeycombed with airbricks installed from 100mm above floor level to a height of not less than two (2) metres.
<b><u>MINIMUM NO. OF AIRBRICKS</u></b>	<b><u>SIZE OF ROOM</u></b>
40	Up to but not exceeding 140 cubic metres.
65	Up to but not exceeding 280 cubic metres.
90	Up to but not exceeding 470 cubic metres.
150	Up to but not exceeding 650 cubic metres.

<b>NOTE</b> : Metal filters with metal swarf elements may only be used in an all metal installation, in lieu of Airbricks.	
ELECTRICAL WORK	All electrical work must be of flame-proof construction.
DANGER NOTICE	“DANGER – NO SMOKING” notices in 150mm high white letters on a red background to be provided above the doors outside the Spray Booth.

## **PRINS ALBERT MUNICIPALITY CUSTOMER CARE AND REVENUE MANAGEMENT BY-LAW**

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Prins Albert Municipality, enacts as follows for application within the District Management Area established in terms of section 6 of the Local Government: Municipal Structures Act, Act 117 of 1998 :-

### **TABLE OF CONTENTS**

#### **1. Definitions**

#### **CHAPTER 1: CUSTOMER CARE PRINCIPLES, OBJECTIVES AND IMPLEMENTATION, AND DIFFERENTIATION**

##### **2. Customer care principles, and objectives**

##### **3. Municipal manager responsible officer**

##### **4. Differentiation between customers and exemption**

#### **CHAPTER 2: SUPPLY OF MUNICIPAL SERVICES**

##### *Part 1: Application for supply and service agreements, deposits, billing and payment, and termination of service agreements*

##### **5. Application for supply of municipal services and service agreements**

##### **6. Deposits**

##### **7. Billing and payment**

##### **8. Termination of service agreement**

##### *Part 2: Non-payment of municipal accounts*

##### **9. Arrangements for payments**

##### **10. Interest on overdue municipal accounts**

##### **11. Debt collection mechanisms**

##### *Part 3: Metering equipment and metering of services*

##### **12. General provisions**

##### **13. Metering equipment and measuring of consumption**

##### **14. Resale of water or electricity**

##### *Part 4: Indigence relief measures*

##### **15. Requirements for indigence relief**

##### **16. Credit given**

#### **CHAPTER 3: TARIFFS**

##### *Part 1: General principles, calculation of tariffs for major services*

##### **17. General principles**

##### **18. Calculation of tariffs for major services**

##### *Part 2: Structure of tariffs for major services, minor tariffs*

##### **19. Structure of tariffs**

##### **20. Electricity**

##### **21. Water**

##### **22. Refuse removal**

##### **23. Sewerage**

##### **24. Minor tariffs**

#### **CHAPTER 4: RATES**

##### **25. Imposition of rates**

##### **26. Rebates on rates**

##### **27. Adjustment of rates**

##### **28. Frequency of valuations**

## CHAPTER 5: ENFORCEMENT

29. Municipality's powers to restrict or disconnect supply of services
30. Tampering, unauthorised connections and reconnections, and improper use
31. Clearance certificate
32. Tenders and grants-in-aid
33. Power of council to recover costs
34. Prima facie evidence
35. Abandonment of bad debts, and full and final settlement of account
36. Power of entry and inspection
37. Authentication and service of orders, notices and other documents

## CHAPTER 6: MISCELLANEOUS PROVISIONS

38. Right of appeal
39. Offences and penalties
40. Repeal of by-laws
41. Short title and commencement

### 1. Definitions

For the purposes of this by-law, unless the context otherwise indicates –

**“account holder”** means any person who is due to receive a municipal account, which includes a user of pre-paid electricity or water;

**“annual budget”** means the budget approved by the municipal council for any particular financial year, and includes any adjustments to such budget;

**“applicant”** means a person who applies for the supply of municipal services;

**“availability charge”** means a fixed monthly or annual charge levied against the account holder which is based on the cost for providing a municipal service to the premises of the account holder;

**“billing”** means invoicing on a municipal account to an account holder of an amount or amounts payable for rates, metered services, other municipal charges, levies, fees, fines, taxes, or any other amount or amounts payable arising from any other liability or obligation;

**“consumer”** means the occupier of any premises to which the municipality has agreed to supply or is actually supplying municipal services, or if there is no occupier, then any person who has entered into a service agreement with the municipality for the supply of municipal services to such premises, or, if there be no such person, then the owner of the premises, and **“domestic consumer”** or **“domestic user”** of municipal services means the person or household to which municipal services are rendered in respect of residential property;

**“consumer price index”** means the consumer price index (CPIX) as determined and gazetted by the South Bureau of Statistics;

**“Council”** means the Council of the Prins Albert Municipality or any service provider to the municipality;

**“credit control”** means all the functions relating to the collection of revenue;

**“customer management”** means the focusing on the account holder's needs in a responsive and proactive way to encourage payment and thereby limiting the need for enforcement;

**“customer service centre”** means and serves as –

- (a) an office where an applicant may apply for services and enter into a service agreement with the municipality;
- (b) an office where an account holder may settle an account or may make pre-payment for services;

(c) a credit screening point where the credit assessment of an applicant can be processed; or

(d) an office where an account holder may query or verify accounts and metered consumption, and may communicate grievances, inquiries, recommendations and other relevant issues to the municipality and from where the response from the municipality can be conveyed to the account holder;

**“due date”** means the date specified as such on a municipal account for any charges payable and which is the last day allowed for the payment of such charges;

**“interest”** means an amount calculated at a rate determined by the municipality on a municipal account in arrears;

**“land reform beneficiary”**, in relation to a property, means a person who –

(a) acquired the property through the provision of the Land and Assistance Act, 1993 (Act 126 of 1993);

(b) acquired the property through the provision of the Restitution of Land Rights Act, 1994 (Act 22 of 1994);

(c) holds the property subject to the Communal Property Associations Act, 1996 (Act 29 of 1996); or

(d) holds or acquires the property in terms of such other land tenure reform legislation as may be enacted;

**“local community”** or **“community”**, in relation to the municipality, means that body of persons comprising the residents of the municipality, the ratepayers of the municipality, any civic, non-governmental, private sector or labour organisations or bodies involved in local affairs within the municipality, and visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of services or facilities provided by the municipality;

**“major services”** means those services contemplated in section 17(5);

**“market value”** in relation to a property means the value of the property as determined in accordance with section 46 of the Property Rates Act, 2004 (Act 6 of 2004);

**“minor tariffs”** means all tariffs, charges, fees, rentals or fines levied or imposed by the municipality in respect of services, other than major services provided, and includes services incidental to the provision of the major services.

**“month”** means one of 12 months of a calendar year;

**“municipal account”** means an account rendered on which is billed an amount or amounts payable to the municipality for rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amount or amounts payable arising from any other liability or obligation;

**“municipal entity”** means-

(a) a private company referred to in section 86B (1) (a) of the Municipal systems Act, Act 32 of 2000;

(b) a service utility; or

(c) a multi-jurisdictional service utility;

**“municipality”** means the Prins Albert Municipality, and includes any political structure, political office bearer, councillor, duly authorised agent thereof 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 political structure, political office bearer, municipality or, agent or employee;

**“municipal manager”** is the person appointed by the municipality in terms of Section 82 of the Municipal Structures Act, 1998 and includes any person:

- (a) acting in such position; and
- (b) to whom the municipal manager has delegated any power, function or responsibility in as far as it concerns the execution of those powers, functions or duties.

**“municipal property”** includes a property owned by a municipal entity;

**“multiple purposes”**, in relation to a property, means the use of a property for more than one purpose;

**“municipal service”** means a service that a municipality in terms of its powers and functions provides or may provide to or for the benefit of the local community irrespective of whether-

- (a) such a service is provided, or to be provided, by the municipality through an internal mechanism contemplated in section 76 of the Municipal Systems Act, 2000 or by engaging an external mechanism contemplated in the said section 76; and
- (b) fees, charges or tariffs are levied in respect of such a service or not;

**“municipal tariff”** means a tariff for services which the municipality sets for the provision of a service to the local community, such as a tariff set for major services or a minor tariff, and includes a surcharge on such service;

**“occupier”** means any person who occupies any premises or part thereof without regard to the title under which the person occupies, and includes –

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

- (e) the owner of those premises;

**“officer”** means an employee of the municipality or any other person who is specifically authorised thereto by the municipality to perform any act, function or duty in terms of, or exercise any power under this by-law;

**“organ of state”** means an organ of state as defined in section 239 of the Constitution;

**“owner”** means –

- (a) a person in whom the legal title to a premises is vested;
- (b) in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in the case where the municipality is unable to determine the identity of the person in whom the legal title is vested, the person who is entitled to the benefit of such premises or a building thereon;
- (d) in the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof;

- (e) in relation to –
  - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), and without restricting the above, the developer or the body corporate in respect of the common property; or
  - (ii) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;
- (f) any legal person including, but not limited to –
  - (i) a company registered in terms of the Companies Act, 1973 (Act 61 of 1973), Trust inter vivos, Trust mortis causa, a Closed Corporation registered in terms of the Closed Corporation's Act, 1984 (Act 69 of 1984), a voluntary association;
  - (ii) any Department of State;
  - (iii) any council or Board established in terms of any legislation applicable to the Republic of South Africa; and
  - (iv) any Embassy or other foreign entity; and
- (g) a lessee of municipal property who is deemed to be the owner for the purposes of rendering a municipal account;

**“owner”**, in relation to –

- (a) a property referred to in paragraph (a) of the definition of “property”, means a person in whose name ownership of the property is registered;
- (b) a right referred to in paragraph (b) of the definition of “property”, means a person in whose name the right is registered;
- (c) a land tenure right referred to in paragraph (c) of the definition of “property”, means a person in whose name the right is registered or to whom it was granted in terms of legislation; and
- (d) public service infrastructure referred to in paragraph (d) of the definition of “property”, means the organ of state which owns or controls that public service infrastructure as envisaged in the definition of “publicly controlled”, however, the municipality may, for the purposes of the Property Rates Act, 2004 (Act 6 of 2004), regard as the owner of a property –
  - (i) in the case of a property in a trust, but excluding state trust land, a trustee,;
  - (ii) in the case of a property in a deceased estate, an executor or administrator;
  - (iii) in the case of a property in an insolvent estate or in liquidation, a trustee or liquidator;
  - (iv) in the case of a property in the estate of a person under judicial management, a judicial manager;
  - (v) in the case of a property in the estate of a person under curatorship, a curator;
  - (vi) in the case of a property that is subject to a usufruct or other personal servitude, a person in whose name a usufruct or other personal servitude is registered;
  - (vii) in the case of a property that is registered in the name of the municipality and is leased by it, a lessee; and
  - (viii) in the case of a property sold by the municipality and of which possession was given to the buyer pending registration of ownership in the name of such buyer, a buyer;

**“permitted use”**, in relation to a property, means the limited purposes for which the property may be used in terms of any restrictions imposed by a condition of title, a provision of the municipality's town planning or land use scheme, or any legislation applicable to any specific property or properties, or any alleviation of any such restrictions;

**“person”** includes a legal person and an organ of state;

**“preferred customer”** means a person who may be granted special concessions by the municipality;

**“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 Land Survey, Act of 1927 (Act 9 of 1927), or in terms of the Deeds Registry, Act of 1937 (Act 47 of 1937); or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 93 of 1986), which is situated within the area of jurisdiction of the municipality;
- (c) and includes any other land and any building or structure above or below the surface of any land;

**“property”** means –

- (a) immovable property registered in the name of a person, including in the case of a sectional title scheme a sectional title unit registered in the name of a person;
- (b) a right registered against immovable property in the name of the person, but excluding a mortgage bond registered against the property;
- (c) a land tenure right registered in the name of a person or granted to a person in terms of legislation, such as a “land reform beneficiary”; and
- (d) public service infrastructure;

**“publicly controlled”** means owned by or otherwise under the control of an organ of state, including a public entity listed in the Public Finance Management Act, 1999 (Act 1 of 1999), a municipality, or a municipal entity;

**“public service infrastructure”** means publicly controlled infrastructure of the following kinds:

- (a) national, provincial or other public roads on which goods, services or labour move across a municipal boundary;
- (b) water or sewer pipes, ducts or other conduits, dams, water supply reservoirs, water treatment plants or water pumps forming part of a water or sewer scheme servicing the public;
- (c) power stations, power sub-stations or power lines forming part of an electricity scheme serving the public;
- (d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuel forming part of the scheme for transporting such fuels;
- (e) railway lines forming part of a national railway system;
- (f) communication towers, masts, exchanges and lines forming part of a communication system serving the public;
- (g) runways or aprons at national or provincial airports;
- (h) breakwaters, seawalls, channels, basins, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigational aids, buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;
- (i) any other publicly controlled infrastructure as may be prescribed by law; and
- (j) rights of way, easements or servitudes in connection with infrastructure mentioned in paragraphs (a) to (i);

**“rate”** means a municipal rate on property as envisaged in section 229(1)(a) of the Constitution;

**“rateable property”** means property on which the municipality may in terms of section 2 of the Property Rates Act, 2004, levy a rate, but excludes property fully excluded from the levying of rates in terms of section 17 of that Act, but includes any rights registered against such property, with the exception of a mortgage bond;

“**ratepayer**” means a person who is liable to the municipality for the payment of rates on property in the municipality, any other tax, duty or levy imposed by the municipality, or fees for services provided either by the municipality or in terms of a service delivery agreement, or a combination of the above;

“**rebate**”, in relation to a rate payable on a property, means a discount granted in terms of section 15 of the Property Rates Act, 2004 on the amount of the rate payable on the property;

“**residential property**” means a property included in the valuation roll as residential in terms of section 48(2)(b) of the Property Rates Act, 2004;

“**revenue**” means all monies due to the municipality and to which the municipality has the right to exact and to enforce payment of, irrespective of the reason for or the origin of its factuality;

“**sectional title scheme**” means a scheme as defined in section 1 of the Sectional Titles Act, 1986 (Act 95 of 1986);

“**sectional title unit**” means a unit as defined in section 1 of the Sectional Titles Act, 1986 (Act 95 of 1986);

“**state trust land**” means land owned by the state and held in trust for persons communally inhabiting the land in terms of a traditional system of land tenure, over which land tenure rights have been registered or granted, or which is earmarked for disposal in terms of the Restitution of Land Rights, 1994 (Act 22 of 1994);

“**tampering**” means any unauthorised interference with the municipality’s supply, seals and metering equipment and “**tamper**” has a corresponding meaning;

“**target**” means realistic targets which may be set by the municipality ; and

“**tariffs for major services**” means tariffs set for the supply and consumption or usage of major services;

“**unreliable customer**” includes an account holder, who according to his or her payment record fails to settle his or her municipal account by the due date or who is in arrears with payments due to council or who tampers or interferes with metering equipment, seals or the supply of municipal services.

## CHAPTER 1

### CUSTOMER CARE PRINCIPLES, OBJECTIVES AND IMPLEMENTATION, AND DIFFERENTIATION

#### 2. Customer care principles, and objectives

- (1) The municipality aims –
  - (a) to move progressively towards the social and economic upliftment of the community in harmony with its natural environment;
  - (b) to provide basic services that are affordable to all its people, and specifically to the poor and disadvantaged, provided that, where applicable, service fees, rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amount or amounts payable, arising from any other liability or obligation, are paid for;
  - (c) to engage the active participation of the community in the municipality’s affairs, in particular in planning, service delivery and performance management;
  - (d) to provide efficient, effective and transparent administration that conforms to constitutional principles;
  - (e) to ensure that the municipality is financially and economically viable;

- and
- (f) to create a harmonious relationship between the municipality and the community through the acknowledgement of reciprocal rights and duties;
- (2) The municipality by this by-law, designs, regulates on and implements a customer care and management system as contemplated in section 95 of the Municipal Systems Act.

### **3. Municipal manager responsible officer**

The Municipal Manager –

- (a) is responsible to the Executive Mayor for the implementation and enforcement of the provisions of this by-law;
- (b) must, for the purposes of paragraph (a) take the necessary steps to implement and enforce the provisions of this by-law;
- (c) is accountable to the Executive Mayor for the agreed performance targets as approved by the municipality and the Executive Mayor, and for these purposes must –
  - (i) report to the Executive Mayor on matters relating to this by-law, including but not limited to –
    - (aa) the effectiveness of administrative mechanisms, resources processes and procedures to collect money that is due and payable to the municipality;
    - (bb) billing information, including the number of account holders, accruals, cash-flow, and customer management;
    - (cc) the satisfaction levels of account holders regarding services rendered; and
    - (dd) the effectiveness of the municipality's indigence relief measures; and
  - (ii) encourage and bear on account holders, where needed, to settle outstanding accounts within the ambit of this by-law; and
  - (iii) with the consent of an account holder, enter into an agreement with the account holder's employer to deduct from the salary or wages of the account holder –
    - (aa) any outstanding amounts as may be agreed; or
    - (bb) such regular monthly amounts as may be agreed, and may provide special incentives for employers to enter into such agreements, and employees to consent to such agreements.

### **4. Differentiation between customers and exemption**

- (1) In accordance with the principles embodied in the Constitution and the provisions of sections 6 and 8 of the Property Rates Act, 2004, and sections 74(3) and 75 of the Local Government: Municipal Systems Act, 2000, the municipality may differentiate between different categories of users and consumers in regard to the tariffs which it levies, categories of ratepayers, account holders, customers, debtors, taxes, services, service standards and other matters, however, such differentiation must at all times be reasonable, and must be fully disclosed in each annual budget.
- (2) The municipality may, in writing exempt an account holder, category of account holders, or other persons from complying with a provision of this by-law, subject to any conditions it may impose, if the application or operation of that

provision would be unreasonable, however the municipality or its authorised agent may not grant exemption from any section of this by-law that may result in –

- (a) the wastage or excessive consumption of water or electricity;
  - (b) the evasion or avoidance of water or electricity 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 acceptable in terms of the municipality's prescribed standard; or
  - (f) any Act, or any regulation made under it, not being complied with.
- (3) The municipality or its authorised agent may at any time after giving written notice of at least 30 days, withdraw any exemption given under subsection (2).

## **CHAPTER 2 SUPPLY OF MUNICIPAL SERVICES**

### ***Part 1***

#### ***Application for supply and service agreements, credit screening, deposits, billing and payment, and termination of service agreements***

#### **5. Application for supply of municipal services and service agreements**

- (1) Any application for any supply of services to any premises must be made at the municipal offices at least four working days, or such lesser period as may be accepted by the municipality, prior to the service being required and must comply with the conditions determined by the Municipal Manager.
- (2) After the commencement of this by-law only the owner of a property or his or her duly authorised agent on his or her behalf may apply for municipal services to be supplied to a property.
- (3) No services shall be supplied unless and until application has been made by the owner and a service agreement in the format prescribed by the municipality has been entered into and a deposit provided for in section 6 has been paid.

#### **6. Deposits**

- (1) On approval of the application and before the service is made available, the municipality may require the applicant –
- (a) to deposit for municipal services with the municipality a sum of money;
  - (b) to provide any other form of security; or
  - (c) to agree to special conditions regarding payment of the municipal account,
- and monies so deposited with the municipality serve as security.
- (2) The Municipal Manager reserves the right to review the sum of money deposited or the amount for which additional security is required.
- (3) The Municipal Manager may, in respect of preferred customers, consider relaxation of the conditions pertaining to deposits as set out in subsections (1) and (2).
- (4) On termination of the supply of services, the amount of such deposit, less any payments due to the municipality, must be refunded to an account holder.

## **7. Billing and payment**

- (1) The account holder must pay all amounts due to the municipality as reflected in the municipal account, and the onus is on the account holder to verify the accuracy of such account.
- (2) An account holder must pay for metered services, and must pay the rates, other municipal charges, levies, fees, fines, interest, taxes or any other liability or obligation from the date of origin of such municipal charges until the written termination of the services.
- (3) An account holder –
  - (a) must, where possible, be rendered one account, on which the due date for settlement of the total amount owing is reflected, subject to the provisions of subsection (14); and
  - (b) must be billed monthly in cycles of approximately 30 days.
- (4) Payment must be received on or before the close of business on the due date.
- (5) Payment made via electronic media or any of the service providers appointed by the municipality to receive payments on its behalf, should be made at least four working days before the due date to enable the payment to be processed, and interest accrues should the municipality receive payment after the due date.
- (6) Where the account holder effects payment of an account via a service provider four working days or more before the due date and such service provider fails to furnish the municipality with the relevant payment details, such service provider may be held liable for all charges incurred by the municipality to recover an arrear amount erroneously reflected on the account of the account holder, as well as for interest charges.
- (7) The municipality may estimate the quantity of metered services supplied in respect of a period or periods within the interval between actual successive readings of the meters, which intervals may not exceed 4 months, and may render an account to an account holder for the quantity of metered services so estimated.
- (8) If an account holder is dissatisfied with an account rendered for metered services supplied by the municipality, such account holder may, prior to the due date stipulated therein object to the account, setting out reasons for such dissatisfaction.
- (9) Should any dispute arise as to the amount owing by an account holder, and subject to the provisions of section 102 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the account holder must notwithstanding such dispute proceed to make regular payments by the due date based on the calculation of the average municipal account for the preceding three months prior to the arising of the dispute and taking into account interest as well as the annual amendments of tariffs of the municipality.
- (10) An error or omission in any account or failure to render an account does not relieve the account holder of the obligation to pay by the due date.
- (11) If an account holder uses water or electricity for a category of use other than that for which it is supplied by the municipality and is in consequence not charged for water or electricity so used, or is charged for the water or electricity at a rate lower than that at which the account holder should be charged, the account holder is liable for the amount due to the municipality in accordance with the prescribed charges in respect of –
  - (a) the quantity of water or electricity which the account holder has used and for which the account holder has not been charged; or
  - (b) the difference between the cost of the water or electricity used by the

account holder at the rate at which the account holder has been charged and the cost of the water or electricity at the rate at which the account holder should have been charged.

(12) An account holder is not entitled to a reduction of the amount payable for metered services which are lost due to a fault in the meter, until such time as the provisions of section 13(8)(c) have been met.

(13) The municipality may –

- (a) consolidate any separate accounts of an account holder liable for payment to the Municipality; and
- (b) credit any payment by an account holder against any debt of that account holder.

(14) The owner of property may enter into an agreement with the municipality in terms of which payment for rates is made annually, in which case payment must be made on or before the date determined by the municipality.

## **8. Termination of service agreement**

(1) Termination of the service agreement must be in writing to the other party of the intention to do so.

(2) Where a property is sold, an owner may terminate a service agreement by giving the municipality not less than four working days' notice in writing.

(3) The municipality may, by notice in writing of not less than 14 working days, advise an account holder of the termination of the agreement for a supply of municipal services if –

- (a) the account holder has committed a breach of this by-law and has failed to rectify such breach; or
- (b) the municipality cannot continue to supply the account holder with municipal services, as in terms of an arrangement with another authority supplying municipal services such authority must in future supply municipal services to the account holder.

## ***Part 2***

### ***Non-payment of municipal accounts***

## **9. Arrangements for payments**

(1) Should an account holder, before any of the steps have been taken in terms of section 11, not be able to pay the municipal account in full, the account holder may approach the municipality with the aim of making short-term arrangements to settle the account.

(2) Should an account holder, after any of the steps have been taken in terms of section 13, experience difficulties in paying the municipal account, the account holder may approach the municipality with the aim of making arrangements to settle the account, and the account holder must enter into a written agreement with the municipality to repay to the municipality the outstanding and due amount under the conditions and on a basis determined, by the Municipal Manager,.

(3) The written agreement must be signed on behalf of the municipality by a duly authorised officer.

- (4) In the instance where arrangements for payment have been made the municipality may –
- (a) review the deposit;
  - (b) require of an account holder to pay by means of a stop order or debit order;
  - (c) require of an account holder to convert to a pre-paid metering system; or
  - (d) require any other form of security, including personal suretyship by the directors or members of a company, closed corporation, trust or body corporate.

#### **10. Interest on overdue municipal accounts**

- (1) The municipality may, charge or recover interest at a rate determined by it in respect of any arrear amounts due and payable.
- (2) Irrespective of the reason for non-payment, or where an arrangement has been made in terms of section 9, interest accrues if an account is unpaid.
- (3) Interest is calculated monthly according to the interest rate approved by the municipality, and a portion of a month is regarded as a month.
- (4) Interest is payable if payment is not received at an office of the municipality or to the credit of the bank account of the municipality at the close of business on the due date.

#### **11. Debt collection mechanisms**

- (1) Where appropriate, the Municipality must at all times attempt to advise an account holder of an impending disconnection or restriction of a supply, and the following mechanisms may be applied should an account holder fail to settle a municipal account by the due date:
  - (a) delivering or mailing of a final demand and explaining to the account holder the status of the account and the consequences of not paying or concluding an arrangement;
  - (b) informing the account holder verbally, in writing, telephonically, or by electronic means of the overdue amount and the impending disconnection or restriction of services
  - (c) disconnecting or restricting the supply of municipal services to the premises and the serving of a disconnection or restriction notice on the account holder; or
  - (d) debiting the municipal account of the account holder with all relevant fees or penalties approved by the municipality.
- (2) Where the metered supply had been disconnected or restricted, and should the account holder still fail to pay the account, the premises may be revisited at regular intervals to ensure that the metered supply remains disconnected or restricted, and if it is found that the supply which had been disconnected or restricted previously has been restored –
  - (a) the municipality has the right to take whatever action is required in terms of section 30, and the account holder is responsible for the relevant fees or charges or damages caused;
  - (b) the municipality may refuse to supply services for a period determined by the municipality ; and
  - (c) in the instance of the use of a pre-paid meter, the municipality may cease further vending of pre-paid services.

(3) Where a duly authorised officer of the municipality has visited the premises for the purpose of disconnecting or restricting the supply and was obstructed or prevented from effecting such disconnection or restriction, an amount equal to the prescribed fee for a reconnection becomes payable for each visit necessary for the purpose of such disconnection or restriction, subject to a maximum of two such visits during which disconnection or restriction could not be effected.

(4) The municipality may use any one or more of the following mechanisms to secure full payment of any amounts owing to it:

- (a) requiring of the account holder to convert to another metering system;
- (b) allocating a portion of any pre-paid payment to other debts;
- (c) publishing a list of account holders who remain in default;
- (d) withholding payment of a grant-in-aid and subject to the provisions of section 32, excluding the account holder from the tender process;
- (e) withholding payment on contracts for settlement of the municipal account;
- (f) reviewing and altering the conditions of the service agreement;
- (g) instituting legal proceedings for the recovery of the debt;
- (h) classifying the account holder as an unreliable customer;
- (i) using the services of external debt collection specialists or agencies;
- (j) insisting on conversion to pre-paid metering at the cost of the account holder; or
- (k) employing any other methods authorised by the municipality from time to time to recover arrear amounts.

(5) The cost of collection, where applicable, is for the account holder's account.

(6) Subject to the provisions of sections 28 and 29 of the Property Rates Act, 2004 (Act 6 of 2004), the right to deny, restrict, disconnect or terminate services due to the non-payment for any rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amount or amounts payable arising from any other liability or obligation prevails notwithstanding the fact that –

- (a) payment was intended for any specific service; or
- (b) the person who entered into a service agreement for supply of services with the municipality and the owner are different entities or persons, as the case may be.

### ***Part 3***

#### ***Metering equipment and metering of services***

##### **12. General provisions**

The municipality may introduce various metering equipment and may encourage an account holder to convert to a system which will benefit the municipality and account holders.

##### **13. Metering equipment and measuring of consumption**

(1) The municipality must, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring metered services.

(2) The municipality reserves the right to meter the supply to a block of shops, flats, tenement-houses and similar buildings for the building as a whole, or for an individual unit, or for a group of units.

- (3) Where any building referred to in subsection (2) is metered by the municipality as a whole -
- (a) the owner may, at own cost, provide and install appropriate sub-metering equipment for each shop, flat and tenement; or
  - (b) the municipality may require the installation, at the account holder's expense, of a meter for each unit of any premises in separate occupation for the purpose of determining the quantity of metered services supplied to each such unit.
- (4) Where the electricity used by consumers is charged at different tariffs, the consumption must be metered separately for each tariff.
- (5) Where sub-metering equipment is installed, accommodation separate from the municipality's metering equipment must be provided where appropriate.
- (6) Except in the case of pre-payment meters, the quantity of metered services used by a consumer during any metering period is ascertained by reading the appropriate meter or meters supplied and installed by the municipality at the beginning and end of such metering period, except where the metering equipment is found to be defective.
- (7) For the purpose of calculating the amount due and payable for the quantity of metered services consumed, the same amount of metered services is deemed to be consumed during every period of 24 hours between readings.
- (8) The following apply to the accuracy of metering:
- (a) a meter is conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in subsection (13), is found to be within the limits of error as provided for in the applicable standard specifications;
  - (b) the municipality has the right to test its metering equipment, and if it is established by test or otherwise that such metering equipment is defective, the Municipality must –
    - (i) in case of a credit meter, adjust the account rendered; or
    - (ii) in the case of prepayment meters:
      - (aa) render an account where the meter has been under-registering; or
      - (bb) issue a free token where the meter has been over-registering; and
  - (c) the consumer is entitled to have the metering equipment tested by the municipality on payment of the prescribed fee, and 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 paragraph (b) and subsection (7) must be made and the aforesaid fee must be refunded.
- (9) No alterations, repairs, additions or connections of any description may be made on the supply side of the point of metering unless specifically approved in writing by the Municipal Manager.
- (10) Prior to the municipality making any upward adjustment to an account in terms of subsection (8)(b), the municipality must –
- (a) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefor;
  - (b) in such notification provide sufficient particulars to enable the consumer to submit representations thereon; and

- (c) call upon the consumer in such notice to present it with reasons in writing, if any, within 21 days or such longer period as the municipality may permit, why the account should not be adjusted as notified, and should the consumer fail to provide any representation during the period the municipality is entitled to adjust the account as notified in paragraph (a).
- (11) The Municipality must consider any representation provided by the consumer in terms of subsection (10) and may adjust the account appropriately.
- (12) If the Municipal Manager decides that such representation does not establish a case warranting an amendment to the monetary value established in terms of subsection (15), the municipality is entitled to adjust the account as notified in terms of subsection (10)(a), and the consumer has the right to appeal the decision of the official in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
- (13) Meters are tested in the manner provided for in the applicable standard specifications.
- (14) When an adjustment is made to the consumption registered on a meter in terms of subsection (8)(b) or (8)(c), such adjustment is based either on the percentage error of the meter as determined by the test referred to in subsection (13), or upon a calculation by the Municipality from consumption data in its possession, and where applicable, due allowance must be made, where possible, for seasonal or other variations which may affect consumption.
- (15) When an adjustment is made as contemplated in subsection (14), the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate, however the application of this subsection 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.
- (16) The municipality may dispense with the use of a meter in case of –
  - (a) an automatic sprinkler fire installation; or
  - (b) special circumstances that may justify such dispensation.
- (17) The municipality may by notice –
  - (a) prohibit or restrict the consumption of metered services –
    - (i) for specified or non-specified purposes;
    - (ii) during specified hours of the day or on specified days or otherwise than during specified hours of the day or on specified days; and
    - (iii) in a specified or non-specified manner; and
  - (b) determine and impose –
    - (i) limits on the quantity of metered services which may be consumed over a specified period;
    - (ii) charges additional to those prescribed in respect of the supply of metered services in excess of a limit contemplated in subparagraph (i); and
    - (iii) a general surcharge on the prescribed charges in respect of the supply of metered services; and
  - (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which metered services is used or consumed, or on the connection of such appliance.
- (18) The municipality may limit the application of the provisions of a notice contemplated by subsection (17) to specified areas and classes of account holders,

premises and activities, and may provide for the Municipality to permit deviations and exemptions from, and the relaxation of any of the provisions.

(19) To ensure compliance with a notice published in terms of subsection (17), the municipality may take, or by written notice require an account holder at the account holder's expense to take, such measures, including the installation of measuring devices and devices for restricting the flow of metered services as may be necessary.

(20) In addition to the person by whose act or omission a contravention of or failure to comply with the terms of a notice published in terms of subsection (17) is actually committed, an account holder in respect of the premises to which metered services are supplied is presumed also to have committed the contravention or to have so failed to comply, unless evidence is adduced that the account holder had taken all reasonable steps to prevent such a contravention or failure to comply by any other person, however, the fact that the account holder issued instructions to the other person shall not of itself be accepted as sufficient proof that the account holder took all such reasonable steps.

(21) The provisions of this section also apply in respect of metered services supplied directly by the municipality to account holders outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of subsection (17).

(22) If action is necessary as a matter of urgency to prevent waste of metered services, refuse or sewerage, damage to property, danger to life, or pollution of water, the municipality may –

(a) without prior notice disconnect the supply of metered services to any premises; and

(b) enter upon such premises and do emergency work, as it may deem necessary, and in addition by written notice require the account holder to do within a specified period such further work as the municipality may deem necessary;

(23) The municipality may recover from the account holder the cost of any work undertaken in terms of subsection (22)(b) where such work was undertaken because of an unlawful act or omission by the account holder.

(24) Before any metered or pre-paid metered supplies which have been disconnected or restricted for non-payment is restored, an account holder must pay all fees and charges as determined by the municipality, .

(25) The municipality may, at the written request of an account holder and on the dates requested by the account holder –

(a) disconnect the supply of metered services to the account holder's premises; and

(b) upon payment of the prescribed charge for restoration, restore the supply of such services..

(26) After disconnection for non-payment of an account or a contravention of any provision of this by-law, the prescribed fees must be paid before reconnection is made.

(27) The following apply to the reading of credit meters:

- (a) unless otherwise prescribed, credit meters are normally read at intervals of approximately one month and the fixed or minimum charges due in terms of the tariff are assessed accordingly and the municipality is not obliged to effect any adjustments to such charges;
- (b) if for any reason the credit meter cannot be read, the municipality may render an estimated account, and estimated consumption must be

- adjusted in a subsequent account in accordance with the consumption actually consumed;
- (c) when an account holder 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;
  - (d) if a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee; and
  - (e) if any calculating, reading or metering error is discovered in respect of any account rendered to a consumer –
    - (i) the error must be corrected in subsequent accounts;
    - (ii) any such correction applies only in respect of accounts for a period of six months preceding the date on which the error in the accounts was discovered,
    - (iii) the correction is based on the actual tariffs applicable during the period; and
    - (iv) the application of this section does not prevent a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.
- (28) The following apply to prepayment metering:
- (a) no refund of the amount tendered for the purchase of electricity or water credit is given at the point of sale after initiation of the process by which the pre-payment meter token is produced; provided that this section will only apply to Standard Transfer Specification equipment (STS tokens);
  - (b) copies of previously issued tokens for the transfer of credit to the pre-payment meter may be issued at the request of the consumer;
  - (c) when an account holder vacates any premises where a pre-payment meter is installed, no refund for the credit remaining in the meter is made to the owner by the municipality;
  - (d) the municipality is not liable for the re-instatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, pre-payment meters or tokens;
  - (e) where an account holder is indebted to the municipality for any rates, metered services, other municipal charges, levies, fees, fines, interest, taxes or any other amount or amounts payable arising from any other liability or obligation, the municipality may deduct a percentage from the amount tendered to offset the amount owing to the municipality; and
  - (f) the municipality may appoint vendors for the sale of credit for prepayment meters and does not guarantee the continued operation of any vendor.

#### **14. Resale of water or electricity**

- (1) No account holder who is supplied with metered services in terms of this by-law may sell or supply water or electricity to any other person or persons for such use upon any premises other than those in respect of which such agreement is made, or permit or offer such resale or supply to be made, unless prior permission from the municipality has been obtained.

- (2) If the municipality grants the permission referred to in subsection (1), it may stipulate the maximum price at which the water or electricity may be sold and impose such other conditions as it may deem fit.
- (3) Permission referred to in subsection (1) may be withdrawn at any time.
- (4) Where water or electricity is resold for use on the same premises, such resale must be in accordance with the tariff and subject to such conditions as the municipality may impose.

#### ***Part 4***

#### ***Indigence relief measures***

### **15. Requirements for indigence relief**

- (1) To qualify for indigence relief, the following requirements must be met:
  - (a) The applicant must be an account holder;
  - (b) the applicant must, before a date determined by the municipality, apply annually, or at such intervals as determined by the municipality, to be granted the status as a poor household, and for these purposes must -
    - (i) complete and sign the prescribed forms; and
    - (ii) provide any other documentation as may be required by the municipality ;
  - (c) the applicant may not be the owner of more than one property and he or she must occupy the property; and
  - (d) the collective household income may not exceed the amount determined by the municipality in terms of subsection (2).
- (2) For the purposes of determining the collective household income as contemplated in subsection (1)(d), the municipality may stipulate an amount, or may determine a maximum amount based on any one or more of the following:
  - (a) consumption of water;
  - (b) consumption of electricity; or
  - (c) the municipal valuation of the property, which valuation may not exceed the value determined by the municipality .
- (3) In the case of a tenant –
  - (a) the tenant must apply in person and may qualify for electricity, water and refuse and sewage charges only, for which charges he or she must receive a municipal account; and
  - (b) the person receiving the rent payable by the tenant whether on the person's own account or as agent for any other person entitled thereto or interested therein, is responsible for rates.
- (4) In the instance where the account holder is deceased, the existing and future accounts of the household must be accepted under the indigence relief measures, on condition that only the surviving spouse or dependent children may apply or benefit.

### **16. Credit given**

- (1) Households which qualify for indigence relief measures may receive a credit for some or all of the following as determined by the municipality:
  - (a) a quantity of electricity plus basic fee;
  - (b) a quantity of water plus basic fee;
  - (c) refuse removal charges;
  - (d) sewerage charges;
  - (e) rates; or

- (f) any other service fees, taxes or charges over and above the rendered services.
- (2) The municipality has the right to review an application for indigence relief on a regular basis and to visit the property mentioned in section 15(1)(c) at any reasonable time for the purposes of verifying the information given in an application.
- (3) The normal rates, fees and charges and the requirement to pay an account will apply should a household account exceed the credit limits approved by the municipality.
- (4) Where it has been established that indigence relief has been granted on the basis of false or fraudulent information supplied, the municipality may withdraw such relief with immediate effect.

## **CHAPTER 3 TARIFFS**

### ***Part 1***

#### ***General principles, calculation of tariffs for major services***

#### **17. General principles**

- (1) The municipality adopts, subject to subsection (14), sections 20(3)(d) and (e) and 21(5)(d), a two-part tariff structure consisting of a fixed availability charge coupled with a charge based on consumption.
- (2) In setting its annual tariffs the municipality must at all times take due cognisance of the –
  - (a) tariffs applicable elsewhere in the economic region; and
  - (b) impact which its own tariffs may have on local economic development.
- (3) With the exception of the indigence relief measures approved by the municipality, service tariffs imposed by the municipality should be viewed as user charges and not as taxes, and the ability of the relevant consumer or user of the services to which such tariffs relate, to pay for such services, should not be considered as a relevant criterion.
- (4) The municipality must ensure that its tariffs are uniformly and fairly applied throughout the municipal area.
- (5) Tariffs for the following services rendered by the municipality, must as far as possible recover the expenses associated with the rendering of each service concerned, and, where feasible, generate a surplus as determined in each annual budget:
  - (a) supply of electricity;
  - (b) supply of water;
  - (c) sanitation services, including sewerage and waste water disposal services; and
  - (d) refuse (solids waste) removal services.
- (6) The tariff, which a particular consumer or user pays, must be directly related to the standard of service received and the quantity of the particular service used or consumed.
- (7) The municipality must annually review its indigence relief measures, as contemplated in sections 15 and 16, and must set out the –
  - (a) municipality's cost recovery policy in respect of the tariffs which it levies on registered indigents; and

- (b) the implications of such policy for the tariffs which it imposes on other users and consumers in the municipal region.
- (8)
  - (a) The municipality's tariff policy must be transparent.
  - (b) The extent to which there is cross-subsidisation between categories of consumers or users must be evident to all consumers or users of the service in question.
- (9) The municipality undertakes to –
  - (a) ensure that its tariffs are explained to and understood by all consumers and users affected by this by-law;
  - (b) render its services cost effectively in order to ensure the best possible cost of service delivery.
- (10) In the case of the directly measurable services, namely electricity and water, the consumption of such services must be properly metered by the municipality, and meters must be read, wherever circumstances reasonably permit, on a monthly basis, and the charges levied on consumers must be proportionate to the quantity of the service which they consume.
- (11) In considering the costing of its water, electricity and sewerage services, the municipality must take due cognisance of the high capital cost of establishing and expanding such services, and of the resultant high fixed costs, as opposed to variable costs of operating these services.
- (12)
  - (a) The municipality's tariffs for electricity services are determined to ensure that those consumers who are mainly responsible for peak demand, and therefore for the incurring by the municipality of the associated demand charges from Eskom, have to bear the costs associated with these charges.
  - (b) For the purposes of paragraph (a), the municipality must install demand meters to measure the maximum demand of such consumers during certain periods.
  - (c) Such consumers must pay the relevant demand charge as well as a service charge directly related to their actual consumption of electricity during the relevant metering period.

#### **18. Calculation of tariffs for major services**

In order to calculate the tariffs which must be charged for the supply of the services contemplated in section 17(5), the municipality must identify all the costs of operation of the undertakings concerned, including specifically the following:

- (a) cost of bulk purchases in the case of water and electricity;
- (b) distribution costs;
- (c) distribution losses in the case of electricity and water;
- (d) depreciation expenses;
- (e) maintenance of infrastructure and other fixed assets;
- (f) administration and service costs, including –
  - (i) service charges levied by other departments such as finance, human resources and legal services;
  - (ii) reasonable general overheads, such as the costs associated with the office of the municipal manager;
  - (iii) adequate contributions to the provisions for bad debts and obsolescence of stock; and
  - (iv) all other ordinary operating expenses associated with the service concerned including, in the case of the electricity service, the cost of

- providing street lighting in the municipal area; and
- (g) the cost of indigence relief measures.

## ***Part 2***

### ***Structure of tariffs for major services, minor tariffs***

#### **19. Structure of tariffs**

- (1) The municipality may—
- (a) determine the kilowatt-hours of electricity per month and the kilolitres of water which will be provided free of charge to a consumer who have registered as an indigent in terms of section 15(1)(b); and
  - (b) consider relief in respect of the tariffs for sewerage and refuse removal for such registered indigent to the extent that the council deems such relief affordable in terms of each annual budget, however, such relief may not be less than a discount as determined by the municipality.
- (2) The tariff for a pre-paid meter is the same as the ordinary consumption tariffs levied on the category of consumer concerned, and no availability charge is levied on a property where a pre-paid meter has been installed.

#### **20. Electricity**

- (1) The various categories of electricity consumers, as set out in subsection (3), are charged at the applicable tariffs, as approved by the municipality in each annual budget.
- (2) Tariff adjustments are effective in respect of July accounts each year.
- (3) Categories of consumers and charges are as follows:
- (a) with the exception of a registered indigent, a consumer must be billed for all the electricity consumed at the tariff applicable to the category in which the particular consumer falls.
  - (b) the tariff for domestic consumption of electricity may not exceed such percentage, per kilowatt-hours, as determined by the municipality, of the tariff applicable to other consumers, and all other consumers, including businesses, industries and institutional consumers, must pay the same tariff per kilowatt-hour.
  - (c) A domestic electricity consumer of the municipality who is registered as an indigent with the municipality must receive free the amount of kilowatt-hours of electricity as determined in terms of section 19(1).
  - (d) a domestic electricity consumer other than a registered indigent and sub-economic (Government subsidised Housing) consumer must additionally be billed an availability charge per meter installed.
  - (e) a commercial, industrial and other non-domestic property must additionally be billed a monthly availability charge per meter installed and, where applicable, a demand charge appropriate to its respective levels of consumption.

#### **21. Water**

- (1) The categories of water consumers as set out in subsection (5), are charged at the applicable tariffs, as approved by the municipality in each annual budget.
- (2) Tariff adjustments are effective in respect of July accounts each year.

(3) The tariff levied for domestic consumption of water escalates according to the volume of water consumed, and will be based on a monthly consumption as determined by the municipality.

(4) The tariff for non-domestic water consumption is based on a single tariff per kilolitre consumed, irrespective of the volume of consumption concerned.

(5) Categories of consumers and charges are as follows:

- (a) a domestic water consumer registered as an indigent with the municipality must receive free the first six kilolitre of water consumed per month, thereafter a tariff as determined by the municipality is applicable on metered water consumption.
- (b) all other domestic consumers are charged for actual water consumption at a stepped tariff per kilolitre as determined by the the municipality.
- (c) the tariff applicable to domestic consumption of water may not exceed such percentage per kilolitre as determined by the municipality, of the tariff applicable to other consumers and all other consumers, including businesses, industries and institutional consumers, must pay the tariff as contemplated in subsection (4).
- (d) an availability charge per water meter, as determined by the municipality, is charged on a water consumer.

## **22. Refuse removal**

(1) The categories of refuse removal users as set out in subsection (3) are charged at the applicable tariffs, as approved by the municipality in each annual budget.

(2) Tariff adjustments are effective in respect of July accounts each year.

(3) A separate fixed monthly refuse removal charge applies to each of the following categories of users, based on the costs of the service concerned:

- (i) domestic and other users, where refuse is removed by the municipality once weekly; and
- (ii) business and other users, where refuse is removed by the municipality twice weekly;
- (iii) business and other users, where refuse is removed by the municipality thrice weekly; and
- (iv) business and other bulk consumers.

(4) A registered indigent may receive a discount on this charge as the municipality deems affordable when approving each annual budget, which discount may not be less than the percentage, as determined by the municipality, of the monthly amount billed as a refuse removal charge.

## **23. Sewerage**

(1) The categories of sewerage users as set out in subsection (3) are charged per month at the applicable tariff as approved by the municipality in each annual budget.

(2) Tariff adjustments are effective in respect of July accounts each year.

(3) Categories of users and charges are:

- (a) an availability charge is charged per month or annually for an undeveloped erf, irrespective of its permitted or intended use.
- (b) a fixed monthly charge based on the costs of the service, is charged for bucket removal for a domestic user, however, a registered indigent may receive such discount on this charge as the municipality deems affordable when approving each annual budget, which discount may

- not be less than the percentage, as determined by the municipality, of the monthly amount billed for this service.
- (c) a fixed monthly charge based on the costs of the service is charged for a domestic user, however, a registered indigent may receive such discount on this charge as the municipality deems affordable when approving each annual budget, which discount may not be less than the percentage, as determined by the municipality, of the monthly amount billed for this service.
  - (d) a fixed monthly charge based on the costs of the service per sewer point or toilet is charged to all businesses, industries and institutional users.
  - (e) an effluent fee is payable by a factory and another industrial user where the wastewater emanating from such user requires special purification measures by the municipality, and the fee is based on the toxic content of the wastewater concerned and the costs of the purification.
  - (f) a charge, based on the costs of the service to empty a septic tank, will be levied for each visit to empty a septic tank on the premises of a person requiring such service.

#### **24. Minor tariffs**

- (1) All minor tariffs are standardised within the municipal region.
- (2) All minor tariffs are approved by the municipality in each annual budget and are, when deemed appropriate by the municipality, subsidised by property rates and general revenues, particularly when the –
  - (a) tariffs prove uneconomical when charged to cover the cost of the service concerned;
  - (b) cost cannot accurately be determined; or
  - (c) tariff is designed purely to regulate rather than finance the use of the particular service or amenity.
- (3) Unless there are compelling reasons why such adjustment should not be effected, all minor tariffs over which the municipality has full control, and which are not directly related to the cost of a particular service, are adjusted annually at least in accordance with the prevailing consumer price index.
- (4) The following services are subsidised services, and the tariffs levied cover 50%, or as near as possible to 50%, of the annual operating expenses budgeted for the service concerned:
  - (a) burial services and the provision of cemeteries; and
  - (b) the provision of municipal sports facilities for use against a fee.
- (5) The following services are considered as being community services, and no tariffs are levied for their use:
  - (a) a municipal swimming pool;
  - (b) a municipal museum and art gallery;
  - (c) the disposal of garden refuse at the municipal disposal site;
  - (d) a municipal reference library;
  - (e) a municipal lending library, except for fines determined;
  - (f) a municipal botanical garden, other park or open space;
- (6) The following services are considered as being economic services, and the tariffs levied cover 100%, or as near as possible to 100%, of the budgeted annual operating expenses of the service concerned:

- (a) The maintenance of graves, gardens of remembrance and crematoria against payment of a fee;
  - (b) the availability of a house against payment of a housing rental;
  - (c) subject to subsection (9), the use of a municipal hall and other premises against payment of a fee;
  - (d) the supply of a building plan against payment of a fee;
  - (e) the selling of –
    - (i) plastic refuse bags;
    - (ii) the selling of refuse bins; or
    - (iii) livestock and plants;
  - (f) the cleaning of stands against payment of a fee;
  - (g) the connection of electricity, water and sewerage against payment of a connection fee;
  - (h) the photostating of copies against payment of a fee; and
  - (i) the issuing of a clearance certificate against payment of a fee.
- (7) The following charges and tariffs are considered as regulatory or punitive, and are determined as appropriate in each annual budget:
- (a) fines for lost or overdue library books;
  - (b) advertising sign fees;
  - (c) pound fees;
  - (d) disconnection and reconnection fees of electricity and water;
  - (e) penalty and other charges imposed in terms of Chapters 1 and 2; and
  - (f) penalty charges for the submission of dishonoured, stale, post-dated or otherwise unacceptable cheques.
- (8) The lease of a municipal property must be dealt with in terms of the Municipality's Supply Chain Management Regulations or Policy;
- (9) If the municipal manager is satisfied, in the case of a rental for the use of a municipal hall and premises, that the hall or premises is required for non-profit making purposes and for the provision of a service to the community, the municipal manager may waive the applicable rental.
- (10) The municipal manager must determine whether an indemnity or guarantee is to be lodged, or whether a deposit has to be paid, for the rental of a municipal hall, premises or sports field, and in so determining must be guided by the likelihood of the municipality's sustaining damages as a result of the use of the facilities concerned.
- (11) The costs of the democratic process in the municipality such as, but not limited to, all expenses associated with the political structures of the municipality, form part of the expenses to be financed from property rates and general revenues, and are not included in the costing of the major services of the municipality.

## CHAPTER 4

### RATES

#### **25. Imposition of rates**

- (1) The municipality must impose, as part of each annual operating budget component, a rate in the rand on the value of all rateable property as recorded in the municipality's valuation roll and supplementary valuation roll.
- (2) When imposing the rate for each financial year, the municipality must take proper cognisance of the –
- (a) aggregate burden of rates and service charges on property owners in the various categories of property ownership; and

- (b) extent to which this burden is or remains competitive with the comparable burden in other municipalities within the local economic region.

## **26. Rebates on rates**

- (1) The municipality may grant rebates in recognition of the following factors:
  - (a) the inability of residential property owners to pass on the burden of rates, as opposed to the ability of the owners of business, commercial, industrial and certain other properties to recover such rates as part of the expenses associated with the goods or services which they produce;
  - (b) the need to accommodate indigents and less affluent pensioners;
  - (c) the services provided to the community by public service organisations;
  - (d) the value of agricultural activities to the local economy coupled with the limited municipal services extended to such activities, but also taking into account the municipal services provided to municipal residents who are employed in such activities;
  - (e) the need to preserve the cultural heritage of the local community;
  - (f) the need to encourage the expansion of public service infrastructure; and
  - (g) the indispensable contribution which property developers, especially in regard to commercial and industrial property development, make towards local economic development, and the continuing need to encourage such development.
- (2) The municipal manager must, subject to section 15(3) and 15(4) of the Property Rates Act, 2004 (Act 6 of 2004), ensure that rebates are indicated on the rates accounts submitted to each property.
- (3) The municipality may categorise properties and grant rebates as determined by it.
- (4) In determining whether a property forms part of a particular category contemplated in subsection (3), the municipality must have regard to the actual use to which the relevant property is put, and in the case of vacant land not specifically included in any of the categories, the permitted use of the property determines into which category it falls.
- (5) The rebates granted under subsection (3) apply in addition to the provisions of section 17(1)(h) of the Property Rates Act, 2004.
- (6)
  - (a) Subject to the provisions of section 9 of the Property Rates Act, 2004, a property, other than one referred to in section 17(1)(h)(i) of that Act, is rated on the value assigned to each component, and receives the rebate applicable to such component.
  - (b) where one component on average represents a higher percentage than that determined by the municipality, of the property's actual use, such property must be rated as though it were used for that use only.

## **27. Adjustment of rates**

- (1) Where the rates levied on a particular property have been incorrectly determined, whether because of –
  - (a) an error or omission on the part of the municipality;
  - (b) false information provided by the property owner concerned; or

- (c) a contravention of the permitted use to which the property concerned may be put,  
the rates payable must be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.
- (2) Where the error occurred as contemplated in subsection (1)(b) or (c), interest on the unpaid portion of the adjusted rates payable must be levied at the maximum rate permitted by prevailing legislation.

## **28. Frequency of valuations**

Subject to the provisions of sections 32 and 77 of the Property Rates Act, 2004 (Act 6 of 2004), the municipality must prepare a new valuation roll every three years and supplementary valuation rolls every six months.

## **CHAPTER 5 ENFORCEMENT**

### **29. Municipality's powers to restrict or disconnect supply of services**

The municipality may, over and above the provisions of any other provisions in this by-law restrict or disconnect the supply of water and electricity, or discontinue any other service to any premises if -

- (a) an administration order is granted in terms of section 74 of the Magistrates Court Act, 1944 (Act 37 of 1944), in respect of an account holder; provided further that such services will only be suspended if the account holder fails to make regular payments in respect of the current services;
- (b) an account holder of any service fails to comply with a condition of supply imposed by the municipality;
- (c) an account holder obstructs the efficient supply of electricity, water or any other municipal services to another account holder;
- (d) an account holder supplies such municipal services to any person who is not entitled thereto or permits such service to continue;
- (e) an account holder causes a situation which is dangerous or a contravention of relevant legislation; or
- (f) an account holder is placed under provisional registration, liquidation or judicial management, or commits an act of insolvency in terms of the Insolvency Act, 1936 (Act 24 of 1936).

### **30. Tampering, unauthorised connections and reconnections, and improper use**

- (1) The municipality reserves the right to monitor the service network for signs of tampering or irregularities.
- (2) No person may in any manner or for any reason tamper or interfere with any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the municipality.
- (3) Where evidence exists of an account holder or any person having contravened subsection (2), the municipality has the right to disconnect the supply immediately and without prior notice to the account holder, and the account holder is liable for all fees and charges levied by the Municipality for such disconnection.

(4) Where an account holder or any person has contravened subsection (2) and such contravention has resulted in the meter recording less than the true consumption, the municipality has the right to recover from the account holder the full cost of his or her estimated consumption.

### **31. Clearance certificate**

To effect the transfer of any immovable property from one registered owner to another, the Registrar of Deeds requires a clearance certificate, which certificate is obtainable from the municipal manager upon payment of the prescribed fee and subject to the conditions of section 118 of the Municipal Systems Act, 2000 (Act 32 of 2000) being met.

### **32. Tenders and grants-in-aid**

(1) Each tender submitted to the municipality must be accompanied by a certificate from the municipality stating that the proposed supplier/service provider is not indebted to the municipality for any arrear amount reflected on the municipal account.

(2) Should a proposed supplier/service provider be so indebted, the municipality may disallow the tender.

(3) The municipality may only consider a tender once the proposed supplier/service provider has made satisfactory arrangements to pay the outstanding amount by means of instalments, or has settled all arrear amounts in full.

(4) The municipal manager or a duly authorised officer of the municipality must in the condition of contract, provide for the deduction from moneys owed to the supplier/service provider in order to settle any outstanding amount.

(5) Payment of any grants-in-aid approved by the municipality may be withheld pending payment of any outstanding municipal account, or pending an agreement between the municipality and the receiver of a grant-in-aid in which satisfactory arrangements have been made regarding the settlement of the outstanding municipal account.

### **33. Power of council to recover costs**

(1) Where a bank dishonours any payment made to the municipality, the municipality may levy and recover all related costs and any administration fees against an account of the defaulting account holder and may disconnect or restrict the supplies to the premises of such account holder.

(2) All legal costs, excluding attorney-and-client costs incurred in the recovery of amounts in arrears and payable in terms of the Magistrates Court Act, 1944 (Act 32 of 1944), must be levied against the arrears account of the account holder.

(3) For any action taken in demanding payment from an account holder or reminding an account holder by means of telephone, fax, electronic mail, letter or otherwise that payments are due, a fee will be levied against the municipal account of the account holder in terms of the municipality's tariff policy.

### **34. Prima facie evidence**

A certificate reflecting the amount due and payable to the municipality, signed by the municipal manager, is upon mere production thereof prima facie evidence of the indebtedness of the person mentioned in it.

**35. Abandonment of bad debts, and full and final settlement of account**

- (1) Before terminating the debt collection procedure in any individual instance, the municipal manager must –
- (a) ensure that all debt collection mechanisms as provided for in section 11 have been utilised where reasonable;
  - (b) maintain an audit trail; and
  - (c) document the reasons for terminating the debt collection procedure, including the cost of enforcement and necessary financial adjustments.
- (2) The municipal manager may consider an offer for full and final settlement, and must, if in the interests of the municipality, in writing consent to the acceptance of a lesser amount as full and final settlement of the amount due and payable.
- (3) Where the exact amount due and payable to the municipality has not been paid in full, any lesser amount tendered to and accepted by any municipal employee, except the municipal manager, shall not be deemed to be in full and final settlement of such an amount.

**36. Power of entry and inspection**

- (1) A duly authorised representative of the municipality may for any reason related to the implementation or enforcement of this by-law at all reasonable times or in emergency at any time, enter premises, request information and carry out such inspection as deemed necessary, and may for purposes of installing or repairing any meter or service connection for reticulation disconnect, stop or restrict the provision of any service.
- (2) If the municipality considers it necessary for work to be performed to enable an officer to perform a function referred to in subsection (1) properly and effectively, it may –
- (a) by written notice require an account holder to do, at own expense, specified work within a specified period; or
  - (b) if the situation is a matter of urgency, without prior notice do such work or cause it to be done at the expense of the account holder.
- (3) If the work referred to in subsection (2) is carried out for the sole purpose of establishing whether a contravention of this by-law has been committed and no such contravention has taken place, the municipality must bear the expense connected therewith together with that of restoring the premises to their former condition.

**37. Authentication and service of orders, notices and other documents**

- (1) An order, notice or other document requiring authentication by the municipality must be signed by the municipal manager and when issued by the municipality in terms of this by-law is deemed to be duly issued if it is signed by an officer authorised by the municipality.
- (2) Any notice or other document that is served on a person by a duly authorised officer of the municipality 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 16 years;
  - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an 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);
  - (e) if that person's address and agent or representative in the Republic is unknown, when it has been placed in a conspicuous place on the property or premises, 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 such body corporate to a person apparently over the age of 16 years; or
  - (g) when it has been delivered, at the request of a person, to that person's electronic mail address.
- (3) When any notice or other document has to be served on the owner, an account holder 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, account holder or holder of the property or right in question, and it is not necessary to name that person.
- (4) Service of a copy is deemed to be service of the original.
- (5) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

## **CHAPTER 6**

### **MISCELLANEOUS PROVISIONS**

#### **38 Right of appeal**

A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision

#### **39. Offences and penalties**

A person is, on conviction, and subject to penalties prescribed in any other law, liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment if he or she-

- (a) fails to give access required by an officer in terms of section 36;
- (b) obstructs or hinders an officer in the exercise of his or her powers or the performance of functions or duties under this by-law;
- (c) uses or interferes with the municipality's equipment for consumption of services supplied;
- (d) fails or refuses to give the municipality or an officer such information as the municipality or the officer may reasonably require for the purpose of exercising powers or functions under this by-law, or gives the municipality or the officer false or misleading information knowing it to be false or misleading;
- (e) fails to comply with the terms of a notice served upon him or her in terms of this by-law; or
- (f) tampers or breaks any seal on a meter or on any equipment belonging to the municipality, or for any reason causes a meter not to register the services used

properly, and the person shall furthermore be charged for usage of electricity or water, as the case may be.

**40. Repeal of by-laws**

The following by-laws are hereby repealed:

- (a) Any by-law previously promulgated by the municipality or any of the disestablished municipalities now incorporated into the municipality, in so far as it relates to any matter provided for in this by-law; and
- (b) Any by-law previously promulgated by the Cacadu District Municipality or any of its predecessors, in so far as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Municipal Structures Act, 117 of 1998.

**41. Short title and commencement**

This by-law may be cited as the Customer Care and Revenue Management By-law and commences on the date of publication thereof in the Provincial Gazette.

## PRINS ALBERT MUNICIPALITY COMMONAGE BY-LAW

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Prins Albert Municipality enacts as follows:-

### Table of contents

1. Definitions
2. Purpose and objectives
3. Establishment of camps for grazing
4. Closing of camps
5. Approval to graze animals
6. Confinement of stock to camps
7. Numbers and condition of animals
8. Branding of stock
9. Grazing fees
11. Carcasses of animals
12. Prohibited conduct
13. Exemptions
14. Liaison forums in the community
15. Agreements
16. Authentication and service of notices and other documents
17. Appeal
18. Penalties
19. Revocation of by-laws
20. Short title and commencement

### 1. Definitions

“**Act**” means the Animal Identification Act, 2002 (Act 6 of 2002);

“**brand**” means any registered mark registered in terms of section 5 (2) of the Act and placed on any animal for any purpose, and includes any representation of a mark intended to be placed on any animals, as the circumstances may require, but does not include any-

- (a) mark made or placed on the horn or hoof;
- (b) mark made with paint on any animal;
- (c) clasp, rivet or tag attached to the ear, or any mark made on such clasp, rivet or tag; or
- (d) notch or hole;

“**commonage**” means that part of property owned by, or under control of, the municipality, which the municipality may set aside for grazing or for such other purposes and use as it may deem necessary;

“**depasture**” means to allow an animal to graze on the commonage;

“**large stock**” means cattle and equine, and includes any other species of animals which the Minister may by notice in the Gazette declare to be large stock for the purposes of the Act;

“**municipality**” means the Municipality of Prins Albert, established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure,

political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“**prescribed**” means prescribed by the municipality;

**'small stock'** means sheep and goats, and includes any other species of animals which the Minister may by notice in the Gazette declare to be small stock for the purposes of this Act;

## **2. Purpose of by-law and objectives**

The purpose of this by-law is to provide for use and management of the commonage as well as the control of animals on such commonage established by the municipality.

## **3. Establishment of camps for grazing**

- (1) The municipality may reserve and fence off a portion of the commonage and establish camps for the grazing of the stock of the residents.
- (2) The municipality may set apart portions of the commonage for the grazing of small stock and large stock.
- (3) The municipality may erect paddocks or enclosures for animals of residents.

## **4. Closing of camps**

- (1) The municipality may, whenever it deems it necessary for a purpose such as, but not limited to, maintenance or allowing a meadow to regenerate grass growth, close and prohibit the grazing of a camp or section thereof on the commonage, during certain periods of the year.
- (2) No person may allow his or her animal to graze in a camp which has been closed by the municipality for whatever purpose or reason.
- (3) The municipality may impound an animal found in a camp which has been closed in terms of subsection (1).
- (4) A person who contravenes subsection (2) commits an offence.

## **5. Approval to graze animals**

- (1) No person may keep or depasture any animal in a camp on a commonage without first having obtained written approval from the municipality.
- (2) A person who wishes to obtain approval must submit the prescribed form to the municipality which may, after considering the following factors, grant approval:
  - (a) for the total number of animals already accommodated in the camps;
  - (b) for the number of animals, and the kind of animal, which he or she wishes to have accommodated in a camp;
- (3) The approval contemplated in subsection (1) may be granted subject to the condition of the meadows (pastures), or the provisions of an approved grazing- or commonage management plan, and any other factor which the municipality deems necessary.
- (4) The right of depasturing is personal only, and no person is entitled to transfer or cede his or her right to another.

(5) A person who contravenes subsection (1) or fails to comply with any condition imposed in terms of subsection (3), commits an offence.

#### **6. Confinement of stock to camps**

(1) A person depasturing on commonage must confine his or her stock to the camp set apart by the municipality.

(2) A person who contravenes subsection (1) commits an offence.

#### **7. Numbers and condition of animals**

(1) The municipality may determine the numbers and kinds of animals that may be accommodated on the commonage by a person.

(2) A person keeping an animal on the commonage must ensure that the animal is in a healthy condition.

(3) The municipality may require from a person keeping or applying to keep an animal on the commonage to file with the municipality a sworn declaration as to the ownership and condition of the animal.

(4) A person who –

- (a) keeps more than the determined number of animals as contemplated in subsection (1) on a commonage;
- (b) who fails to keep an animal in a healthy condition as contemplated in subsection (2);
- (c) fails to file a declaration as contemplated in subsection (3); or
- (d) provides false information to the municipality, commits an offence.

#### **8. Branding of stock**

(1) A person who depastures any stock on the commonage must ensure that all his or her animals are branded in terms of section 7 of the Act.

(2) No person may keep or depasture any animal on the municipal commonage without it being branded.

(3) Stock found on the commonage without such branding, may be impounded by the municipality.

#### **9. Grazing fees**

(1) The municipality may determine grazing fees that must be paid to the municipality.

(2) Should a person fail to pay a grazing fee, the municipality may take such measures as provided for in its Customer Care and Revenue Management By-law.

#### **10. Infected or contagious animals**

(1) No person may graze, bring or leave any stock suffering from, or suspected of being infected with, any contagious or infectious disease, on the commonage.

(2) Any stock found on the commonage suspected of being infected with any contagious or infectious disease must, at the cost of the owner, be inspected by a veterinary surgeon, and if he or she finds that the disease is contagious or infectious, he or she may cause such stock to be isolated or destroyed.

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

**11. Carcasses of animals**

- (1) The owner of an animal which has died on the commonage must immediately cause the carcass to be buried, and should he or she fail to do so, the municipality will bury the carcass and claim the expenses from the owner.
- (2) A person who fails to dispose of a carcass as contemplated in subsection (1) commits an offence.

**12. Prohibited conduct**

- (1) No person may without the prior written consent of the municipality –
  - (a) erect any hut, shelter, kraal, habitation or structure of any kind nor occupy, camp or squat on any portion of the commonage;
  - (b) accumulate, dump or deposit or cause to be accumulated, dumped or deposited on any portion of the commonage any derelict motor cars or other vehicles or machinery or any derelict parts thereof;
  - (c) dig on or remove soil, clay, sand, gravel or boulders from the commonage;
  - (d) make bricks, or erect brick-, lime- or charcoal kilns on the commonage;
  - (e) cut, damage, burn, destroy, gather or remove any plants, shrubs, trees, timber, firewood, brushwood, manure or any grass growing or being upon any portion of the commonage;
  - (f) interfere with or cause damage to any fence, gate, drinking trough, water tap or other appliance or thing, or set fire to the pasture or any bush, tree, shrub on the commonage;
  - (g) make use of any road over the commonage other than roads allowed to be used by the municipality from time to time, and roads that the public have a legal right to use;
  - (h) deposit, or in any way leave, any poison for whatever purpose on the commonage;
  - (i) kill, catch, capture, or hunt, or attempt to kill, any game or birds of whatsoever description on the commonage;
  - (j) set traps of whatsoever description on the commonage;
  - (k) destroy the nests, or remove the eggs or young therefrom, of any birds or water-fowl on the commonage; or
  - (l) fish in any dam, river or any other water on the commonage.
- (2) The municipality may take, or cause to be taken, any steps necessary to rectify any contravention of subsection (1) and may claim the costs incurred by the municipality from the person responsible for the contravention.
- (3) A person who contravenes subsection (1) commits an offence.

**13. Exemptions**

- (1) Any person may by means of a written application, in which the reasons are given in full, apply to the municipality for exemption from any provision of this by-law.
- (2) The municipality may –
  - (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted, must be stipulated therein;

- (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 all conditions imposed by the municipality under subsection (2). 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.

#### **14. Liaison forums in the community**

- (1) The municipality may establish one or more liaison forums in a community for the purposes of –
  - (a) creating conditions for a local community to participate in the affairs of the municipality;
  - (b) encouraging a local community to participate in the affairs of the municipality; and
  - (c) promoting the achievement of a properly controlled and administered commonage.
- (2) A liaison forum may consist of –
  - (a) a member or members of an interest group, or an affected person;
  - (b) a member or members of a community in whose immediate area a commonage has been established;
  - (c) a designated official or officials of the municipality; and
  - (d) a councillor.
- (3)
  - (a) The municipality may, when considering an application for an approval, or exemption certificate in terms of this by-law, request the input of a liaison forum.
  - (b) A liaison forum or any person or persons contemplated in subsection (2) may, on their own initiative give input to the municipality for consideration.

#### **15. Agreements and commonage management plans**

The municipality may, in consultation with the community, enter into a written agreement with any party regarding the use of the commonage or any part thereof or develop a commonage management plan in terms of which the commonage may be managed and developed.

#### **16. Authentication and service of notices and other documents**

- (1) A notice issued by the municipality in terms of this by-law is deemed to be duly issued if an official of the municipality has signed it.
- (2) Any notice or other document that is served on a person in terms of this by-law is regarded as having been duly served –
  - (a) when it has been delivered to that person personally;
  - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;

- (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;
  - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
  - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;
  - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of the body corporate; or
  - (g) when it has been delivered, at the request of that person, to his or her e-mail address.
- (3) Service of a copy is deemed to be service of the original.
- (4) When any notice or other document is served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, or holder of the property or right in question, and it is not necessary to name that person.

## **17. Appeal**

A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

## **18. Penalties**

A person who has committed an offence in terms of this by-law is, on conviction, and subject to penalties prescribed in any other law, liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

## **19. 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, and insofar as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

## **20. Short title and commencement**

This by-law shall be known as the Commonage By-law and shall come into operation on the date of publication thereof in the Provincial Gazette.

**PRINCE ALBERT MUNICIPALITY  
AMENDMENT OF BY-LAWS,  
promulgated in 2009**

The Municipal Council of the Prince Albert Municipality has resolved to amend the following By-laws to provide for penalties for the contravention of the By-laws.

**1. By-law relating to the Keeping of Dogs.**

1. For the substitution of paragraph 18(1) of the following:

18(1) “A penalty not exceeding R1 000,00 or imprisonment for a period not exceeding six months or both a penalty and imprisonment.

**2. By-law relating to the Keeping of Poultry.**

1. For the substitution of paragraph 10(1) of the following:

10(1) “A penalty not exceeding R1 000,00 or imprisonment for a period not exceeding six months or both a penalty and imprisonment.

**3. By-law relating to Advertising Signs and the Disfigurement of the Front or Frontages of Streets.**

1. For the substitution of paragraph 25(1) of the following:

25(1) “A penalty not exceeding R1 000,00 or imprisonment for a period not exceeding six months or both a penalty and imprisonment.

**4. By-law relating to the Control of Cemeteries.**

1. For the substitution of paragraph 26(1) of the following:

26(1) “A penalty not exceeding R1 000,00 or imprisonment for a period not exceeding six months or both a penalty and imprisonment.

**5. By-law relating to Fire Safety.**

1. For the substitution of paragraph 55(i) of the following:

55(i) “A penalty not exceeding R1 000,00 or imprisonment for a period not exceeding six months or both a penalty and imprisonment.

**6. By-law relating to Supply of Electricity.**

1. For the substitution of paragraph 61(1) of the following:

66(1) “A penalty not exceeding R1 000,00 or imprisonment for a period not exceeding six months or both a penalty and imprisonment.

**7. By-law relating to Camping Sites.**

1. For the substitution of paragraph 20(1) of the following:

20(1) “A penalty not exceeding R1 000,00 or imprisonment for a period not exceeding six months or both a penalty and imprisonment.

**8. By-law relating to Municipal Parks.**

1. By the deletion of the words “shall be guilty of an offence and liable upon conviction to a fine where it appears in paragraph 3(c) after the words “a park.”
2. By the insertion of the following paragraph after paragraph 3
4. “Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to:-
  - (1) A penalty not exceeding R1 000,00 or imprisonment for a period not exceeding six months or both a fine and a penalty”

**9. By-law relating to the Prevention of Nuisances.**

1. For the substitution of paragraph 7(1) of the following:
  - 7 (1) “A penalty not exceeding R1 000,00 or imprisonment for a period not exceeding six months or both a penalty and imprisonment.

**10. By-law relating to Public Amenities.**

1. For the substitution of paragraph 16(1) of the following:

16(1) “A penalty not exceeding R1 000,00 or imprisonment for a period not exceeding six months or both a penalty and imprisonment.

**11. By-law relating to Parks for Caravans and Mobile Homes.**

- (1) For the substitution of paragraph 29(1) of the following:

29(1) “A penalty not exceeding R1 000,00 or imprisonment for a period not exceeding six months or both a penalty and imprisonment.

**12. By-law relating to the Control of Disposal Sites.**

1. For the substitution of paragraph 8(1) of the following:

8(1) “A penalty not exceeding R1 000,00 or imprisonment for a period not exceeding six months or both a penalty and imprisonment.

**13. By-law relating to Streets.**

1. For the substitution of paragraph 44(1) of the following:

34(1) “A penalty not exceeding R1 000,00 or imprisonment for a period not exceeding six months or both a penalty and imprisonment.

**14. By-law relating to Refuse Removal and Disposal.**

1. For the substitution of paragraph 18(1) of the following:

“A penalty not exceeding R1 000,00 or imprisonment for a period not exceeding six months or both a penalty and imprisonment.

**15. By-law relating to Water Supply, Sanitation Services and Industria Effluent..**

1. For the substitution of paragraph 21(1) of the following:

21(1) “A penalty not exceeding R1 000,00 or imprisonment for a period not exceeding six months or both a penalty and imprisonment.

## CAPE AGULHAS MUNICIPALITY

**NOTICE: APPLICATION FOR REZONING AND DEPARTURE**

Notice is hereby given in terms of the Land Use Planning Ordinance, 1985 that the Municipality received the following application for consideration:

*Owners:* Die Faul Trust and Die Molchin Trust

*Properties:* Erf 1399 Struisbaai

*Locality:* 75 Main Road Struisbaai

*Existing zoning:* Residential Zone I

*Proposal:* Rezoning of Erf 1399 Struisbaai in terms of Section 17 of the Land Use Planning Ordinance, 1985 from Residential Zone I to Residential Zone IV purposes for flats. Departure on Erf 1399 Struisbaai in terms of Section 15 of the Land Use Planning Ordinance, 1985 for the relaxation of the 4 meter rear building line to 1.5 meter and the 4 metre side building line to 1.7 metre.

Details of the application can be obtained from Mr Abraham Theron during office hours.

Motivated objections and/or comments with regards to the application must reach the Municipality in writing on or before **Monday, 3 March 2014**. Please note that any comments received after the closing date will not be taken into account.

Any person who cannot write are invited to visit under-mentioned office of the Municipality where Mr Theron will assist such person to transcribe his/her objections and/or comments.

Notice nr.: B1399/2014

Esi saziso siyafumaneka ngesiXhosa xa kuceliwe.

DGI O'NEIL, MUNICIPAL MANAGER, Municipal Offices, PO Box 51, BREDASDORP, 7280. Tel: (028) 425 5500, Fax: (028) 425 1019

31 January 2014

56403

## BREEDE VALLEY MUNICIPALITY

**APPLICATION FOR SUBVISION AND CONSOLIDATION ERF 23484, WORCESTER**

NOTICE IS HEREBY GIVEN in terms of Section 24 (1) of the Land Use Planning, 1985 (Ordinance 15 of 1985) that an application has been received for the Subdivision of Erf 23484, Worcester into two portions namely Portion A ( $\pm 2388\text{m}^2$ ) and a Remainder ( $\pm 2495\text{m}^2$ ) and the consolidation of Portion A with Erf 21299, Worcester ( $5040\text{m}^2$ ) in order to allow the owner to create a separate business erf and consolidate with adjacent portion.

Full particulars regarding the application are available at the office of the Director: Operational Services, Section: Planning, Development & Building Control (Miss N. Gayiya) Third Floor Tel. No 023-3482631, Civic Centre Baring Street, Worcester. Written objections, if any, should be lodged in writing with the Municipal Manager, Private Bag X3046, Worcester 6849 and must reach the undersigned on or before **3 March 2014**.

(Notice No. 29/ 2013)

GF MATTHYSE, MUNICIPAL MANAGER

31 January 2014

56420

## KAAP AGULHAS MUNISIPALITEIT

**KENNISGEWING: AANSOEK OM HERSONERING EN AFWYKING**

Kennis geskied hiermee ingevolge die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) dat die Munisipaliteit die volgende aansoek vir oorweging ontvang het:

*Eienaars:* Die Faul Trust en die Molchin Trust

*Eiendom:* Erf 1399 Struisbaai

*Ligging:* Hoofweg 75 Struisbaai

*Huidige sonering:* Residensiële Sone I

*Voorstel:* Hersonerings van Erf 1399 Struisbaai ingevolge Artikel 17 van die Ordonnansie op Grondgebruikbeplanning, 1985 vanaf Residensiële Sone I na Residensiële Sone IV vir woonstel doeleindes. Afwyking op Erf 1399 Struisbaai ingevolge Artikel 15 van die Ordonnansie op Grondgebruikbeplanning, 1985 vir die verslapping van die 4 meter agterboullyn na 1.5 meter en die 4 meter kantboullyn na 1.7 meter.

Besonderhede van die aansoek is gedurende kantoor ure by Mnr Abraham Theron ter insae.

Skriftelik gemotiveerde kommentaar en/of besware ten opsigte van die voorstel moet voor of op **Maandag, 3 Maart 2014** by die Munisipaliteit ingedien word. Neem asb kennis dat enige kommentaar ontvang na die sluitingsdatum nie in aggeneem gaan word nie.

Enige persoon wat nie kan skryf nie kan gedurende die kantoor ure van die Munisipaliteit na ondergemelde kantoor kom waar Mnr Theron sodanige persoon sal help om sy/haar kommentaar en/of besware af te skryf.

Kennisgewing no.: B1399/2014

Esi saziso siyafumaneka ngesiXhosa xa kuceliwe.

DGI O'NEIL, MUNISIPALE BESTUURDER, Munisipale Kantore, Posbus 51, BREDASDORP, 7280. Tel: (028) 425 5500, Fax: (028) 425 1019

31 Januarie 2014

56403

## BREEDEVALLEI MUNISIPALITEIT

**AANSOEK OM ONDERVERDELING EN KONSOLIDASIE ERF 23484, WORCESTER**

KENNIS GESKIED HIERMEE ingevolge die bepalings van Artikel 24 (1) van die Ordonnansie op Grondgebruikbeplanning, 1985 (Ordonnansie 15 van 1985) dat 'n aansoek ontvang is waarin goedkeuring versoek word om onderverdeling van Erf 23484, Worcester in twee gedeeltes naamlik Gedeelte A ( $\pm 2388\text{m}^2$ ) en die Restant ( $\pm 2495\text{m}^2$ ) en die konsolidasie van Gedeelte A met Erf 21299, Worcester ( $5040\text{m}^2$ ) ten einde die eienaar in staat te stel om 'n aparte besigheid erf te omskep en te konsolideer met die aangrensende erf.

Volledige besonderhede van die aansoek is beskikbaar in die kantoor van die Direkteur: Operasionele Dienste, Derde Vloer, Burgersentrum, Baringstraat, Worcester (Mej. N. Gayiya) Tel. No 023-3482631. Besware, indien enige, moet skriftelik gerig word aan die Munisipale Bestuurder, Privaatsak X3046, Worcester 6849 om die ondergetekende te bereik voor of op **3 Maart 2014**.

(Kennisgewing Nr.29 / 2013)

GF MATTHYSE, MUNISIPALE BESTUURDER

31 Januarie 2014

56420

## The “Provincial Gazette” of the Western Cape

appears every Friday, or if that day is a public holiday, on the last preceding working day.

### **Subscription Rates**

R247,00 per annum, throughout the Republic of South Africa.

R247,00 + postage per annum, Foreign Countries.

Selling price per copy over the counter R14,60

Selling price per copy through post R21,00

Subscriptions are payable in advance.

*Single copies* are obtainable at Room M21, Provincial Legislature Building, 7 Wale Street, Cape Town 8001.

### **Advertisement Tariff**

First insertion, R35,00 per cm, double column.

Fractions of cm are reckoned as a cm.

Notices must reach the Director-General not later than 10:00 on the last working day but one before the issue of the *Gazette*.

Whilst every effort will be made to ensure that notices are published as submitted and on the date desired, the Administration does not accept responsibility for errors, omissions, late publications or failure to publish.

All correspondence must be addressed to the Director-General, PO Box 659, Cape Town 8000, and cheques, bank drafts, postal orders and money orders must be made payable to the Department of the Premier.

## Die “Provinsiale Koerant” van die Wes-Kaap

verskyn elke Vrydag of, as die dag ’n openbare vakansiedag is, op die laaste vorige werkdag.

### **Tarief van Intekengelde**

R247,00 per jaar, in die Republiek van Suid-Afrika.

R247,00 + posgeld per jaar, Buiteland.

Prys per eksemplaar oor die toonbank is R14,60

Prys per eksemplaar per pos is R21,00

Intekengeld moet vooruitbetaal word.

*Individuele eksemplare* is verkrygbaar by Kamer M21, Provinsiale Wetgewers-gebou, Waalstraat 7, Kaapstad 8001.

### **Advertensietarief**

Eerste plasing, R35,00 per cm, dubbelkolom.

Gedeeltes van ’n cm word as een cm beskou.

Kennisgewings moet die Direkteur-generaal voor 10:00 op die voorlaaste werksdag voor die uitgawe van die *Koerant* bereik.

Hoewel alle pogings aangewend sal word om te sorg dat kennisgewings soos ingedien en op die vereiste datum gepubliseer word, aanvaar die Administrasie nie verantwoordelikheid vir foute, weglatings, laat publikasies of versuim om dit te publiseer nie.

Alle briefwisseling moet aan die Direkteur-generaal, Posbus 659, Kaapstad 8000, gerig word en tjeks, bankwissels, posorders en poswissels moet aan die Departement van die Premier betaalbaar gemaak word.

*SOUTH AFRICA FIRST –*  
BUY SOUTH AFRICAN  
MANUFACTURED GOODS

*SUID-AFRIKA EERSTE –*  
KOOP SUID-AFRIKAANS  
VERVAARDIGDE GOEDERE



**CONTENTS—(Continued)**

	Page
Drakenstein Municipality: Public Notice .....	254
Drakenstein Municipality: Removal of Restriction and Consent use .....	256
George Municipality: Consent use and Departure .....	246
George Municipality: Departure and Consent Use .....	257
Hessequa Municipality: Closure .....	246
Hessequa Municipality: Departure and Consent Use .....	255
Knysna Municipality: Rezoning .....	258
Langeberg Municipality: Consent Use .....	257
Overstrand Municipality: Removal of Restriction .....	259
Prince Albert Municipality: Amendment of By-Laws.....	389
Prince Albert Municipality: Customer Care and Revenue Management By-Laws .....	353
Prince Albert Municipality: Commonage By-Law .....	383
Prince Albert Municipality: Fire Safety By-Law.....	290
Prince Albert Municipality: Fireworks By-Law .....	287
Prince Albert Municipality: Sporting Facilities By-Law.....	266
Prince Albert Municipality: Stormwater Management By-Laws .....	260
Prince Albert Municipality: Verordening (Slegs in Afrikaans) ....	275
Stellenbosch Municipality: Removal of Restriction .....	258
Theewaterskloof Municipality: Subdivision .....	251

**INHOUD—(Vervolg)**

	Bladsy
Drakenstein Munisipaliteit: Publieke Kennisgewing .....	254
Drakenstein Munisipaliteit: Opheffing van Beperkings .....	256
George Munisipaliteit: Vergunningsgebruik en Afwyking .....	246
George Munisipaliteit: Afwyking en Vergunningsgebruik .....	257
Hessequa Munisipaliteit: Sluiting .....	246
Hessequa Munisipaliteit: Afwyking en Vergunningsgebruik .....	255
Knysna Munisipaliteit: Hersonerig .....	258
Langeberg Munisipaliteit: Vergunningsgebruik .....	257
Overstrand Munisipaliteit:: Opheffing van Beperkings .....	259
Prince Albert Munisipaliteit: Verordening (Slegs in engels).....	389
Prince Albert Munisipaliteit: Verordening (Slegs in Engels) .....	353
Prince Albert Munisipaliteit: Verordening (Slegs in Engels) .....	383
Prince Albert Munisipaliteit: Verordening (Slegs in Engels) .....	290
Prince Albert Munisipaliteit: Verordening (Slegs in Engels) .....	287
Prince Albert Munisipaliteit: Verordening (Slegs in Engels) .....	266
Prince Albert Munisipaliteit: Verordening (Slegs in Engels) .....	260
Prince Albert Munisipaliteit: Verordening insake skut van diere. ....	275
Stellenbosch Munisipaliteit: Opheffing van Beperkings .....	258
Theewaterskloof Munisipaliteit: Onderverdeling .....	251