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KNYSNA MUNICIPALITY
ELECTRICITY SUPPLY BY-LAW

Under the provision of section 156 of the Constitution of the Republic of South Africa, 1996, the Knysna Municipality, enacts as follow:

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CHAPTER 1: GENERAL

1. Definitions—

In this by-law, the English text prevails in the event of any inconsistency between the different texts and unless inconsistent with the context—

“accredited person” means a person registered in terms of the Regulations as an electrical tester for single phase, an installation electrician or a master electrician, as the case may be;

“applicable standard specification” means the standard specifications as listed in Schedule 1 attached to this by-law;

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

“civil work permit” means a permit issued to an applicant for a wayleave granting that applicant consent for the civil work to be undertaken;

“consumer” in relation to premises—

- (a) for supply agreements existing prior to the promulgation of this by-law means—
 - (i) any occupier thereof or any other person with whom the Municipality has entered into an agreement to supply or is actually supplying electricity to;
 - (ii) if such premises are not occupied, any person who has a valid existing agreement with the municipality for the supply of electricity to such premises; or
 - (iii) if there is no such person or occupier, the owner of the premises;
- (b) for supply agreements entered into after the promulgation of this by-law means the owner of the premises or his or her designated proxy.

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

“electrical contractor” means an electrical contractor as defined in the Regulations;

“electrical installation” means an electrical installation as defined in the Regulations;

“high voltage” means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of $44\text{kV} < U_n < 220\text{ kV}$. [SANS 1019];

“informal dwelling” means a structure and unit of accommodation intended in a particular portion of a residential area, such as single residential, 2- or 3 storey block of flats, or semi-detached units;

“low voltage” means the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be an a.c. voltage of 1000V (or a d.c. voltage of 1500 V). [SANS 1019];

“law” means any applicable law, proclamation, ordinance, act of parliament or enactment having force of law;

“medium voltage” means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of $1\text{ kV} < U_n \leq 44\text{ kV}$. [SANS 1019];

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

“motor load, total connected” means the sum total of the kW input ratings of all the individual motors connected to an installation;

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

“motor starting current” in relation to alternating current motors means the root mean square value of the symmetrical current taken by a motor when energised at its rated voltage with its starter in the starting position and the rotor locked;

“Municipality” means the Municipality of Knysna established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and included any political structure, political office bearer, 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, agent or employee;

“occupier” in relation to any premises means—

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

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

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

- (iii) if the municipality is unable to determine who such person is, the person who is entitled to the beneficial use of such property,

shall be deemed to be the owner thereof to the exclusion of the person in whom is vested the legal title thereto;

“point of consumption” means a point of consumption as defined in the Regulations;

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

“point of supply” means the point determined by the municipality or any duly authorised official of the municipality at which electricity is supplied to any premises by the municipality;

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

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

“registered person” means a person registered in terms of the Regulations as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

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

“retail wheeling” means the process of moving third party electricity from a point of generation across the distribution systems of the municipality and selling it to a customer;

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

“Second dwelling” means—

- (a) an informal dwelling erected on the property of a registered erf in a proclaimed township without approval in terms of the National Building Regulations, informal dwellings in front yards are included; or
- (b) a formal dwelling that has been approved by the municipality in terms of the prescripts of the building codes and regulations.

“service connection” means all cables and equipment, including all metering equipment, load management equipment, all high, medium or low voltage switchgear and cables required to connect the supply mains to the electrical installation of the consumer at the point of supply;

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

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

“supply mains” means any part of the municipality’s electricity distribution network;

“tariff” means the municipality’s tariff of charges for the supply of electricity, and sundry fees, as approved by the municipal council;

“temporary supply” means an electricity supply required by a consumer for a period normally less than one year;

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

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

“wayleave” means the set of documentation providing information on the location of the supply mains of the municipality within the physical area covered by an application to undertake civil work within the municipal area and stipulates the conditions applicable to the work to be done in the vicinity of the affected supply mains.

2. Other terms

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

3. Headings and titles

The headings and titles in this by-law shall not affect the construction thereof.

Chapter 2 General conditions of supply

4. Provision of Electricity Services

- (1) Only the municipality shall supply or contract for the supply of electricity within the jurisdiction of the Knysna Municipality. A third party may supply or contract for the supply of electricity within the jurisdiction of the Knysna Municipality, subject to the consent of the municipality and to the requirements of the Electricity Regulation Act.

5. Supply by agreement

- (1) No person shall use or be entitled to use an electricity supply from the municipality unless or until a written agreement has been entered into with the municipality for such supply, and such agreement together with the provisions of this by-law shall in all respects govern such supply. If electricity is consumed without the existence of a supply agreement, the owner of the premises on which the electricity is being used shall be liable for the cost of electricity used as stated in section 44 of this by-law.

6. Service of notice

- (1) Any notice or other document that is served on any person in terms of this by-law is regarded as having been served—
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.
- (2) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.
- (3) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipality or an employee in attendance at the office of the municipality.

7. Compliance with notices

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

8. Application for supply

- (1) Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Municipality, and the notified maximum demand, in kVA, required for the installation, shall be stated therein. Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the municipality.
- (2) An application for an electricity supply for a period of less than one year shall be regarded as an application for a temporary supply of electricity and shall be considered at the discretion of the municipality, which may specify any special conditions to be satisfied in such case.
- (3) Applicants for the supply of electricity shall submit the following documents with their application:
 - (a) An identity document or passport, and, in the case of a business, a letter of resolution delegating the authority to the applicant;
 - (b) The consumer shall provide a Deed of Sale or other proof of ownership of the premises for which a supply of electricity is required.

Applicants for a supply of electricity shall be subject to a credit clearance check as far as debt to the Knysna Municipality is concerned.

9. Processing of requests for supply

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

10. Wayleaves

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

11. Statutory Servitude

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

12. Right of admittance to inspect, test and/or do maintenance work

- (1) The municipality shall, through its employees, contractors and their assistants and advisers, have reasonable access to or over any property for the purposes of—
 - (a) doing anything authorised or required to be done by the municipality under this by-law or any other law;
 - (b) inspecting and examining any service mains and anything connected therewith;

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

13. Refusal or failure to give information

- (1) No person shall refuse or fail to give such information as may be reasonably required of him/her by any duly authorised official of the municipality or render any false information to any such official regarding any electrical installation work completed or contemplated.
- (2) The municipality shall not make any information available concerning the supply or account details for any premises to any third party without the express written permission from the consumer who signed the supply agreement for the supply to the premises concerned except to the owner of a property upon written request to the municipality.

14. Refusal of admittance

No person shall wilfully hinder, obstruct, interfere with or refuse admittance to any duly authorised official of the municipality in the performance of his duty under this by-law or of any duty connected therewith or relating thereto.

15. Improper use

- (1) If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the municipality has reasonable grounds for believing interferes in an improper or unsafe manner or is found to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the municipality may disconnect the electricity supply but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed.
- (2) The fee as prescribed by the municipality for the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored, unless it can be shown that the consumer did not use or deal with the electricity in an improper or unsafe manner.

16. Electricity tariffs and fees

Copies of charges and fees may be obtained free of charge at the offices of the municipality.

17. Deposits

- (1) The municipality, in terms of a Tariff Policy approved by the municipal council, reserves the right to require the consumer to deposit a sum of money as security in payment of any charges which are due or may become due to the municipality.
- (2) The amount of the deposit in respect of each electricity installation shall be determined by the municipality. Each such deposit may be increased if the municipality deems the deposit held to be inadequate, a result of non-payment, as a result of tampering, or as a result of unauthorized connections or unauthorized reconnections.
- (3) Such deposit shall not be regarded as being in payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this by-law.
- (4) On cessation of the supply of electricity, the amount of such deposit, free of any interest, less any payments due to the municipality and/or the Service Authority shall be refunded to the consumer.
- (5) The payment of interest on deposits, held in terms of supply agreements by any previous supplier of electricity, shall cease on the date of transfer of such supplies to the municipality.

18. Payment of charges

- (1) The consumer shall be liable for all charges listed in the prescribed tariff for the electricity service as approved by the municipality.
- (2) The consumer may also be required to pay all charges of other services supplied by the municipality to ensure a continued supply of electricity.
- (3) All accounts shall be deemed to be payable when issued by the municipality and each account shall, on its face, reflect the due date and a warning indicating that the supply of electricity may be disconnected should the charges in respect of such supply remain unpaid after the due date.
- (4) An error or omission in any account or failure to render an account shall not relieve the consumer of his obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself/herself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.
- (5) Where a duly authorised official of the municipality has visited the premises for the purpose of disconnecting the supply of electricity in terms of sub-section (2) and he/she is obstructed or prevented from effecting such disconnection, the prescribed fee shall become payable for each visit necessary for the purpose of such disconnection.
- (6) After disconnection for non-payment of an account, the prescribed fees and any amounts due for electricity consumed shall be paid or suitable arrangements have been made in terms of the municipality's by-law or policies, before the electricity supply is re-connected.

19. Interest on overdue accounts

The municipality may charge interest on accounts, which are not paid by the due date appearing on the account, in terms of an approved Credit Control and Debt Collection Policy and any related indigent support.

20. Principles for the resale of electricity

- (1) Resellers shall comply with the licensing and registration requirements set out in the Electricity Regulation Act and regulations issued under this act.
- (2) Unless otherwise authorised by the municipality, no person shall sell or supply electricity, supplied to his/her premises under an agreement with the municipality, to any other person or persons for use on any other premises, or permit or suffer such resale or supply to take place.

- (3) If electricity is resold for use upon the same premises, the electricity resold shall be measured by a sub meter of a type, which has been approved by the South African Bureau of Standards and supplied, installed and programmed in accordance with the standards of the municipality.
- (4) The tariff, rates and charges at which and the conditions of sale under which electricity is thus resold shall not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the municipality.
- (5) Every reseller shall furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the municipality to its electricity consumers.

21. Right to disconnect supply

- (1) The municipality may, subject to subsection (2), disconnect the supply of electricity to any premises, which could include the restricting and/or allocation of credit purchases for prepayment meters as set out in the municipality's Credit Control and Debt Collection Policy—
 - (a) where the person liable to pay for such supply fails to pay any charge due to the municipality in connection with any supply of electricity which he or she may at any time have received from the municipality in respect of such premises; or
 - (b) where the Service Authority, i.e. Eskom has requested the municipality to disconnect the supply of electricity where there are outstanding municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties; or
 - (c) where tampering with the service connection or supply mains has occurred.
- (2) The municipality must give a person referred to in subsection (1)(a) and any person residing in the premises notice of—
 - (a) the intention to disconnect electricity supply to the premises of such person;
 - (b) a reasonable opportunity for such person to make representations in respect of the intended disconnection; and
 - (c) all the relevant information including reasons for the intended disconnection and the notice period on or after which the disconnection will be effected.
- (3) The Municipality may disconnect the supply of electricity to any premises without notice under the following circumstances:
 - (a) where there is a case of grave risk to any person or property; or
 - (b) for reasons of community safety or the safety of emergency personnel.
- (4) For circumstances other than listed in sub-section (1) and (2), where any of the provisions of this by-law or the Regulations are being contravened, the Municipality shall give the person concerned (14) fourteen days' notice to remedy his or her default prior to disconnection.
- (5) After the disconnection contemplated in subsection (1), the fee as prescribed by the municipality for such disconnection or the reconnection of the service shall be paid by the person concerned.
- (6) In the case where an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the Municipality, or in the case where the municipality's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from those premises.

22. Non-liability of the municipality

The municipality shall be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or any other abnormality of the supply of electricity, unless caused by negligence on the part of the municipality.

23. Leakage of electricity

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

24. Failure of supply

The municipality does not undertake to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the municipality. When any failure of supply of electricity is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the municipality shall have the right to charge the consumer the fee as prescribed by the municipality for each restoration of the supply of electricity in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation as aforesaid.

25. Seals of the Municipality

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

26. Tampering with service connection or supply mains

- (1) No person shall in any manner or for any reason whatsoever tamper with, interfere with, vandalize, fix advertising medium to, or deface any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the municipality or illegally connect into the electricity wiring of any other consumer.
- (2) Where prima facie evidence exists of a consumer and/or any person having contravened sub-section (1), the municipality may disconnect the supply of electricity to the consumer, and that person shall be liable for all fees and charges levied by the municipality for such disconnection.
- (3) Where interference or damage is caused by any individual, having contravened sub-section (1), legal action may be instituted against such individual.
- (4) Where a consumer and/or any person has contravened sub-section (1) and such contravention has resulted in the meter recording less than the true consumption, the municipality shall have the right to recover from the consumer the full cost of his estimated consumption.
- (5) The determination by the municipality shall be prima facie evidence of such consumption.

27. Protection of municipality's supply mains

- (1) No person shall, except with the consent of the municipality and subject to such conditions as may be imposed—
 - (a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the supply mains.

- (b) excavate, open up, remove the ground or alter the ground level, above, next to, under or near any part of the supply mains, or in any area falling under the jurisdiction of the municipality.
 - (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains.
 - (d) make any unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity there from.
 - (e) The owner or occupier shall limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the municipality will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down. Should the owner fail to observe this provision the municipality shall have the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose.
- (2) The municipality may subject to obtaining an order of court demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with this by-law.
- (3) The municipality may in the case of an emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

28. Prevention of tampering with service connection or supply mains

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

29. Unauthorised connections

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

30. Unauthorised reconnections

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

31. Temporary disconnection and reconnection

- (1) The municipality shall, at the request of the consumer, temporarily disconnect and reconnect the supply of electricity to the consumer's electrical installation upon payment of the fee as prescribed by the municipality for each such disconnection and subsequent reconnection.

- (2) The municipality may inspect the service connection and/or require a Certificate of Compliance to be submitted before reconnecting the supply.
- (3) In the event of the necessity arising for the municipality to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the municipality shall waive payment of the fee hereinbefore referred to.
- (4) The municipality may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose and in all other instances adequate notice shall be given.

32. Temporary supplies

It shall be a condition of the giving of any temporary supply of electricity, as defined in this by-law, that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the municipality shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and, neither the Service Authority nor the municipality shall be liable for any loss or damage occasioned by the consumer by such termination.

33. Temporary work

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

34. Load reduction

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

35. High, medium and low voltage switchgear and equipment

- (1) In cases where a supply of electricity is given at either high, medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved by the municipality or any duly authorised official of the municipality, be paid for by the consumer.

- (2) In the case of a medium voltage supply of electricity, all such equipment shall be approved by any duly authorised official of the municipality and installed by or under the supervision of any duly authorised official of the municipality provided that all such equipment installed on the consumer's premises shall be compatible with the municipality's electrical performance standards.
- (3) No person shall operate medium voltage switchgear without the written authority of the municipality.
- (4) No person shall open, close, isolate, link or earth high or medium voltage switchgear or equipment without giving reasonable prior notice to the municipality's System Control Centre.
- (5) All earthing and testing of medium voltage linked to the municipality's network shall be conducted by or under the supervision of an employee of the municipality.
- (6) In the case of a high or medium voltage supply of electricity, where the consumer has high or medium voltage switchgear installed, the municipality shall be advised of the competent person appointed by the consumer in terms of the Regulations, and of any changes made to such appointments.
- (7) In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch and/or any other equipment required by the municipality or any duly authorised official of the municipality.
- (8) In the case of low voltage bulk supply of electricity, the municipality shall be advised of the competent person appointed by the consumer in terms of the regulations, and of any changes made to such appointment.

36. Substation accommodation

- (1) The municipality may, on such conditions as may be deemed fit by the municipality, require the owner to provide and maintain accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing high voltage cables and switchgear, medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant. The substation accommodation shall be situated on ground floor level at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.
- (2) The substation accommodation shall comply with specified requirements and dimensions determined by the municipality and shall incorporate adequate lighting, ventilation, fire prevention and fire extinguishing measures.
- (3) The municipality reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the municipality, such additional accommodation shall be provided by the applicant at the cost of the municipality.

37. Wiring diagram and specification

- (1) When more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification shall on request be supplied to the municipality in duplicate for written consent before the work commences.

- (2) Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from high voltage, or from one of the substations of the municipality through mains separate from the general distribution system, a complete specification and drawings for the plant to be installed by the consumer shall, if so required, be forwarded to the municipality for written consent before any material in connection therewith is ordered.

38. Standby supply

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

39. Consumer's emergency standby supply equipment

- (1) No emergency standby equipment provided by a consumer in terms of any Regulations or for his own operational requirements shall be connected to any installation without the prior written consent of the municipality. Application for such consent shall be made in writing and shall include a full specification of the equipment and a wiring diagram. The standby equipment shall be so designed and installed that it is impossible for the municipality's supply mains to be energized by means of a back-feed from such equipment. The consumer shall be responsible for providing and installing all such protective equipment.
- (2) Where by special agreement with the municipality, the consumer electricity generation equipment is permitted to be electrically coupled to, and run in parallel with the municipality's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of the municipality.
- (3) Under normal operating conditions, any export of surplus energy from the consumer to the municipality's network shall be subject to special agreement with the municipality.
- (4) In the event of a general power failure on the municipality's network protection equipment shall be installed by the consumer, subject to the municipality's approval, so as to ensure that the consumer's installation is isolated from the municipality's network until normal operating conditions are restored. The cost of any specialized metering equipment will be for the consumer's account.

40. Technical Standards

The municipality may from time to time issue Technical Standards detailing the requirements of the municipality regarding matters not specifically covered in the Regulations or this by-law but which are necessary for the safe, efficient operation and management of the supply of electricity.

Chapter 2: Responsibilities of consumers

41. Consumer to erect and maintain electrical installation

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

42. Fault in electrical installation

- (1) If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the user of the electrical installation shall immediately disconnect the electricity supply. The consumer shall without delay give notice thereof to the municipality and shall immediately take steps to remedy the fault.
- (2) The municipality may require the consumer to reimburse it for any expense to which it may be put in connection with a fault in the electrical installation.

43. Discontinuance of use of supply

In the event of a consumer desiring to discontinue using the electricity supply, he/she shall give at least (2) two full working days' notice in writing of such intended discontinuance to the municipality, failing which he/she shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of two full working days after such notice has been given.

44. Change of consumer

- (1) A consumer vacating any premises shall give the municipality not less than (2) two full working days' notice in writing shall be given to the municipality of the intention to discontinue using the electricity supply, failing which the owner shall remain liable for such supply.
- (2) If the person taking over occupation of the premises desires to continue using the electricity supply, the owner of such premises shall make application in accordance with the provisions of section 5 of this by-law, and if the owner fails to make application for an electricity supply within ten working days of the person taking occupation of the premises, the supply of electricity shall be disconnected, and the owner shall be liable to the municipality for the electricity supply from the date of occupation until such time as the supply is so disconnected.
- (3) Where premises are fitted with pre-payment meters and there is no existing electricity supply agreement, until such time as an application is made by the owner for a supply of electricity, in terms of section 5 of this by-law, the owner shall be liable for all charges and fees owed to the municipality for that metering point as well as any outstanding charges and fees whether accrued by that person or not.
- (4) The municipality may impose conditions, which may include the withholding of the electricity supply to premises, in cases where the previous consumer's electricity account at that premises is in arrears.

45. Service apparatus

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

Chapter 3: Specific Conditions of Supply

46. Service connection

- (1) The consumer shall bear the cost of the service connection, as approved by the municipality.
- (2) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection shall vest in the municipality, the municipality shall be responsible for the maintenance of such service connection up to the point of supply. The consumer shall not be entitled to any compensation from the municipality in respect of such service connection.
- (3) The work to be carried out by the municipality at the cost of the consumer for a service connection to the consumer's premises shall be determined by the municipality or any duly authorised official of the municipality.
- (4) A service connection shall be laid underground, whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the municipality.
- (5) The consumer shall provide, fix and/or maintain on his premises such ducts, wire ways, trenches, fastenings and clearance to overhead supply mains as may be required by the municipality for the installation of the service connection.
- (6) the conductor used for the service connection shall have a cross-sectional area according to the size of the electrical supply but shall not be less than 10 mm² (copper or copper equivalent), and all conductors shall have the same cross-sectional area, unless otherwise approved by any duly authorised official of the municipality.
- (7) Unless otherwise approved, the municipality shall only provide one service connection to each registered erf, and subject to the provisions of the chapter hereunder dealing with the electrification of second dwellings. In respect of two or more premises belonging to one owner and situated on adjacent erven, a single bulk supply of electricity shall be made available provided the erven are consolidated or notarially tied.
- (8) Any covers of a wire way carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the municipality.
- (9) Within the meter box, the service conductor or cable, as the case may be, shall terminate in an unobscured position and the conductors shall be visible throughout their length when cover plates, if present, are removed.
- (10) In the case of blocks of buildings occupied by a number of individual consumers, separate wire ways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks of buildings. Alternatively, if trunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1,5m) throughout their length.

47. Metering accommodation

- (1) The consumer shall, if required by the municipality, provide accommodation in an approved position, the meter board and adequate conductors for the municipality's metering equipment, service apparatus and protective devices. Such accommodation and protection shall be provided and maintained, to the satisfaction of the municipality, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of credit meters, at a point to which free and unrestricted access shall be given at all reasonable hours for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment. Access at all reasonable hours shall be afforded for the inspection of prepayment meters.
- (2) Where sub-metering equipment is installed, accommodation separate from the municipality's metering equipment shall be provided.
- (3) The consumer or, in the case of a common meter position, the owner of the premises shall provide a distribution board from which to supply adequate electric lighting and power in the space set aside for accommodating the metering equipment and service apparatus.

- (4) Where in the opinion of the municipality the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new position, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.
- (5) The accommodation for the municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices. No apparatus other than that used in connection with the supply of electricity and use of electricity shall be installed or stored in such accommodation unless approved.

Chapter 4: Systems of Supply

48. Nominal supply voltage

The nominal supply voltage at which a supply is given shall be determined by the municipality as necessitated by technical considerations to ensure the efficient operation of the supply mains.

49. Load requirements

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

50. Load limitations

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

50. Interference with other persons' electrical equipment

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

51. Supplies to motors

Unless otherwise approved by the municipality the rating of motors shall be limited as follows:

(1) Limited size for low voltage motors—

The rating of a low voltage single-phase motor shall be limited to 2kW and/or the starting current shall not exceed 70. All motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.

(2) Maximum starting and accelerating currents of three-phase alternating current motors—

The starting current of three-phase low voltage motors permitted shall be related to the capacity of the consumer's service connection, as follows:

Insulated service cable, size in mm ² , copper equivalent mm ²	Maximum permissible starting current A	Maximum motor rating in kW		
		Direct on line (6 x full-load current)	Star/Delta (2,5 x full- load current)	Other means (1,5 x full- load current)
		kW	kW	kW
16	72	6	13.5	23
25	95	7.5	18	30
35	115	9	22	36.5
50	135	10	25	45
70	165	13	31	55
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

(3) Consumers supplied at medium voltage—

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

52. Power factor

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

53. Protection

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

Chapter 5: Measurement of Electricity**54. Metering**

- (1) The municipality shall, 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 the electricity supplied.
- (2) Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the municipality and read at the end of such period except where the metering equipment is found to be defective, or the municipality invokes the provisions of section 59(2) of this by-law, in which case the consumption for the period shall be estimated.
- (3) Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.
- (4) The municipality reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.
- (5) No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the municipality.

55. Accuracy of metering

- (1) A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in sub-section (5) hereof, is found to be within the limits of error as provided for in the applicable standard specifications.
- (2) The municipality shall have the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the municipality shall—
 - (a) in the case of a credit meter, adjust the account rendered;
 - (b) in the case of prepayment meters, (a) render an account where the meter has been under-registering, or (b) issue a free token where the meter has been over-registering; in accordance with the provisions of sub-section (6).
- (3) The consumer shall be entitled to have the metering equipment tested by the municipality on payment of the prescribed fee. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of sub-sections (2) and (6) shall be made and the aforesaid fee shall be refunded.

- (4) In case of a dispute, the consumer shall have the right at his own cost to have the metering equipment under dispute tested by an approved independent testing authority, and the result of such test shall be final and binding on both parties.
- (5) Meters shall be tested in the manner as provided for in the applicable standard specifications
- (6) When an adjustment is made to the electricity consumption registered on a meter in terms of sub-section (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in sub-section (5) or upon a calculation by the municipality from consumption data in its possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.
- (7) When an adjustment is made as contemplated in sub-section (6), the adjustment may not exceed a period of three years preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.
- (8) Where the actual load of a consumer differs from the initial estimated load provided for under section 8(1) to the extent that the municipality deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.
- (9) (a) Prior to the municipality making any upward adjustment to an account in terms of sub-section (6), the municipality shall—
 - (a) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;
 - (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 provide it with reasons in writing, if any, within 21 days or such longer period as the municipality may permit why his/her account should not be adjusted as notified.
 - (d) Should the consumer fail to make any representations during the period referred to in sub-section 9(a) (iii) the municipality shall be entitled to adjust the account as notified in sub-section 9(a) (i).
 - (e) The municipality shall consider any reasons provided by the consumer in terms of sub-section (9) (a) and shall, if satisfied that a case has been made out therefor, adjust the account appropriately.
 - (f) If the municipality decides after having considered the representation made by the consumer that such representations do not establish a case warranting an amendment to the monetary value established in terms of sub-section (6), the municipality shall be entitled to adjust the account as notified in terms of sub-section 9(a) (i), subject to the consumer's right to appeal the decision of the official in terms of section 62 of the Municipal Systems Act, 2000.

56. Reading of credit meters

- (1) Unless otherwise prescribed in the applicable standard specification, credit meters shall normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly. The municipality shall not be obliged to effect any adjustments to such charges.
- (2) If for any reason the credit meter cannot be read, the municipality may render an estimated account. The electrical energy consumed shall be adjusted in a subsequent account in accordance with the electrical energy actually consumed.
- (3) When a consumer vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made and the final account rendered accordingly.

- (4) If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee.
- (5) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only apply in respect of accounts for a period of three years preceding the date on which the error in the accounts was discovered, and shall be based on the actual tariffs applicable during the period. 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.

57. Prepayment metering

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

Chapter 6: Electrification of Second Dwellings

59. Challenges

The lack of available land and the inability of people to own land is a harsh reality in South Africa. This has led to people sharing land in a private commercial arrangement which often leads to social conflict with regards to the services to the additional dwelling. The additional dwellings do not have direct access to services from the municipality and are reliant on obtaining these services via the occupier of the main dwelling.

60. Objectives

The objective of this chapter is to set out uniform rules to be applied for the electrification of second dwellings in order for the municipality to meet its constitutional and statutory obligations to provide basic services, and to afford occupiers of second dwellings access to electricity supply.

61. Strategic Intent

- (1) This chapter supports the aim of the municipality by assisting through the provision of electricity supplies to second dwellings and is guided by considerations of equity, affordability and sustainability.
- (2) This chapter is informed by technical considerations relating to the loading and the capacity of the distribution network for the servicing of second dwellings.

- (3) This chapter has been developed cognisant of the SALGA Local Government Policy Proposal of June 2013.

62. Policy Parameters

- (1) Subject to d) below, this chapter applies to second dwellings on residential erven where the distribution network is adequate to cater for the electrification of second dwellings.
- (2) The application of this chapter is subject to funding being available for network upgrading, where required, and the provision of service connections. Alternatively, the applications could carry the costs of the service connections.
- (3) Special conditions may apply to second dwellings approved in terms of the National Building Regulations on erven in proclaimed townships.
- (4) This chapter is applicable to second dwellings on municipal-owned land and privately-owned land.

63. Role players and Stakeholders

- (1) The electricity Services Department is responsible for:
 - (a) The application for grant funding for the upgrading of electricity networks and the provision of service connections for the provision of electricity services to municipal owned property with second dwellings; and
 - (b) The design and installation of such networks and service connections to second dwellings meeting the prescribed criteria.
- (2) The municipality's Human Settlements Department is responsible for:
 - (a) The identification and precise definition, in conjunction with the Municipality's Electricity Services Department, of areas in which second dwellings are to be provided with direct service connections;
 - (b) The geographic identification of properties with second dwellings within the identified area;
 - (c) The numbering of each second dwellings; and
 - (d) The provision of lists of beneficiary names and street addresses within the identified be areas to receive service connections.
- (3) The property owners are responsible for the maintenance of the electrical installation from the Point of Supply. The municipality is deemed the property owner in terms of the second dwellings on municipal owned land accommodating municipal residential units.
- (4) The second dweller is responsible for the service connection fee, unless they qualify for a Department of Energy subsidized connection.

64. Policy Directive Details

(1) Criteria for the electrification of second dwellings

- (i) The following criteria must be met before the Electricity Services Department will provide an electricity supply to second dwellings:
 - the distribution network must have sufficient capacity to cater for the electrification of second dwellings;
 - only second dwelling on residential property will be considered;
 - each second dwelling must be numbered by the municipality's Human Settlements Department

- The second dwellings must not be situated in an area subject to a servitude over the property or a part thereof;
- Adequate access to second dwellings must be available to allow for safe installation of service connections. In certain cases, the property owner will need to relocate to second dwelling to a suitable location on the property;
- The owner of the property has to formally agree that the second dweller may receive a service connection.
- The existing electricity supply will be split in such a manner that both the original dwelling and the second dwelling each receive a supply of not less than 20A, with agreement with the property owner. Should this not be possible, then the second dwelling cannot be accommodated unless the network is upgraded.

65. Distribution Network Capacity

- (1) Distribution networks are designed to comply with the South African Grid Code and national technical standards, such as NRS 034-1, to accommodate the loads associated zoning with the number of formal houses allowed in terms of the applicable zoning scheme. Increasing the number of direct service connections to connect second dwellings will result in overloading of the network. Overloading results in overheating of cables and infrastructure. It can also cause the supply voltage in the second dwelling to fall below the legislated minimum. The result would be an unsafe network and damage to both utility infrastructure and appliance used by customers. For these reasons, the municipality is obliged to maintain strict quality of supply standards, as specified in NRS 048, in terms of the Distribution License issued to the municipality by NERSA.
- (2) In the vast majority of cases, the whole network needs to be replaced with a substantially stronger network prior to connecting second dwellings to the network due to the extent of the additional load and other factors such as the age or the design of the existing network. The provision of service connections to second dwellings cannot be achieved merely by reinforcing the existing network.
- (3) Where new housing developments are established by the municipality's Human Settlements department, agreement must be reached on whether the developments would be designated to cater for second dwelling. If so, the backbone infrastructure shall be designed accordingly.

66. Service Connection Design Standards

- (1) Service connections to second dwellings will be either overhead or underground in accordance with the design standards of the Electricity Service Department.
- (2) The service connection capacity to each second dwelling shall be limited to a maximum of 20A single phase.
- (3) A second dwelling will be provided with its own individual service connection.
- (4) Where possible, each erf will be provided with a single disconnection point to disconnect the supply in cases of emergency. The point of disconnection to the erf shall be identified and marked in an appropriate manner.

67. Applications for service connections to second dwellings

- (1) Applications for service connections to second dwellings within the precinct of MRUs must be made by the occupier of the second dwelling. Only applications approved by the property owner and the municipality's Human Settlements department will be considered.
- (2) Applications for service connections to second dwellings on private property must be made to the property owner.

68. Subsidised Service Connection Fee

- (1) The service connection fee per second dwelling stated in the municipality's Miscellaneous Tariff Schedule shall be payable by the occupier of the second dwelling, unless they qualify for a Department of Energy subsidized connection. The fee may be recovered via the municipality's pre-payment vending system as electricity credit is purchased for the pre-payment meter supplying the dwelling.
- (2) A pre-payment card will be issued to the occupier of each connected second dwelling.

69. Infrastructure beyond the Point of Supply

- (1) The service connection to the second dwelling and the infrastructure beyond the point of supply constructed by the municipality's Electricity Services Department will be handed over, together with a Certificate of Compliance, to the property owner and will become part of the electrical installation on the property. The property owner will be responsible for the safe use and maintenance of the electrical installation on the property.
- (2) In the case of MRU's, the municipality is the property owner for the purpose of this chapter.

70. Implementation Programme

- (1) The implementation of this chapter determined jointly by the municipality's Electricity Services Department and the Human Settlements Department taking into consideration –
 - (a) The capital programme for the upgrading of the electricity networks in suburbs; i.e. the availability of funds;
 - (b) The need for the electrification of second dwellings in the various areas; and
 - (c) The availability of funding the programme realistically.

71. Monitoring and Review

- (1) The implementation programme shall be reviewed by the municipality's Electricity Services Department on an annual basis as part of the normal budget process for the following financial year.

Chapter 7: Miscellaneous Provisions**72. Electrical contractors—Additional requirements to those in the Regulations**

In addition to the requirements of the Regulations the following requirements shall apply

- (1) Where an application for a new or increased supply of electricity has been made to the municipality, the municipality may at his/her discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of the municipality, be inspected, tested and connected to the supply mains as though it were a complete installation.
- (2) The examination, test and inspection that may be carried out at the discretion of the municipality in no way relieves the electrical contractor/registered person or the user or lessor, as the case may be, from his responsibility for any defect in the installation. Such examination, test and inspection shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is in accordance with

this by-law or the safety standard, and neither the Service Authority nor the municipality shall be held responsible for any defect or fault in such electrical installation.

73. Responsibilities of electrical contractors

The municipality shall not be held responsible for the work done by the electrical contractor/registered person on a consumer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

74. Cost of work

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

75. Penalties

- (1) Any person who contravenes any of the provisions of this by-law shall be guilty of an offence.
- (2) Any person who continues to commit an offence after notice has been served on him/her to cease committing such offence or after he/she has been convicted of such offence shall be guilty of a continuing offence.
- (3) Any person convicted of an offence under this by-law for which no penalty is expressly provided shall be liable to a fine not exceeding ten thousand Rands or imprisonment for a period not exceed six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and, in the case of a continuing offence, to an additional fine not exceeding two hundred Rands or additional imprisonment for a period not exceeding ten days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued.
- (4) Every person committing a breach of the provisions of this by-law shall be liable to recompense the municipality for any loss or damage suffered or sustained by it in consequence of such breach.

76. 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 is 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 117 of 1998.

77. Short title and commencement

This by-law will be known as the Knysna Municipality's Electricity Supply By-law and will come into operation on the date of promulgation thereof in the Western Cape Provincial Gazette.

SCHEDULE 1

“Applicable standard specification” means:

- SANS 1607 Electromechanical watt-hour meters,
- SANS 1524 -1 Electricity payment systems,
- SANS IEC 60211 Maximum demand indicators, Class 1.0,
- SANS 10142-1 Code of practice for the wiring of premises;
- NRS 047 Electricity Supply —Quality of Service;
- NRS 048 Electricity Supply —Quality of Supply,
- NRS 057 Electricity Metering: Minimum Requirement
- SANS 1019 Standard voltages, currents and insulation levels for electricity supply;
- SANS IEC 60521 Alternating current electromechanical watt-hour meter (Classes 0.5, 1 & 2),

KNYSNA MUNICIPALITY

BY-LAW FOR THE CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC

To provide for the control of undertakings that sell liquor to the public within the area of jurisdiction of the Knysna Municipality; permitted trading times; a safe and healthy environment and to provide for matters related thereto.

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Preamble

Whereas a municipality may, in terms of section 156 of the Constitution, make and administer by-laws for the effective administration of matters which it has the right to administer;

Whereas it is the intention of the municipality to set trading times and enforcement mechanisms for the control of licensed premises that sell liquor to the public and which are situated within the jurisdiction of the Knysna Municipality.

Now therefore, be it enacted by the Council of the Knysna Municipality, as follows:

Chapter 1: Interpretation

1. Definitions

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

“Act” means the Western Cape Liquor Act (Act 4 of 2008) as may be amended and the regulations in terms thereof;

“authorised official” means an employee of the municipality who has been authorised to enforce this by-Law or an inspector appointed in terms of section 73(4) of the Act;

“designated liquor officer” means a person designated as such in terms of section 73(1) of the Act;

“guest accommodation establishment” means residential premises zoned to provide lodging, meals and other guest services for transient guests for compensation and includes:

- (a) a backpacker’s lodge;
- (b) a bed-and-breakfast establishment;
- (c) a guest house and guest farm or lodge and;
- (d) facilities for business meetings, conferences, events or training sessions of resident guests, but excludes a hotel;

“hotel” means premises used to provide lodging, meals and other guest services for transient guests for compensation, and includes—

- (a) a restaurant or restaurants forming part of the hotel;
- (b) conference and entertainment facilities that are subservient and ancillary to the dominant use of the premises as a hotel; and
- (c) premises which are licensed to sell liquor for consumption on the property, but excludes an off-consumption facility, guest accommodation establishment, dwelling house or dwelling unit;

“licensed premises” means the premises upon which liquor may sold, consumed or stored in terms the Act;

“licensee” means a person to whom a liquor licence has been issued in terms of the Act and includes the manager appointed in terms of the Act, a person acting for or on behalf of such licence holder or manager and any person employed or in the service of such license holder or manager;

“liquor” means any liquor product, liquid or substance as defined in the Act or the Liquor Products Act (Act 60 of 1989) as may be amended and the regulations in terms thereof;

“motor vehicle” means a vehicle designed or adapted for propulsion or haulage on a road by means of fuel, gas or electricity, including a trailer or an agricultural or other implement designed or adapted to be drawn by such vehicle and vehicles designed or adapted to transport passengers;

“Municipality” means the Knysna Municipality, a municipality established in terms of section 12 notice issued in terms of the Local Government: Municipal Structures Act or any political structure, political office bearer or employee of the municipality acting in terms of delegated authority;

“night club” means any place of entertainment which may generate noise from karaoke, amplified or live music or revelry and includes a theatre, amusement park and dance hall;

“premises” means a place, land, building, or part of a building or motor vehicle;

“residential” means an area defined as residential by the Municipality and indicated as such by a certificate issued in terms of section 9 of this by-law;

“sell” means to—

- (a) supply, avail, offer, advertise or expose; or
- (b) exchange for money or to dispose of liquor in any way for any type of consideration,

and **“sale”** and **“sold”** have corresponding meanings;

“special event” means a fundraising event in aid of an education or welfare organisation, any exhibition, sports meetings, cultural gathering, or artistic performance;

“standard trading times” means trading days and trading hours as contemplated in sections 4 and 5 of this by-law, and excludes extended trading days and hours that may be approved by the municipality in terms of section 6 of this By-law;

“tourist facility” means an amenity for tourists such as a wine producing farm, liquor tasting facility, lecture room, restaurant, gift shop and liquor outlet where only liquor manufactured on the premises is sold to the public;

“weapon” means any object, including a firearm, capable of causing death or inflicting bodily harm;

“Western Cape Liquor Authority” means the independent juristic person established by section 2 of the Act; and

“zoning” means a method of development management that designates land in accordance with provisions and rules concerned with categorizing land according to usage and purpose, the extent of which is contained in the Municipality's Zoning Scheme Regulations;

and **“zoned”** has a corresponding meaning.

2. Application

This by-law is applicable to licensees that sell liquor to the public within the jurisdiction of the Knysna Municipality.

3. General prohibition

A licensee may not sell liquor for consumption on or off the licensed premises—

- (a) other than in accordance with this by-law;
- (b) outside the days and hours that have been determined by the municipality; or
- (c) without valid liquor licence that has been issued as contemplated in the Act.

4. Standard trading times

Trading days and hours for sale and consumption of liquor on the licensed premises.

- (a) A licensee may, subject to the terms as stated below, sell liquor for consumption on the licensed premises on the days of the week and during the hours as set out in Schedule 1 attached hereto.
- (b) A licensee who sells liquor for consumption on the licensed premises may not allow any consumption of liquor on the licensed premises at a time when the sale of liquor is not permitted.
- (c) A licensee in respect of a hotel or guest accommodation establishment:
 - (i) may provide access to a pre stocked bar facility inside a private suite or room for the enjoyment of a guest occupying such private suite or room; and
 - (ii) may not restock such bar facility during the hours the establishment is not allowed to sell liquor.
- (d) A licensee in respect of a hotel or guest accommodation establishment may not provide liquor to guests or visitors outside of the standard trading times unless in accordance with subsection (4);

5. Trading days and hours for sale of liquor off the licensed premises

A licensee for consumption off the licensed premises may sell liquor on the days of the week and during the hours as set out in Schedule 1 attached hereto.

Chapter 2: Extended Trading Times

6. Application for extended trading days and hours

- (a) A licensee may, upon payment of the required fee per application, submit a written application to the municipality to extend the liquor trading days and hours in respect of a licensed premises.
- (b) Above-mentioned written application must be submitted to the Municipal Manager twenty-one (21) days before the event as applied for.
- (c) Applications for extension of liquor trading days and hours which is submitted late, not within the twenty-one (21) days as referred to above, must be accompanied with an application for condonation, to be considered by the municipality.
- (d) An application for extension of liquor trading days and hours will only be considered for special events to be hosted at the licensed premises where liquor is sold, during other festivals or over long weekends; and the municipality may refuse or approve such application with or without terms and conditions.
- (e) If an event falls within the ambit of Knysna Municipality's Holding of Events By-law, such an approval of the event must accompany an application for extension of liquor trading days and hours.
- (f) No rights accrue to any person who has applied for an extension of trading days and hours before the receipt of approval from the municipality.
- (g) The municipality must, when considering an application for the extension of trading days and hours, consider factors which may include:
 - (i) the outcome of community consultation;
 - (ii) the public interest;
 - (iii) the proximity of the licensed premises to a residential area, cultural, religious or educational facility;
 - (iv) the planning and zoning requirements of the municipality;
 - (v) the validity of a business license issued in terms of the Businesses Act of 1991 (Act No. 71 of 1991) where applicable;
 - (vi) the potential impact on the tranquillity and well-being of the community;

- (vii) previous suspension, amendment or revocation of extended trading days and hours;
 - (viii) the validity of the liquor license;
 - (ix) reports from the Western Cape Liquor Authority, the South African Police Services and law enforcement section of the municipality; and
 - (x) the applicant's comments in respect of paragraphs (a) to (i) and the steps proposed to mitigate—
 - (a) the risks to the surrounding community;
 - (b) nuisances on the surrounding community;
 - (c) the possible benefits of extended liquor trading hours and days on the surrounding community.
- (h) The municipality may not grant an extension, unless it is satisfied on a balance of probabilities that—
- (i) the granting thereof is in the public interest;
 - (ii) the applicant is of good character, and not disqualified from holding a licence in terms of the Act;
 - (iii) the premises on which the sale or consumption of liquor will take place are or will upon completion be suitable for use by the applicant for the purposes of the licence;
 - (iv) the applicant has the right to occupy the licensed premises; and
 - (v) the granting of the application does not prejudice—
 - (a) the residents of a residential area;
 - (b) the residents of an institution for the aged or frail;
 - (c) the learners of an educational institution who are under the age of eighteen (18) years;
 - (d) the patients of an institution for drug or alcohol related dependencies; or
 - (e) the congregants of a religious institution located in the vicinity of the proposed licensed premises.

7. Revocation of consent for extended liquor trading days and hours

- (a) An authorised official may with immediate effect, by written notice, revoke consent for extended trading days and hours, upon failure by the licensee to comply with any condition of the consent for the extended trading days and hours.
- (b) An authorised official must, within 48 hours, of revoking the consent for extended trading days and hours, deliver copies of such revocation to the Western Cape Liquor Authority, the designated liquor officer for that area and the Municipal Manager of the municipality.
- (c) The municipality and / or the Western Cape Liquor Authority is not liable for any loss of income suffered by a licensee as a result of a revocation of consent.

8. Prevention of illegal sale of liquor and seizure of liquor

- (a) An authorised official may temporarily close a licensed premises and / or in terms of the Criminal Procedure Act (51 of 1977) seize and / or impound any liquor offered for sale on a licensed premise in contravention of:
 - (i) the municipal zoning scheme;
 - (ii) this by-law; or
 - (iii) the conditions, imposed by the Western Cape Liquor Authority or the municipality, in respect of that licensed premises.
- (b) The municipality may recover from the licensee all costs incurred by the municipality to temporarily close the premises and to seize or impound liquor as contemplated in subsection (1).

Chapter 3: Obligations on the Licensee

9. Display of signage and certificates

- (a) A licensee must, to the satisfaction of the authorised official, ensure that following certificates are prominently displayed inside the licensed premises:
 - (i) the certificate issued by the municipality stating the zoning or land use in respect of the premises for purposes of this by-law; and
 - (ii) the population certificate in respect of the premises issued in terms of the Community Fire Safety by-law of the municipality.
- (b) A licensee must, to the satisfaction of the authorised official, ensure that the following information is prominently displayed on the front door or window of the premises in characters not less than five centimetres in height:
 - (i) the liquor license number under which liquor may be sold; and
 - (ii) the hours during which liquor may be sold.

10. Safety and security

- (a) A licensee must ensure compliance with all applicable legislation and must adhere to all the safety requirement under Council's Community Fire Safety By-law.
- (b) A licensee must ensure that reasonable and adequate safety and security measures are in place for the protection of patrons by ensuring, amongst others but not limited to, that—
 - (i) the storage of goods and equipment and the condition of the premises and any structure thereon do not endanger the lives of patrons inside the premises; and
 - (ii) there is adequate lighting on the outside of the premises where patrons and staff access and exit the licensed premises.

11. Provision of free drinking water

Free drinking water, which includes tap water, must be made easily available at all on-consumption liquor outlets to the patrons.

12. Provision of ablution facilities for patrons

All on-consumption outlets must provide ablution facilities for each gender and cater for people with disabilities at no additional cost to the patrons.

13. Liquor premises must be weapon free

- (a) A licensee must ensure that no weapons or sharp objects are permitted inside on consumption liquor premises.
- (b) A licensee may not allow any person to bring a weapon or sharp object onto the licensed premises.

14. Nuisances

- (a) A licensee must take all reasonable steps to ensure that the residents of the surrounding community are not unreasonably affected or inconvenienced by noise or other nuisances emanating from the licensed premises.
- (b) A licensee must at all times keep the licensed premises clean and free from pollution and litter.
- (c) A licensee must at all times keep the licensed premise and public areas surrounding the licensed premises:
 - (i) free of litter, pollution and liquor containers; and
 - (ii) hygienic and free of noxious odours.
- (d) The licensee must at all times prevent loitering by patrons outside the liquor premises.
- (e) A licensee must ensure that all sales of liquor are confined to the licensed premises.
- (f) A licensee must in respect of off consumption premises ensure that no liquor is consumed on the premises or in public in the vicinity of the premises.
- (g) A licensee must in respect of respect of on consumption premises ensure that no liquor is taken from the premises.

Chapter 4: Miscellaneous

15. Delegations

The municipality may delegate any power or function in terms of this by-law to a political structure, political office bearer or an official of the municipality.

16. Indemnity

The municipality, Western Cape Liquor Authority and any of their employees are not liable for any damages or costs as a result of any action undertaken in the execution of their duties in terms of this by-law.

17. Offences and penalties

A licensee who contravenes or fails to comply with a—

- (i) provision of this by-law;
- (ii) condition or instruction in connection with this by-law; or
- (iii) notice from an authorised official,

is guilty of an offence and is liable to a fine, or upon conviction, to imprisonment for a period not exceeding three years, or to both such fine and such imprisonment.

18. Repeal of previous by-laws

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

19. Short title

This by-law is called the Control of Undertakings that Sell Liquor By-Law and comes into operation on the date of promulgation thereof in the Western Cape Government Gazette.

Schedule 1
Standard Trading Days and Hours

COLUMN 1	COLUMN 2
TYPE OF LICENSE	TRADING HOURS
Section 33 (a) license – micro production and sale of liquor both on and off consumption (cellars, winemakers, home distillers)	On consumption 7:00 – 2:00 Monday to Saturday 7:30 – 23:00 on Sunday Off consumption 7:30 – 20:00 Monday to Sunday
Section 33 (b) licenses for the sale of liquor for consumption on the premises Sport clubs, bar, sports bar, night club, jazz club, pub and grub, tavern, restaurants) Hotel, B&B's and Casino	7:30 – 03:00 (the next day) Monday to Saturday 7:30 – 23:00 Sunday 24 hours per day
Section 33 (c) licenses off consumption sales (Liquor stores, general dealers, supermarkets, boutiques, food stores, whole sales)	07:00 – 20:00 Monday to Sunday
Section 33 (d) licenses for sale of liquor both on and off consumption (Exceptional Circumstances)	On and Off Consumption 7:30 – 24:00 Monday to Thursday 7:30 – 02:00 Friday to Saturday 7:30 – 22:00 Sunday
Section 33 (e) licenses for sale of liquor for both on and off consumption at special events (concerts, festivals, sport and entertainment events)	On and Off Consumption 7:00 – 24:00 Monday to Sunday
Temporary License in terms of section 33 (f) for sale of liquor for both on and off consumption.	The trading hours will be similar to those contained in this schedule, depending on the type of license applied for.