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**MOOKGOPHONG LOCAL MUNICIPALITY  
MUNICIPAL CODE IN TERMS OF SECTION 15 OF THE LOCAL GOVERNMENT :MUNICIPAL  
SYSTEMS ACT, 2000 (ACT NO 32 OF 2000)**

Name	Number	Local Authority Notice	Publication Date
Cemetery By-law			
Community Facility By-law			
Crechés-and Crechés-cum-Nursery School By-law			
Credit Control and Debt Collection By-law			
Dogs By-law			
Drainage By-law			
Electricity By-laws			
Impoundment of Animals By-law			
Keeping of Animals By-law			
Library By-law			
Standard Orders			
Street By-law			
Street Trading By-law			
Tariff By-law			
Townlands By-law			
Undertakings that sell food By-law			
Water Supply By-law			

**MOOKGOPHONG LOCAL MUNICIPALITY**

**REPEAL OF BY-LAWS IN TERMS OF SECTION 13(A) OF THE LOCAL GOVERNMENT MUNICIPAL SYSTEMS ACT , 2000 (ACT 32 OF 2000)**

In terms of section 13 (a) of the Local Government Municipal System Act, 2000 (Act No. 32 of 2000), notice is hereby given that the Mookgophong Local Municipality wish to Repeal By-laws listed in the annexure as set out hereunder:

Short Title	Notice No.
Tariffs for the Supply of Electricity	Notice Number 33 of
Standard Financial By-laws	Notice Number 163 of 1968
By-laws for the licensing of Electrical Contractors	Notice Number 810 of 1968
Townlands By-laws	Notice Number 698 of 1968
Standard Library By-laws	AN 862 of 1966
Banquet Hall By-Laws	AN 447 of 1975
Cemetery By-Laws	AN 175 of 1984
Tariffs: Cemetery By-Laws	Notice No 24 of 1987
Standard By-Laws Relating to Dogs	AN 897 of 1982
Standard By-Laws Relating to Cafes, Restaurants and Eating Houses	AN 1497 of 1977
Standard Drainage By-Laws	AN 1828 of 1977
Standard Orders	AN 330 OF 1969
Standard Street and Miscellaneous By-Laws	AN 205 of 1974
Standard By-Laws: Regulating the Safe Guarding of Swimming Pools and Excavations	AN 496 of 1973
By-Laws Relating to the Regulating and Control of and the Supervision of Hawkers	AN 1791 of 1984
By-Laws for Midnight Priviledges of Certain Shops	AN 2348 of 1985
Post-Matriculation Bursaries By-Laws	AN 9 of 1986
By-Laws for Regulating the Granting of Loans from the Bursary Loan Fund to Employees of the Council	AN 2776 of 1985
By Laws for the Levying of Fees Relating to the Inspection of any Business Premises as contemplated in Section 14(4) of the Licences Ordinance, 1974	AN 417 of 1979

SP Modiba  
Municipal Manager

Mookgophong Municipality  
Private Bag X340  
NABOOMSPRUIT  
0560

Date: \_\_\_\_\_  
Notice No: \_\_\_\_\_

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## LOCAL AUTHORITY NOTICE

### NOTICE 80 OF 2006

#### Mookgophong Local Municipality Proposed Townlands By-laws

The Municipal Manager of Mookgophong Local Municipality hereby, in terms of section 13 (a) of the Local Government Municipal System Act, 2000 (Act No. 32 of 2000), publishes the Town lands By-Laws for Mookgophong Local Municipality as proposed by its Municipality, as set out hereunder.

#### PURPOSE OF THE BY-LAW

The purpose of this by-law is to regulate the use of certain municipal land and to prohibit certain activities upon such land.

#### MOOKGOPHONG LOCAL MUNICIPALITY TOWNLANDS BY-LAWS

#### CHAPTER I

##### 1. Definitions:

(1) For the purpose of these by-laws, unless the context indicates otherwise: —

"**camp**" means any portion of the town lands fenced in by the Municipality and used for the purpose of keeping and pasturing stock.

"**council**" means the Mookgophong Local Municipality and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

"**health inspector**" means the Health Inspector appointed by Council or any other official acting as Health Inspector or any official appointed by Council to administer this by-law;

"**large stock**" means bull, cow, ox, heifer, calf (over one year), horse, mare, gelding, colt, filly, donkey or mule

"**licence**" means any licence, permit or permission issued for any of the purposes of, or in pursuance of any requirement under these by-laws on a form provided for the purpose and signed by the Municipal Manager or some other duly authorised official of the Municipality;

"**municipal manager**" means the Municipal Manager of the Municipality;

"**municipality**" has a similar meaning to "Council".

"**Occupier**" means the head of any family who occupies an erf or premises within the area of jurisdiction of the Municipality;

"**owner**" means the duly registered owner of an erf within the area of Jurisdiction of the Municipality;

"**pound master**" means a person who may be either:

(a) a part-time or full-time employee of a municipality, or

(b) appointed under a service delivery agreement to keep and operate a pound:

"**small stock**" means sheep and goats

"**stock**" means small stock and large stock;

"**town lands**" means all land that belongs to the Municipality.

(2) In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa;

2. No person shall have the right to depasture or keep or cause to be pastured or to be kept any horses, mules, or donkeys on the town lands.

3. The Council may decide to make available any municipal land or portion thereof for grazing purposes to the public and shall determine the maximum number of stock that every owner of an erf, resident in the municipality, or occupier of an erf or premises, shall be entitled to pasture on such land.

4.(1) Every owner or occupier shall within the first 5 (five) days of each and every month register such stock at the Municipality's offices, take out a licence for the number of stock he intends to pasture or keep on the town lands during that month and pay in advance the charge per head of stock per calendar month or portion thereof as determined by the Municipality from time to time.

(2) Any animal for which no licence has been taken out as aforesaid and which has not been duly registered, may, if found on the town lands, be impounded forthwith by any member of the public, police, the Health Inspector or any duly authorised official of the Municipality.

(3) It shall be compulsory for every owner or possessor of stock to deregister stock, which may die, be killed, sold, exchanged, or removed from the town lands, within seven days from the date on which such stock so died, was killed, sold, exchanged or removed.

(4) The Municipality shall at all times, have the right to prohibit the pasturing or keeping of stock on the town lands.

5. No animal suffering from any contagious or infectious disease shall be allowed to graze or be at large on town lands. Should any animal be found on the town lands suffering from a contagious or infectious

disease the case shall immediately be reported to the police and the animal isolated at the owner's expense and subsequently dealt with in terms of the Animal Diseases and Parasites Act, 1956 and any regulations framed under the said Act.

6. Any person pasturing, or permitting to run or driving animals over the town lands, or causing animals to be pastured, to run on, or to be driven over the town lands, shall, in the event of the death of any such animal, whether the same be his own or under his care, supervision or control, forthwith notify such death to the Municipality's Health Inspector and shall point out to the inspector the place where the carcass lies and pay the charges for the removal of the same in term of the Municipality's Sanitary and Refuse Removals Tariff. In case any person should himself desire to undertake the removal of any carcass, the necessary notice herein defined shall nevertheless be given and the person removing such carcass shall carry out the removal in accordance with instructions from the Municipality's Health Inspector.

7. The Municipality shall have the right at any time by way of notice in writing, to call upon the owner of stock to round up all such stock kept or pastured by such person and to bring such stock on any specific day and hour to a place indicated in the notice and should any such owner fail to do so, he shall be guilty of a contravention of these by-laws.

8. No owner or person in charge of stock shall allow such stock to be in any street or on any sidewalk or open space, except where it shall be bona fide driven by competent and sufficient herdsman. Damages caused by such stock in any street, sidewalk, open space, or else where, whether such stock as aforesaid is driven or not, shall be recoverable from the owner or person having such animals under his control or in his possession.

9. All persons pasturing or keeping animals on the town lands shall do so entirely at their own risk and the Municipality shall accept no liability for any damage, loss or injury suffered by any person or animal arising from the pasturing or keeping of any animal on the town lands.

10. The Municipality shall from time to time appoint a Health Inspector whose duty it shall be to see that these by-laws are duly observed and carried out.

#### CHAPTER II

11. No person shall dig or make any holes or excavations on the town lands, except with the written permission of the Municipality first had and obtained.

12. No person shall remove, damage, mutilate or destroy, or interfere with any building, hoarding, fence, gate, notice board, bridge, culvert or other structure on the town lands, without the written permission of the Municipality first had and obtained.

13. No person shall capture, ensnare, take, kill, pursue, chase, destroy, shoot or wilfully disturb any kind of game, animals or birds on the town lands or take, remove or destroy the nests or eggs of such birds.

14. Any vicious, wild, or semi-wild dog found on the town lands unaccompanied by its owner or some other person in charge thereof may forthwith be destroyed by the town ranger or any other authorised officer of the Municipality, or by any member of the police.

15. Any person who, whether wilfully or otherwise, leaves open any gate on the town lands, or who fails to shut such gate properly and securely, or who in any manner damages any gate or fence on the town lands, or who enters such lands, camps or enclosures on the town lands except through gates placed by the Municipality or other lawful authority in such enclosures under the control of the Municipality or such other lawful authority, shall be guilty of an offence against these by-laws and liable to the penalties prescribed there under.

16. No person shall use or occupy in any manner whatsoever, camp, squat, picnic or reside upon or erect any buildings, booth, tent, fence or structure of any description for any purpose whatsoever, upon any part of the town lands unless authorised thereto in writing by the Municipal Manager.

17. No person shall be permitted to plough up or cultivate any part of the town lands, save and except under licence from the Municipality previously had and obtained, which licence the Municipality shall have the right and power to refuse or grant at its discretion and such licence may be granted by the Municipality upon such terms, for such period, upon such conditions and on payment in advance of such charges as the Municipality may from time to time decide upon: Provided that no licensee under this section shall have the right to transfer any licence or any other right, either wholly or in part, held or possessed there under to any other person without the written permission of the Municipality.

18. The Municipality shall have the right, upon prepayment of a charge at its discretion and upon such conditions as the Municipality may decide upon from time to time, to grant a licence to any person to occupy a site on the town lands, to be defined and approved of by the Municipality, for the purpose of erecting cattle kraais or stables.
19. No person shall cut or remove, damage, or in any way destroy any trees, shrubs, ferns, or other plants from or upon the town lands.
20. No person shall have the right to be in possession of an axe, pick, spade or any equipment, fire arm or rifle on any part of the town lands that can be used contrary to this by-law.
21. Hunting on the town lands shall be prohibited.
22. No person shall deposit any carcasses of animals or any household or trade refuse on any spot in the town or upon the town lands or portion thereof, other than on such sites as the Municipality may from time to time set aside for such purpose.
23. No person shall keep pigs on the town lands.
24. No person shall have the right to travel by means of any vehicle over the town lands except on the recognised roads.
25. No person shall remove or cut any firewood, grass, thatching, reeds, bushes, or remove sand, gravel, clay, stones, soil, ant-heap, peat, bones, manure or ashes, or quarry or crush stones from or upon the town lands, or make, manufacture or burn bricks or plough or in any other way occupy the town lands without a licence from the Municipality issued under the hand of the Municipal Manager. Such licences may be refused if it should be deemed expedient to disallow either permanent or temporarily all or any of the said acts after the expiration of all current licences, issued as aforesaid.
26. No permit to hunt game upon the town lands shall be granted to any person.
27. The Municipality may stipulate on and endorse every licence issued under these by-laws with such conditions as it may deem expedient.
28. No person shall be allowed to bathe, swim, or wash clothes on any portion of the town lands, except in such places and under such conditions as the Municipality may prescribe from time to time.
29. No person shall keep or pasture stock on any portion of the town lands unless he shall have taken adequate steps to ensure that they are free from diseases.
30. Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to a penalty not exceeding –
- (1) A maximum fine of R 2000-00 or a maximum imprisonment of 2 months, or either such fine or such imprisonment or both such fine and such imprisonment;
  - (2) in the case of a continuing offence, an additional maximum fine of R 50-00 or an additional maximum period of imprisonment of 1 day or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued; and
  - (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention.
31. This By-law will be known as the Townlands By-Laws and shall commence on the date of promulgation in the Provincial Gazette.

**NOTICE 81 OF 2006****Mookgophong Local Municipality  
Proposed By-laws relating to Water Supply**

The Municipal Manager of Mookgophong Local Municipality hereby, in terms of section 13 (a) of the Local Government Municipal System Act, 2000 (Act No. 32 of 2000), publishes the By-Laws relating to Water Supply for Mookgophong Local Municipality as proposed by its Council, as set out hereunder.

**MOOKGOPHONG LOCAL MUNICIPALITY  
BY-LAWS RELATING TO WATER SUPPLY****Purpose of by-law**

The purpose of this by-law is to provide for the regulation of the provision of water supply by the Municipality to the consumers.

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#### CHAPTER I

#### General Provisions

##### 1. Definitions

(1) For the purpose of this by-law, unless the context indicates otherwise:

“**communication pipe**” means any pipe leading from a main to the premises of any consumer as far as the street boundary of such premises situated near to such main, or in the cases where the meter installed inside the premises of any consumer in terms of this by-law, as far as the inlet of the meter;

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

“**Council**” means the Mookgophong Local Municipality and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

“domestic purpose” includes every kind of household purpose, but shall not include the use of water for any engine or machine, or for any mining or quarrying operations, or for the flushing of any sewer or drain, or for any purpose connected with any trade, manufacture or business, or for the cleansing of any road, path or pavement, or for garden purposes or for the watering of any tennis court, bowling green or any other ground used in connection with public sporting purposes;

“Engineer” means the Technical Services Manager of the Council or any other officer authorised to act on his behalf;

“main” means any pipe, aqueduct or other work under the exclusive control of the Council and used by it for the purpose of conveying water to consumers, but shall not include any communication pipe;

“tariff” means the tariff of charges approved by Council;

“Financial Manager” means the officer in charge of the finance department or any other officer authorised to act on his behalf;

“water installation” means all pipes and apparatus used or intended to be used for or in connection with the use of water supplied by the Council and situated on the premises occupied or owned by the consumer;

“water installation pipe” means any pipe included in any water installation;

(2) In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and unless the context otherwise indicates.

## 2. Domicilium Citandi

For the purpose of the service of any notice, order or other document in terms of this by-law, the address of the consumer registered in the books of the Financial Manager shall be deemed to be the domicilium citandi of the consumer.

## 3. Infringement of by-law

Any owner or occupier having or using upon his premises and any person providing, installing, laying down or connecting, or causing or permitting to be provided, installed, laid down or connected, upon any premises any water installation or part thereof or any meter or apparatus which fails to comply with the requirements of this by-law, shall be guilty of an offence in terms of this by-law.

## 4. Liability of consumer

Any breach of this by-law committed on the premises of any consumer shall be deemed to be a breach by such consumer unless and until he shall prove to the contrary.

## 5. Entry and inspections by officers

(1) The engineer or any other duly authorised officer of the Council may for any purpose connected with the carrying out of this by-law at all reasonable times or at any time in an emergency and without previous notice enter upon any premises and make such examination and enquiry thereon as he may deem necessary: Provided that upon entry on any premises such officer, if required, shall state the reason for such inspection, examination and enquiry.

(2) Should such officer consider it necessary for the purpose of examination or inspection or of carrying out any other work in terms of this by-law, he may at the expense of the consumer after having given 24 hours' notice, or at once without giving any notice if in his opinion immediate action is necessary, move any earth, concrete, brick, wood or metal work on any part of such premises.

(3) The Council shall not be liable to pay any compensation in respect of work carried out by its officers in terms of subsection (2): Provided that where any such inspection is made for the sole purpose of establishing a breach of this by-law and no such breach is discovered, the Council shall bear the expense connected with such inspection, together with that of restoring the premises to their former condition.

## CHAPTER II

### Provisions relating to supply of water by the Council

#### 6. Connections by the Council only

No connection shall be made to any main or communication pipe except by an authorised officer of the Council: Provided that the connecting up of the water installation to the communication pipe or in the case of a meter installed inside any premises, to the outlet pipe from the meter as provided by the Council, may be carried out by the owner or consumer.

#### 7. Connection to other water supply systems

No water installation pipe, tank, cistern or other apparatus for storing or conveying water supplied by the Council shall be directly connected with any system or source of water supply other than that of the Council.

#### 8. Unauthorised use of water

No person who has not entered into a contract with the Council for the supply of water and otherwise complied with the requirements of this by-law, shall take any water from or make or cause to be made any connection

with any main, communication pipe, reservoir, hydrant, conduit pipe, cistern or other place containing water belonging to the Council except with the written permission of the Council first had and obtained.

#### **9. Damage to water supply system**

No person shall wilfully or negligently damage or cause to be damaged any main, communication pipe, meter or other plant or apparatus belonging to the Council and use or intended to be used by it in connection with the supply of water.

#### **10. Pollution of water supply**

No person shall –

- (1) bathe in any stream, reservoir, aqueduct or other place which contains water belonging wholly or partly to the Council or is under the control or management of the Council and which is used for or in connection with the supply of water to the inhabitants of the area of supply or wash, throw, or cause or permit to enter therein any animal, unless stated to the contrary;
- (2) throw any rubbish, dirt, filth or other deleterious matter into such stream, reservoir, aqueduct or other place, or wash or cleanse therein any clothe, wool, leather or skin of any animal, clothes or other matter;
- (3) Cause or permit the water of any sink, sewer, drain, steam engine, boiler or other unclean water or liquid for the control of which he is responsible, to run or be brought into any such stream, reservoir, main, aqueduct or other place or do any other act whereby the water of the Council, intended for the supply to the inhabitants of the area of supply, may be polluted.

### **CHAPTER III**

#### **Conditions of supply of water**

##### **11. Application for supply of water**

- (1) Application for the supply of water for any purpose whatsoever shall be made to and in a form prescribed by the Council from time to time and in which the applicant shall state for what purpose the water is required.
- (2) No supply of water shall be given unless and until the owner or occupier of the premises or some person acting on his behalf has completed a consumer's agreement in a form prescribed by the Council.
- (3) Upon the Council agreeing to supply water, an agreement in the form as prescribed by the Council shall be signed by the applicant and no water shall be supplied unless and until such agreement is so signed.
- (4) The charge payable for water consumed shall be as prescribed in the tariff and it shall be a condition of the supply of water in terms of every agreement entered into in terms of subsection (3) that payment therefore by the consumer to the Council shall be effected in the manner prescribed in terms of subsection (5), read with subsection 36(2).
- (5) The Council may during the period between meter readings render to the consumer a provisional account in respect of part of such period, which part shall as nearly as practically possible be a period of 30 days and the amount of such account shall be determined as provided in subsection (6) and shall as soon as possible after the meter reading at the end of such period render to the consumer an account based on his actual metered consumption during that period, giving credit to the consumer for any sum paid by him on a provisional account as aforesaid: Provided that an account may be rendered for fixed charges in terms of the tariff as and when the same becomes due.
- (6) The amount of a provisional account referred to in subsection (5) shall be determined by the Financial Manager by reference to such previous consumption, if any, on the same premises as would constitute a reasonable guide to the quantity of water consumed over the period covered by the provisional account: Provided that where there has been no such previous consumption, the Financial Manager shall determine the amount of the said account by reference to such consumption on other similar premises as would constitute the reasonable guide referred to.

##### **12. Deposits**

- (1)(a) Except in cases as prescribed in law, all class of consumers approved by the Council and every applicant for a supply shall, before such supply is given, deposit with the Council a sum of money on the basis of the cost of the maximum consumption of water which the applicant is in the Financial Manager's opinion likely to use during any two consecutive months: Provided that such sum shall not be less than is prescribed in the tariff.
- (b) The Financial Manager may at any time when the deposit or guarantee is found to be inadequate for the purposes of subsection (1), require a consumer to increase the deposit made or guarantee furnished by him, in which event the consumer shall, within thirty days after being so required, deposit with the Council such additional sum or furnish such additional guarantee as the Financial Manager may require, failing which the Council may discontinue the supply.
- (2) Any sum deposited by or on behalf of a consumer shall, on being claimed, be refunded within thirty days after the termination of the consumer's agreement after deducting any amount due by the consumer to the Council.

(2)(a) Subject to the provisions of subsection (3), any person claiming a refund of a deposit or part thereof, shall either –

- (i) surrender the receipt which was issued for payment of the deposit; or
- (ii) if such receipt is not available, sign a receipt prescribed by the Council for the refund to him of such deposit or part thereof;

and satisfy the Financial Manager that he is the person entitled to such refund.

(b) If a deposit or part thereof has been refunded in accordance with paragraph (a), the Council shall be absolved from any further liability in respect thereof.

(3) The consumer's agreement may contain a provision that any sum deposited by the consumer, a refund of which has not been so claimed within one year after either such agreement has been terminated or he has ceased for any reason to receive a supply in terms of such agreement, shall at the expiration of that period become forfeited to the Council.

(4) Notwithstanding the provisions of subsection (5), the Council shall at any time pay – to the person who paid the deposit on his satisfying the Council of his identity and the amount; or to any other person who has satisfied the Council that he is entitled to have the payment made to him, an amount equal to the forfeited deposit.

(5) If a consumer applies to the Council for a greater supply of water than he is receiving, the Financial Manager may require the consumer to make an increased deposit or furnish an increased guarantee in terms of subsections (1) and (2) before such supply is given.

### **13. Special conditions or provisions relating to the supply of water**

(1) The Council shall have the right to attach special conditions or make special provisions relating to the supply of water to any person or consumer or premises in any case where, by reason of the purpose for which the supply is desired, the nature or situation of the premises, the quantity to be supplied, the availability of supply or the method of supply, it is in the opinion of the Council necessary or desirable to attach special conditions or make special provisions relating to the supply.

(2) Notwithstanding anything to the contrary in any other section of this by-law contained, it shall be lawful for the Council in making such special provisions to stipulate any or all of the following:

(a) Where a supply in bulk is given to any consumer, such consumer may be permitted by the Council to re-sell the water to other consumers.

(b) Where the Council permits any consumer to re-sell water, it may impose conditions fixing the maximum and minimum price at which the water may be resold by such consumer and may require that plans of any proposed water supply system and reticulation be submitted to the Council from time to time for approval as a condition precedent to authority to re-sell being given.

(c) Where any consumer is given a supply by means of more than one connection from the Council's mains, the Council may stipulate the manner in which and the times during which the supply from any one or each of such connections may be used by the consumer.

(d) The Council may stipulate the maximum quantity to be supplied to any consumer and may fix the hours or periods during which any consumer shall be entitled to supply.

(3) Save as is provided in subsection (2), the terms of any special conditions or provisions shall otherwise conform with the provisions of this by-law.

### **14. Cutting off supply of water**

(1) Without paying compensation and without prejudice to its rights to obtain payment for water supplied to the consumer, the Council may cut off the supply of water to any consumer where such consumer has –

(a) failed to pay any sum due to the Council in terms of this by-law;

(b) wilfully or negligently damaged or caused or permitted damage to be inflicted upon any main, communication pipe, meter or other plant or apparatus belonging to the Council and used or intended to be used by it in connection with the supply of water;

(c) committed a breach of any of the provisions contained in this by-law;

(d) tampered or interfered with or caused or permitted any tampering or interference with any plant or apparatus under the Council's control and used or intended to be used by it in connection with the supply of water: Provided that in cases falling under paragraphs (b), (c) and (d) not less than seven days' notice shall be given to any consumer prior to the cutting off of the supply of water.

(2) The Council shall not be liable for damages to any consumer where it cuts off the supply of water in the bona fide belief that any of the circumstances set out in subsection (1) apply.

(3) The consumer shall pay to the Council the fee as prescribed in the tariff for cutting off the supply of water in terms of this section.

(4) In the event of the Council at any time resuming the supply of water to such consumer, the consumer shall pay to the Council such charges as provided for in the Credit control and debt collection by-law of the Council, unless he establishes that the Council was not entitled in terms of subsection (1) to cut off the supply of water.

(5) The cutting off supply of water or the limitation of water supply must be in terms of the relevant Water Services legislation.

**15. Termination of agreement**

The Council or the consumer may at any time terminate any agreement entered into in terms of this by-law by giving not less than seven days' notice in writing to the other party thereto of the intention to do so.

**16. Disconnection of supply of water on termination of agreement**

Where an agreement for the supply of water between the Council and the consumer has been terminated, the Council shall be entitled to disconnect such supply: Provided that no such disconnection shall be carried out where the new consumer accepts liability for payment for water consumed as from the date of the previous ordinary reading of the meter or for a special reading of the meter at the charge fixed in the tariff.

**17. Special restrictions**

(1) The Council may at any time restrict the supply of water to the whole or any portion of the area of supply to such hours as it may decide and it may prohibit the use of water for any specific purpose or for any purpose other than specified, as the case may be.

(2) Any person using water during prohibited hours or for prohibited purposes or purposes other than specified, as the case may be, after notification of such prohibition by the Council, shall be guilty of an offence in terms of this by-law.

(3) For the purpose of this section "public notification" shall mean publication in the official languages as determined by the Municipality, in one or more issues of a newspaper circulating in the area of supply.

**18. Failure to supply water**

The Council shall not be liable for any failure to supply water or for any defect in the quality of the water supplied, however caused, or for the consequences thereof.

**19. Water pressure**

(1) Subject to the provisions of this by-law, no undertaking or guarantee shall be presumed on the part of the Council to maintain any specified pressure of water at any time at any point in the Council's water supply system.

(2) Where application is made for a supply of water to or where a supply is required for any premises or part thereof situated above a level that can be served by the normal pressure in the Council's main, it shall be the duty of the applicant or consumer to provide and maintain a supply to such premises or part thereof:

Provided that, subject to the provisions of this section, the Council may grant a supply to such premises from its main where such supply is available on such conditions as the Council may impose.

(3)(a) Where in the circumstances set out in subsection (2) it is necessary for the consumer to pump water to maintain the supply, any pump installed for the purpose shall not be connected to the Council's main.

(b) The suction pipe of any such pump shall be connected to a storage tank supplied with water from the Council's main.

(c) Such tank shall be constructed in accordance with the requirements of section 55 and shall have a minimum capacity of not less than one-eighth of the average daily requirement of the consumer, as determined by the engineer, or one hour's capacity of the pumping system, whichever is the greater.

(d) Such tank shall be fitted with an inlet control valve of the correct size so set as to admit water to the tank from the Council's main at a rate equal to the average hourly requirement of the premises.

(e) The said pump shall be self-priming, float or electrode controlled and fitted with electrical safety devices for the protection of the pump or pump drive motors, or both in the event of stoppage of the supply of water from the Council's main.

(f) Before the installation of any such pumping system, full details thereof shall be submitted to the engineer for approval and authorisation.

**20. Sale of water by consumers**

No consumer shall –

(1) sell any water supplied to him by the Council, except as provided in terms of section 13; or

(2) take away or cause or permit to be taken away from his premises any such water except as provided for in section 40.

**21. Special provisions governing the supply of water by portable meters**

In addition to the provisions laid down in this by-law, the following special provisions shall apply to the supply of water by portable meter and shall be deemed to have been included in every agreement for such supply:

(1) Where water is to be supplied by the Council from hydrants, the Council shall supply a portable meter for measuring such supply together with stand pipe, hydrant coupling, hose pipes and necessary unions for connection to the meter.

(2) The consumer shall pay to the Council in advance the charge prescribed in the tariff in respect of each portable meter supplied, which charge shall be held by the Council as security for the due fulfilment of all provisions of any agreement relating to the supply of such meter and the payment by the consumer to the Council of the cost for all water supplied to him and all other charges due by him to the Council in terms of such agreement.

(3) The charge for water so supplied and for the use of the portable meter shall be at the rate prescribed in the tariff.

(4) All accounts for water so supplied shall be paid by the consumer to the Council within seven days of the date of rendition by the Council.

(5) Where water is taken by the consumer from a hydrant without such water passing through a portable meter, or where water is wasted before passing through such portable meter, the charges prescribed in the tariff shall be paid by the consumer to the Council for every day during which water is so taken or such waste continues.

(6) The consumer shall –

(a) upon taking delivery of the portable meter, sign a receipt acknowledging such meter to be in good order and condition, and

(b) maintain and return such meter in the same good order and condition, fair wear and tear accepted.

(7) If the consumer fails to return the portable meter, he shall pay to the Council the cost of a new meter, or if he returns such meter in a damaged condition, he shall pay to the Council the cost of a new meter or the cost of repairs if such damaged meter can be satisfactorily repaired.

(8) The consumer shall take delivery of and shall return the portable meter to the Council at such place as the engineer may from time to time direct.

## **22. Water supply for building purposes**

(1) Where, upon the application of any owner, builder or other person, a supply of water for building purposes is laid on to any premises, the cost of providing and fixing the communication pipe and the meter shall be borne by such owner, builder or other person in accordance with the prescribed tariff.

(2) Such owner, builder or other person shall pay for water so supplied according to the tariff.

(3) If suitable for the purpose, the same communication pipe as is supplied in terms of this section may be used for the permanent supply to the premises, but no connection in respect of such permanent supply shall be made with the water installation until all the provisions of this by-law have been complied with.

## **CHAPTER IV**

### **General provisions relating to metered supplies:**

#### **23. Provision of communication pipe by Council**

(1) Upon an agreement having been entered into between the Council and any owner in regard to the supply of water to premises and after the relevant provisions of this by-law have been complied with, the Council shall provide, lay down and maintain a communication pipe to serve such premises: Provided that the position of the communication pipe shall be as determined by the engineer.

(2) The sum payable by such owner in respect of such communication pipe shall be as prescribed in the tariff: Provided that in respect of any size or length of communication pipe not provided for in the tariff or in the cases where the tariff charge is insufficient to cover the cost of providing such communication pipe, the owner shall pay such sum as may be determined by the Council, having regard to the circumstances of the case.

(3) Any amount due in terms of this section shall be paid to the Financial Manager in advance by the owner or consumer, as the case may be.

#### **24. Separate communication pipes for individual premises**

For the purpose of supplying water thereto, a separate communication pipe shall be provided in respect of each and every premises or portion thereof in separate occupation: Provided that –

(1) one communication pipe only shall be permitted by the Council for the supply of water to a group or block of dwellings, flats, shops, offices or other buildings in single ownership where the owner or occupier thereof undertakes to pay for the water supplied to each of the buildings comprising such group or block;

(2) where, in terms of paragraph (a), more than one building is supplied from one communication pipe, a stop tap shall be fixed on each branch pipe leading there from to each such building for the purpose of turning off the supply of water to each such premises without interrupting the supply to the others;

(3) where a tap is fixed to a stand pipe from which water is intended to be supplied to more than one premises, such tap shall be an approved type of a self-closing tap.

#### **25. Each premises to have one communication pipe only**

No premises in single ownership shall be entitled to obtain a supply of water by means of more than one communication pipe: Provided that –

- (1) where it appears to the Council that hardship or grave inconvenience or other similar circumstance would otherwise result, the Council may permit such supply by means of more than one communication pipe;
- (2) where more than one communication pipe is permitted in terms of paragraph (a), a charge shall be made in accordance with the tariff for each additional communication pipe and meter.

**26. Provision of meters**

All meters shall be supplied by the Council: Provided that the size of the meter to be installed shall be within the sole discretion of the engineer.

**27. Fixing and position of meter**

- (1) The Council shall fix in the communication pipe a meter of a size to be determined by the engineer.
- (2) If so required by the Council, the consumer shall provide a suitable and safe place within his premises in which to fix the meter and the Council may install the meter in such place.
- (3) Any maintenance necessary in that portion of the communication pipe between the street boundary and the meter within the premises shall be carried out by the Council at the consumer's expense.

**28. Provision and position of stop cock**

- (1) The Council shall, for its exclusive use, install a stop cock between the meter and the main.
- (2) The consumer shall, at his own expense, or the Council may in its discretion and at the consumer's expense and for his exclusive use, provide and install a stop cock at a suitable point on the communication pipe immediately inside the boundary of the property in the case of a meter installed outside the boundary and in the case of a meter installed on the premises at a suitable point on the consumer's side of the meter.

**29. Cost of installing meter**

The consumer shall pay all charges in connection with the installation of any meter on his water installation as are prescribed in the tariff.

**30. Ownership of meters**

Any meter provided and installed by the Council in terms of this by-law, together with the fittings connected therewith, shall be and remain the absolute property of the Council and such meter shall at all times be under the sole control of the Council.

**31. Safe-keeping of meters**

The consumer shall be responsible to the Council for the safe-keeping and condition of any meter installed upon his premises and shall be liable to the Council for any damage or injury which may be done to or sustained by such meter.

**32. Interference with or damage to meters**

- (1) No person other than the engineer or his duly authorised representative shall disconnect, interfere with or cause or permit any other person to disconnect or interfere with any meter or fittings connected therewith.
- (2) No person shall wilfully damage any meter or fittings connected therewith.
- (3) No person shall use or permit to be used on any water installation any fitting, machine or appliance which causes damage or is in the opinion of the Council likely cause damage to any meter.

**33. Repairs to meters**

In the event of repairs to any meter being found necessary, the Council shall effect such repairs to such meter as soon as possible.

**34. Cost of maintenance and repair to meters**

- (1) The Council shall, at its own cost and expense, maintain and repair any meter provided to the extent of ordinary wear and tear.
- (2) Where any repairs have become necessary in consequence of such meter having been wilfully or accidentally damaged by the consumer, the consumer shall be liable for the cost of such repairs, including the cost of removal and re-installation thereof, or substitution if necessary and such cost shall be payable by the consumer on demand by the Council.

**35. Substitution of other meter**

The Council may at any time at its own expense disconnect and remove any meter and install and substitute any other meter in its discretion.

**36. Quantity of water registered and payment therefore**

- (1) The quantity of water which shall be registered by the meter as having been supplied to any consumer shall be deemed to be the quantity actually so supplied.

(2) A consumer shall pay to the Council the amount of any account rendered to him in terms of subsection 11(5) within the period stated in the tariff account.

(3) If the consumer fails to make payment within the period referred to in subsection (2), the Council may without further notice discontinue the supply of water to him.

### **37. Entry in books of Council binding**

In the absence of evidence showing either that the entry in the books of the Council has been incorrectly made or that the meter was at a time of such reading in default, every consumer shall be bound by the entry in the books of the Council and it shall not be necessary to produce the person who read the meter, or the person who made any particular entry, in order to prove such reading or entry.

### **38. Dissatisfaction with meter reading**

(1) If any consumer is at any time dissatisfied with any particular reading of a meter supplied by the Council and is desirous of having such meter tested, he shall give written notice to the Council within seven days after receipt of notice from the Council of such reading and shall at the same time deposit with the Council the amount prescribed in the tariff and thereupon the meter shall be tested forthwith by the Council.

(2) If such meter is found to be registering correctly, the Council shall retain the amount deposited with it.

(3) If such meter is found to be registering incorrectly, the Council shall refund the deposit to the consumer and shall reaffix a meter in good working order without charge to the consumer and the charge for water consumed during the three months preceding the reading in dispute, shall be adjusted in accordance with the degree of error found: Provided that, where such meter has been installed for a period of less than six months, such adjustment shall be over half such lesser period.

(4) The meter shall be considered to be registering correctly if no error of more than the percentage over or under registration, prescribed in tariff, is found at the rate of normal flow. Normal flow shall mean two-thirds of the maximum flow capacity of the meter.

### **39. Failure of meter to register**

(1) Where any meter is found to have ceased to register or is found to be faulty in any other respect, the Council shall repair or replace such meter as soon as possible.

(2) Unless it can be proved to the satisfaction of the engineer that a lesser or greater quantity of water has been consumed, the quantity of water to be paid for by the consumer from the date of reading of the meter prior to its failure to register or to register correctly up to the time of its repair or replacement shall be estimated by the Council on the basis of-

(a) the average monthly consumption of water upon the premises served by the meter during the three months prior to the last registration, or if this is not possible,

(b) the corresponding months consumption of water upon the premises in the previous year; or if this also is not possible,

(c) the average monthly consumption of water upon the premises served by the meter over a period of three months after repair or replacement of the meter has been effected.

## **CHAPTER V**

### **Provisions relating to consumer's water installation**

#### **40. Pipes across the street**

(1) No person shall, without the written permission of the Council first had been obtained and except under such conditions as the Council may prescribe, lay, fix, alter, construct or cause to be laid, fixed, altered or constructed any pipe, channel or conduit on, in or under any street, public place or lands vested in or under the control of the Council for the purpose of conveying water, whether such water is derived originally from a municipal supply or from private sources of supply.

(2) Any person receiving such permission from the Council shall, where a municipal supply is available for the premises, pay to the Council such rental for the pipe line as is prescribed in the tariff, no additional charge shall be made for the pipe line.

(3) Where no municipal supply is available, any permission given shall be conditional upon the payment of the charges referred to in subsection (2) immediately upon a municipal supply becoming available.

(4) Any such permission may be withdrawn by the Council on not less than one month's notice in writing under the hand of the engineer.

#### **41. Provision of water installation**

Every owner or consumer shall, at his own expense, provide, install, lie down and maintain his own water installation.



**42. Covering of water installation**

When any water installation is being or has been installed or any alteration or extension of any existing water installation is being or has been carried out, no person shall cover any part of such installation, alteration or extension, or cause, permit or suffer it to be covered, until it has been inspected and approved by the Council.

**43. Notice to inspect**

When any work as referred to in section 42 has been carried out, it shall be the duty of the owner or of any other person occupying or in control of the premises to notify the Council in writing of the fact that the work is ready for inspection by it in terms of that section.

**44. Inspection and approval of water installation and alterations thereto**

(1) No water installation shall be placed in use unless and until it has been inspected and a certificate of approval has been issued by the engineer or his duly authorised representative.

(2) Every additional fitting or alteration to an existing water installation already connected to the Council's supply system, shall be subject to inspection by and approval of the engineer or his duly authorised representative and shall in the event of a certificate of approval not being issued, be altered to comply with this by-law or be removed immediately.

**45. Preparation of water installation for and installation of meter**

(1) Where the Council agrees to supply water by meter to any premises not previously so supplied, the consumer shall, at his own expense, prepare his water installation for the installation of the communication pipe and meter.

After the water installation has been prepared and approved by the engineer or his duly authorised representative and after payment of the charges prescribed in the tariff, the Council shall connect the water installation to the communication pipe.

**46. Joints**

No joints except standard screwed joints, wiped plumbing or other joints approved by the Council, shall be used on any water installation.

**47. Taps, ball valves and flushing valves**

No tap, valve, water-mixer or other device for controlling or regulating the flow, pressure or temperature of water or other article shall be installed in any water installation unless:

(1) it has been tested, approved and stamped by the Council; or

(2) it bears the appropriate standardisation mark of the South African Bureau of Standards; or

(3) where for any reason not connected with the quality thereof, the said Bureau is unable or unwilling to place its standardisation mark thereon but the Council is satisfied by means of tests carried out by the Council or any other competent authority that it complies with the requirements of the relevant standard specification of the Bureau notwithstanding that it does not bear the mark of the Bureau and the Council has accordingly placed its stamp of approval thereon; or

(4) it is certified or approved by the Agreement Board of South Africa and the Council has accordingly placed its stamp of approval thereon.

**48. Depth of water installation pipes below ground**

All water installation pipes laid in the ground shall have a minimum cover of 400mm.

**49. Laying of pipes in places where pollution might result**

No person shall lay or install any pipe which is to be supplied with water by the Council, through, in or into a sewer, drain, ash pit, manure hole or other place where, in the event of the pipe becoming unsound, the water conveyed through such pipe would be liable to become polluted or to escape without observation, or make use for the above purpose of any pipe so laid or installed: Provided that where it is impractical to lay or install such pipe in any other manner than aforesaid, the part thereof so laid or installed shall be carried through a cast iron tube or box of sufficient length and strength and of such construction as will afford proper protection to the pipe in the interior thereof and render any leakage or waste there from readily perceptible.

**50. Leakage of taps or pipes**

(1) No person shall cause or permit any pipe, tap or fitting to leak and no tap or fitting shall be installed in such position that any leakage cannot readily be detected.

(2) No consumer shall be entitled to any rebate in respect of the wastage of water due to faulty fittings or undetected leakage in any part of the water installation.

(3) Any work or repair, digging or replacement, or any other operation which the Council undertakes to, or in respect of its mains, including stop cocks, in order to enable a consumer to carry out repairs or other work to his own water installation, shall be undertaken by the Council at the consumer's expense.

**51. Pipes and stand pipes to be securely fixed**

- (1) All pipes, except those laid in the ground, shall be securely fixed at frequent intervals to that portion of the wall or other rigid portion of the structure along which they pass.
- (2) All stand pipes or other pipes projecting above the ground and not otherwise secured to any structure shall be securely fixed to a stake securely driven into the ground, or by other means approved by the engineer, in such a manner as to prevent undue movement of such stand pipe or pipes.

**52. Cistern or tank in ground**

No cistern or tank buried or installed in any excavation in the ground shall be used for the storage or reception of water supplied by the Council and intended for human consumption.

**53. Taps for domestic use**

Other than those discharging from the hot water system, taps to supply water for domestic purposes in dwelling houses or residential buildings or for drinking purposes or any other type of premises shall be connected to a water installation pipe at a point before such pipe enters a cistern or tank and shall not be supplied from any cistern or tank: Provided that in buildings where a water supply is required above the level at which a regular and adequate supply is available from the mains, it may be taken from a tank or cistern which shall be constructed in accordance with the provisions of this by-law.

**54. Connection of sundry apparatus**

- (1) No person shall cause or permit any water installation pipe to be connected directly to any water closet, urinal, steam boiler or trade vessel or apparatus.
- (2) Every water closet, urinal, steam boiler, trade vessel or apparatus shall be fed separately and directly from a cistern installed solely for that purpose: Provided that the Council may approve of any such fitting being connected direct to the water installation without the interposition of a cistern or break-pressure tank, where adequate means for the prevention of reverse flow or re-entry of water from such fitting to the water installation are provided.

**55. Cistern or tank**

- (1) No person shall install, fit, use or cause or permit to be installed, fitted or used upon any premises a cistern or tank for the reception or storage of water, other than a cistern used for flushing water closets or other sanitary fittings, unless:
- (a) the cistern or tank is constructed of a material which in the opinion of the engineer is sufficiently strong for the purpose and capable of resisting corrosion;
  - (b) the cistern or tank is watertight, vermin proof and properly covered and ventilated;
  - (c) the cistern or tank is provided with access covers which shall be bolted down or locked in position at all times, except when opened for inspection;
  - (d) the inlet pipe to the cistern or tank is provided with a ball, tap or check valve of a type approved by the engineer;
  - (e) the cistern or tank is so placed that it may be readily drained and inspected and cleansed inside and outside;
  - (f) a stop-cock is fitted to the outlet pipe near to each cistern or tank so that repairs to any pipe leading from or to apparatus fed by the cistern or tank can be effected without emptying the latter;
  - (g) a brass sampling cock is fitted to the cistern or tank to enable the engineer to draw samples of the water stored therein when necessary for testing purposes;
  - (h) the cistern or tank is provided with an adequate drainage system to ensure that the premises are not flooded in the event of leakage or accidental overflow, the capacity of such drainage system to be such that it will be capable of discharging water at a rate at least equal to the rate of flow of the incoming supply and the outlet of the drainage discharge pipe to be so situated that the discharge of water may be readily detected.
- (2) In the event of water stored in the cistern or tank becoming contaminated in any way, the consumer shall on instructions from the engineer take immediate steps to drain the cistern or tank, clean it and disinfect it to the standards set by the engineer before re-filling and replacing in service.
- (3) When a cistern or tank on account of age or deterioration or for any other reason, no longer complies with the requirements of this section, the consumer shall adequately repair or entirely replace the tank or cistern within 60 days of receipt or written notice from the engineer to do so.
- (4) When a continuous supply of water to the premises is required, the required cisterns or tanks shall be provided in duplicate.

**56. Overflow pipe to cistern or tank**

Every cistern or tank shall be provided with an overflow or waste pipe, the situation of which shall admit of the discharge of water being readily detected.

**57. Capacity of cistern**

Every steam boiler and any premises which require, for the purpose of the work undertaken on the premises, a continuous supply of water, shall have a cistern holding not less than half a days supply calculated according to the average daily consumption.

**58. Water-heating apparatus**

(1) Every boiler, hot-water tank or other water-heating apparatus connected to a water installation pipe shall be of a type, design and material tested and approved by the Council and shall be provided with an unobstructed outlet or expansion pipe, safety valve or other pressure release device which is adequate for the release of excess pressure and the design, specification and position of which have been approved by the Council and which releases either in to the open air in a position where water discharging can easily be detracted, or into the cistern supplying the water heating apparatus with water at a level above the level of the water in the cistern.

(2) No person shall obstruct or perform any act which prevents or is likely to prevent the effective operation of any outlet or expansion pipe, safety valve or device referred to in subsection (1).

(3) A permanent notice shall be displayed in a conspicuous position on every such water heating device directing attention to the danger of obstructing the outlet or other pipe or devise, as the case may be.

**59. Material of circulating or supply pipes**

Circulating or supply pipes for hot water may be of lead, galvanised iron or copper, except that where used for heating purposes only the pipes may be of black iron.

**60. Distance between water installation and electric wires**

(1) No portion of the water installation shall, except where it is part of a specifically approved water installation, be laid, installed or maintained within 300 mm of, or be in metallic contact with, any electrical apparatus: Provided that this requirement shall not be taken as preventing electrical bonding as required by any by-law or regulations for the supply and use of electrical energy and for the wiring of premises.

(2) No tap, valve or similar apparatus shall be laid, installed, fixed or maintained within 2 m of an electrical socket outlet, appliance or distribution board without the prior written approval of the head of the Council's electricity department.

**CHAPTER VI****Special provisions relating to fire extinguishing services****61. Special provisions**

Notwithstanding anything to the contrary contained in this Chapter, the provisions contained in the preceding Chapters shall mutatis mutandis apply to the supply of water for fire extinguishing service and shall be deemed to have been included in every agreement for such supply.

**62. Payment for services**

The consumer and the owner of premises shall be jointly and severally liable to pay the charges prescribed in the tariff in respect of any fire-extinguishing installation or appliance used or installed upon such premises.

**63. Communication pipes for fire-extinguishing services**

(1) All communication pipes which are intended for preventive or automatic use in case of fire shall be laid by the Council as far as the boundary of the consumer's property.

(2) Such communication pipes shall be used only for fire-extinguishing purposes.

(3) No take-off of any kind from any such communication pipe shall be made nor shall any water there from be used other than in connection with automatic sprinklers and drenchers, hydrant connections or for the pressure tank connected therewith and such tank shall be controlled by a suitable ball tap.

(4) A separate communication pipe shall be laid and used for every sprinkler, hydrant and domestic supply installation.

**64. Valves in communication pipes**

Every communication pipe shall be fitted with a proper sluice valve which shall be:

- (a) supplied by the Council at the expense of the consumer;
- (b) installed between the consumer's property and the main;
- (c) of the same diameter as the communication pipe; and
- (d) installed in such position as may be determined by the engineer.

**65. Extension of system**

Without the written consent of the Council no further sprinklers shall be added or connected to any existing fire-extinguishing system after such system has been connected to the main.

**66. Extension of system to other premises**

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

**67. Inspection and approval of fire-extinguishing system**

No water shall be supplied to any fire-extinguishing system until it has been inspected and the engineer or his duly authorised representative has certified in writing that such water installation complies with the requirements of this by-law and the work has been carried to his satisfaction.

**68. Connection to be at pleasure of the Council**

(1) The Council shall be entitled in its absolute discretion to grant or refuse an application for the connection of a fire-extinguishing installation to its main.

(2) If in its opinion a fire-extinguishing installation which it has allowed to be connected to its main is not being kept in proper working order or otherwise not being properly maintained, the Council shall be entitled either to require the installation to be disconnected from the main or itself to carry out the work of disconnecting it at the consumer's expense.

**69. Meters in fire-extinguishing communication pipes**

The Council shall be entitled to install a water meter in the fire-extinguishing communication pipe and the owner of the premises shall be liable for the whole of the cost in so doing if it appears to the Council that water has been drawn from the pipe otherwise than for the purpose of extinguishing a fire.

**70. Provision of pressure gauge**

A pressure gauge indicating the water pressure in kPa shall be fixed on all fire-extinguishing systems inside the premises of the consumer.

**71. Installation of reflux valve**

(1) When a fire-extinguishing installation includes a fire pump connection, a reflux valve of a type approved by the Council shall be fitted on the premises in an accessible position permitting of its ready inspection, repair and removal.

(2) The said reflux valve shall be used to shut off the domestic supply from the Council's main whenever or for so long as the fire-pump connection is in use.

(3) The said reflux valve shall be serviced at least once annually by a registered bona fide firm approved by the engineer as being capable of undertaking such work.

(4) When called upon to do so by the engineer, the consumer shall produce a certificate from the said firm that the service has been done.

**72. Sprinkler extinguishing installation**

A sprinkler installation may be installed in direct communication with the main, but the Council shall not be deemed to guarantee any specified pressure of water at any time.

**73. Header tank or double supplies from mains**

(1) Unless a duplicate supply from a separate main is provided for the sprinkler installation, the consumer shall install a header tank at such an elevation as will compensate for any cessation or reduction of pressure in the Council's main.

(2) The main pipe leading from the header tank to the sprinkler installation may be in direct communication with the main: Provided that in such case it is fitted with a reflux valve which will close against the main and open to that of the tank should the pressure in the main not be available for any reason.

(3) An overflow pipe shall be fitted to such tank, which pipe shall discharge in such a position as to be readily observable and shall not be led away by any down pipe to any drain.

(4) Where a duplicate supply from a separate main is provided, each supply pipe shall be fitted with a reflux valve situated on the premises.

(5) The reflux valves installed in terms of subsections (2) and (4) shall be serviced annually as prescribed in subsection 71(3).

(6) The header tank shall be drained and refilled at least once per annum and the engineer shall be advised at least 48 hours before the tank is due to be drained to enable an inspection to be arranged and made, if necessary.

**74. Annual charges for sprinkler and drencher installation**

(1) The annual charges prescribed in the tariff for the inspection and maintenance of the communication pipes leading from the Council's main to the boundary of a stand, erf or other area of land shall be payable in advance and shall become due in respect of every such pipe as soon as the Council has notified the owner of the land that the pipe has been laid and is ready for connection to a fire-extinguishing installation on the land.

(2) The charges in terms of subsection (1) shall cover also the emptying and refilling of any tanks which may be necessary.

(3) The charges to be paid in terms of subsection (1) shall be calculated according to the volume of the tank, regard being had to the level to which the tank is filled.

#### **75. Annual charges for private hydrant installations**

The annual charges in terms of the tariff for the maintenance of connections and the inspection of private hydrant installations, other than sprinklers, shall be paid in advance.

#### **76. Sealing of private fire hydrants**

(1) All private hydrants shall be sealed by the Council and such seals shall not be broken by any person other than the Council's officers in the course of testing, except for the purpose of opening the hydrant in case of fire.

(2) The cost of resealing such hydrants shall be borne by the consumer except when such seals are broken by the Council's officers for testing purposes.

(3) Any water consumed after the breaking of the seal, other than in the course of testing by the Council or in case of fire, shall be paid for by the consumer at the rates prescribed in the tariff for domestic purposes. The quantity thus consumed shall be determined by the engineer.

### **CHAPTER VII**

#### **Specifications and penalties:**

#### **77. Diameter of pipes**

(1) All diameters of pipes referred to in this Chapter relate to internal dimensions.

(2) No water installation pipe shall be less than 12 mm in diameter.

#### **78. Material of water installation pipes**

All water installation pipes shall be of galvanised iron, lead or copper: Provided that:

(1) piping of other suitable material may be used subject to the written permission of the engineer first had been obtained;

(2) piping of not less than 75 mm diameter may be of iron or steel coated internally and externally with Dr Angus Smith's or other suitable coating approved by the engineer.

#### **79. Iron pipes**

All steel or iron pipes shall be in accordance with the relevant South African Bureau of Standards Specification for medium or heavy pipes or other recognised standard specification approved by the Council.

#### **80. Lead pipes**

All lead pipes shall be in accordance with the relevant South African Bureau of Standards Specification or other recognised standard specification approved by the Council for a working pressure of 750 kPa and shall, in addition, comply with the requirements of section 82.

#### **81. Copper pipes**

All copper piping shall be in accordance with the relevant South African Bureau of Standards Specification or other recognised standard specification approved by the Council.

#### **82. Pipes and fittings to withstand 2 000 kPa pressure**

All communication pipes, water installation pipes and fittings shall be capable of withstanding an internal pressure of 2 000 kPa.

#### **83. Taps, Ball valves and Flushing valves**

(1)(a) Unless otherwise specified the component parts of flushing valves shall be of brass or gunmetal, or if hot pressings, of brass or manganese bronze, or in either case of an equally suitable corrosion-resisting alloy or other approved material.

(b) All flushing valves shall be of a waste-preventing type, shall have a flushing capacity as prescribed by Council and, subject to the provisions of section 54, shall be connected to the flush pipe.

(c) Parts of flushing valves intended for screwing shall have standard metric right hand threads and parts of all fittings of the same size and intended for the same purpose shall be interchangeable.

(d) All flushing valves shall be tested to withstand a pressure of 2 000 kPa without leaking or sweating.

(e) The name or registered trade-mark of the makers shall be stamped on all flushing valves.

(f) Self-closing taps which are of a non-concussive type approved by the Council and which will not cause damage to the meter and fittings and which have been tested, approved and stamped may be installed.

(g) The external form of bath or wash hand basin taps shall be optional to suit any particular style of bath or wash hand basin.

(h) Without prejudice to the provisions of section 47, the fees prescribed in the tariff shall be payable for the testing and stamping of taps, ball valves, flushing valves and other fittings.

**84. Offences and 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 to cease committing such offence or after he has been convicted of such offence shall be guilty of a continuing offence.
- (3) A person found guilty of an offence in terms of subsection (1) will be liable to a maximum fine of R 10 000-00 or maximum imprisonment of 1 year or both such fine and imprisonment.
- (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.

**85. Short Title and Commencement**

This By-law will be known as the Water Supply By-law and shall commence on the date of promulgation in the Provincial Gazette.

**NOTICE 82 OF 2006****Mookgophong Local Municipality  
Proposed Cemetery By-law**

The Municipal Manager of Mookgophong Local Municipality hereby, in terms of section 13 (a) of the Local Government Municipal System Act, 2000 (Act No. 32 of 2000), publishes the Cemetery By-Law for Mookgophong Local Municipality as proposed by its Council, as set out hereunder.

**PURPOSE OF THE BY-LAW**

The purpose of this by-law is to ensure that interments are properly regulated and that families of the interred may exercise some rights as more specifically provided for.

**MOOKGOPHONG LOCAL MUNICIPALITY  
CEMETERY BY-LAW****1. Definitions**

(1) In these By-laws, unless the contents otherwise indicates -

“**adult**” means any deceased person whose coffin will fit in the aperture of a grave as prescribed for adults ;

“**ashes**” means the cremated remains of a body;

“**cemetery**” means any piece of ground duly set apart by the Council as a public cemetery, whether inside or outside the Municipality;

“**council**” means the Mookgophong Local Municipality and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

“**child**” means any deceased person whose coffin the aperture of a grave as prescribed for children in terms of section 30(2)(b);

“**memorial work**” means any tombstone, railing, monument, inscription or other work, erected or which may be erected upon any grave;

“**memorial section**” means a cemetery or section of a cemetery which is not a landscape section or a lawn section;

“**memorial wall**” means a wall provided for the placement of inscribed tablets commemorating deceased persons who have been cremated;

“**niche**” means a space in the memorial wail intended for the placing of a container of the storage of ashes;

“**officer-in-charge**” means any person authorised by the Council to be in control of any cemetery or acting in such capacity in the service of the Council;

“**owner**” means the person who has paid or caused any of the charges prescribed in these By-laws to be paid or who has obtained any of the rights set out in these By-laws or who has obtained the right to have any memorial work erected or constructed or who has obtained any other rights or interest, referred to or mentioned in these By-laws;

“**person**” means any person, but does not include an officer of the Council acting in the course and within the scope of his duties in any cemetery;

“**plot**” means any piece of ground laid out for two single graves in which ground the rights to inter two bodies has been obtained in these By-laws;

“**registrar of deaths**” means any person appointed as registrar or assistant registrar of deaths in terms of the relevant legislation;

“**single grave**” means any piece of ground laid out for a single grave within the cemetery of which the exclusive right to inter one body has been obtained in terms of these By-laws.

(2) In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa.

**2. Establishment of Cemetery**

The Council may from time to time set apart any ground for the purpose of a cemetery and no person shall bury or inter or cause any body to be buried or interred in any other place in the Municipality, except with the written consent of the Council.

**3. Permission of Officer-in-charge for Interments**

(1) No person shall bury or inter or cause anybody to be buried or interred within a or other in a cemetery without the permission of the officer-in-charge.

(2) Such permission shall only be given when a written order in terms of the Births and Death Registration Act, 1992 (Act 51 of 1992), authorising such interment is furnished to the officer-in-charge with the notice of interment. In all cases where an inquest has been held, a magistrate's warrant shall in addition be furnished to the officer-in-charge.

**4. Free Burial**

(1) If a person who has been declared a pauper or has died in indigent circumstances, and if no relative or other person can be found to bear the burial costs of such deceased person, the Municipality may inter such body free of charge.

(2) The Council may, upon application and discretion, inter any body free of charge in such place and manner as the Council may decide.

**5. Cemetery Hours of Visitors**

(1) Every cemetery shall be open to the public daily from 08:30 to 16:30: Provided that the Council shall have the right to close to the public any cemetery or portion thereof for such period as the Council may deem fit.

(2) No person shall be or remain in any cemetery or portion thereof before or after the hours mentioned in subsection (1), or during any period when the cemetery is closed to the public.

**6. Visit by Children**

No person under the age of 12 years shall enter, be or remain in a cemetery, unless such person is under the care of a responsible person.

**7. Keeping to Paths**

Except for the purposes permitted by these By-laws, all persons shall walk on or use only the roads and walks provided in the cemetery.

**8. Prohibitions**

No person shall within any cemetery obstruct, resist or oppose the officer-in-charge or any member of his/her staff in the exercise of his/her powers or performance of his/her duties under this by-law, or refuse to comply with any lawful order or request of the officer-in-charge or any member of his/her staff;

**9. Entrance To and Exit from Cemetery**

No person shall enter or leave any cemetery except by the gates and no person shall enter any office or enclose place in any cemetery except on lawful business.

**10. Distribution of Tracts or Advertisements**

No person shall solicit any business order, or exhibit distribute or leave any tracts, business cards or advertisements within any cemetery and no person shall use any cemetery road or walk for the conveyance of goods, parcels or other material except such as are intended for use in the cemetery.

**11. Sitting or Climbing upon Memorial Work**

No person shall sit, stand or climb upon or over any memorial work, gate, wall, fence or building in any cemetery.

**12. Committing Nuisances**

No person shall be or commit or cause any nuisance within any cemetery.

**13. Animals in Cemetery**

No person shall, within any cemetery introduce any animal without the consent of the officer-in-charge.

**14. Riding forbidden**

No person shall ride on any animal or cycle within cemetery without the specific permission of the Council.

**15. Games and Discharge of Arms**

(1) No person shall shoot wild birds or animals in or within 100 m from any cemetery.

(2) No person shall play any games or sport in any cemetery or discharge any fire-arms, except as a salute at a military funeral, or discharge any airgun or catapult therein or disturb or allow any person present therein.

**16. Speed of vehicles**

No vehicle shall exceed a speed of 20 km/h within any cemetery.

**17. Disturbance of Soil or Plants**

Except where it is expressly permitted in terms of these By-laws, no person shall disturb the soil or plants or uproot any shrubs or flower or in any way interfere with any grave or construction work in any cemetery.

**18. Demonstrations**

No person shall hold or take part in any demonstration in any cemetery.



Any person, wishing to make any complaints shall forward such complaint in writing to the Municipal Manager.

**19. Defacing Memorial Work**

No person shall mark, draw, scribble or display advertisement or other matter upon, or in any way deface any wall, building, fence, gate, memorial work or other construction within any cemetery.

**20. Charges**

The charges as determined by the Council shall be paid to the Council in respect of the various items therein mentioned within the times therein specified.

**21. Interest in Ground in Cemetery**

(1) No person shall acquire any right to, or interest in any soil or grave in any cemetery other than such rights or interests as may be obtainable in terms of these By-laws.

(2) No person shall transfer any interest or share in any single grave or plot, except to the Council.

**INTERMENTS**

**22. Purchase of Grave or Plot**

The Council may at its discretion sell to any person the right to any piece of ground for a single/double grave or a plot on payment of charges as determined by Council from time to time. Provided that such selling shall take place only upon death. Unless otherwise arranged, such grave or plot shall have the dimensions prescribed in section 27.

**23. Payment for Interment**

Any person wishing to have a body interred in a single grave or a grave contained in a plot, shall for each separate interment in such grave pay the charges prescribed in the Tariff by-laws.

**24. Notice of Interment**

Any person desiring to have a body interred in a grave shall submit to the officer-in-charge an application in writing at least 2 working days before the interment and such application shall be signed by the nearest surviving relative of the person whose body will be buried in the grave or such : Provided that if the officer-in-charge is satisfied that the signature of the nearest surviving relative cannot be obtained timeously, he may at his discretion grant an application signed by any other interested person.

**25. Alteration in Date or Time of Interment**

Should any alteration be made in the day or hour previously fixed for an interment, notice of such alteration shall be given to the officer-in-charge at the cemetery not less than 2 working days before the new time fixed for such interment.

**26. Cemetery and Office Hours**

(1) Every cemetery shall be open to the public during such hours as are indicated on a notice board at each gate of such cemetery: Provided that the officer-in-charge shall be entitled at any time to close off any cemetery or part thereof to the public for such period for such purpose as he may deem fit.

(2) The office of the officer-in-charge shall be open between 07:30 and 16:30 on weekdays, except Saturdays, Sundays and Public Holidays.

**27. Standard Dimensions of Grave Plots and Apertures for Graves**

(1) Standard Dimensions of Grave plots shall be as follows:

(a) Adult:

(i) Single plot:

Length: 2 500 mm; Width: 1 200 mm

(ii) Double plot:

Length: 2 500 mm; Width: 2 400 mm

(b) Child:

Length: 1 500 mm; Width: 1 000 mm

(2) The Standard Dimensions of the Aperture for any Grave shall be as follows:

(a) Adult :

Length: 2 200 mm; Width: 750 mm; Depth: Not less than 1 800 mm

(b) Child:

Length: 1 350 mm; Width:450 mm; Depth: Not less than 1 500 mm

(3) Any person requiring an aperture of larger dimensions than the standard dimensions for any interment shall together with the notice of interment, give the measurements of the coffin, including fittings.

**28. Child's Coffin Oversized**

- (1) Should a child's coffin be too large for a child's grave, it shall be placed in an adult's grave and the cost shall be paid by the person giving the notice of interment.
- (2) The officer in charge shall be notified accordingly, at least 24 hours before the interment.

**29. Depth of Earth**

There shall be at least 1 250 mm of earth between an adult's coffin and the surface of the soil and at least 900 mm of earth between a child's coffin and the surface of the soil.

**30. Coffins in Graves**

No person shall place or cause any coffin construct from any other material than wood or other perishable material to be placed in any grave without the written consent of the Municipal Manager or an officer authorized by him: Provided that any attachments to such a coffin which normally form part of a coffin, need not be made of wood or other perishable materials.

**31. Number of bodies in one grave**

In no case shall the bodies of more than two adults or two children be buried within any grave at the same time.

**32. Covering Coffin with Soil**

Every coffin containing a body which is placed in a grave shall be covered at once with at least 300 mm of earth.

**33. Disturbing Human Remains**

No person shall disturb any human remains or any soil adjacent thereto in any cemetery, except for purposes allowed by these by-laws.

**FUNERALS****34. Religious Ceremonies**

The members of any religious denomination may conduct religious ceremonies in connection with any interment or memorial service in any cemetery subject to the control and ruling of the Council.

**35. Minister in Attendance**

Subject to the provisions of section 34, any person having any funeral conducted at any cemetery may arrange for the attendance of a minister of religion if he so desires.

**36. Hours of Interment**

No funeral shall take place before the hour of 07:00 or after the hour of 19:00.

**37. Numbering of Graves**

No person shall affix any number which has not been duly allotted in terms of these By-laws to any grave and no person shall inter any body in any grave which has not been numbered by the officer-in-charge.

**38. Exposure of Dead Bodies**

No person shall convey any dead body in an unseemly manner or expose any such body or any part thereof in any cemetery, street or public place.

**39. Directions of Officer-in-charge**

Every person taking part in any funeral procession or ceremony shall comply with the directions and requirements of the caretaker while such person is within the cemetery.

**40. Music in cemetery**

- (1) Only sacred singing shall be allowed in any cemetery except in the case of police or military funerals.
- (2) No person shall play or cause to be played any musical instrument or apparatus without the prior consent of the officer-in-charge;

**41. Interments Attended by Large Numbers of People**

In any case where it is probable that an unusually large number of persons will be present at any interment, the person giving notice of such interment shall notify the fact to the officer-in-charge the day before the funeral.

**EXHUMATION OF BODIES AND RE-OPENING OF GRAVES****42. Opening of graves**

Subject to the provisions of relevant legislation, no grave may be opened without the prior written consent of the Council.

**43. Officer of Health and Officer-in-charge to be Present**

No exhumation or removal of any body shall be made by any person unless the officer of health and the officer-in-charge are present.

**44. Time of Exhumation**

No person shall exhume or cause any body to be exhumed during such time as the cemetery is open to the public.

**45. Screening of Activities**

The grave from which any body is to be removed shall be effectively screened from view during the exhumation.

**46. Transfer by Council of Body from one Grave to Another**

If at any time the removal of any body shall seem to the Council to be advisable or if any body shall have been interred in a grave in contravention of any provisions of these By-laws, the Council may cause such body to be removed to another grave, provided that any near relative of such deceased person shall, if possible, be notified.

**CARE OF GRAVES****47. Consent of Council Required**

(1) No person shall erect or place any railing on any grave without the consent of the Council.

(2) No person shall erect or place any object of whatever nature on any grave unless it is done in terms of this by-law. The placing of stones on a grave in accordance with traditional customs or beliefs are excluded provided that prior written permission has been obtained from the officer in Charge and provided furthermore that the applicant shall bear all costs of providing such stones and there shall be no obligation on the Council to provide same.

**48. Planting of Flowers and Shrubs**

Any person may, with the permission of the officer-in-charge, plant any shrub, plant or flower on any grave: Provided that no shrub, plant or flower shall be cut or carried away by any person without the consent of the officer-in-charge and the officer-in-charge may prune, cut down, dig up or remove any such shrub.

**ERECTION AND MAINTENANCE OF MEMORIAL WORK****49. Memorials not Permitted without Consent of the Council**

No person shall erect, alter, paint, clean, renovate, decorate, remove or otherwise interfere with any memorial work or cut any inscription on any memorial in any cemetery without the consent in writing of the Council and the owner of such memorial.

**50. Exclusion of Memorial Work**

The Council may prohibit any proposed memorial work, which in its opinion is of inferior workmanship or quality or which is likely in any way to disfigure any cemetery.

**51. Repair of Memorial Work**

(1) If the owner of any memorial work shall allow the same to fall into such a state of disrepair as, in the opinion of the Council, constitutes a danger to or a disfigurement in the cemetery, the Council may by written notice require him to effect such repairs as it may deem necessary and if the address of the owner is not known to the Council, such notice may be published in a newspaper circulating within the Municipality.

(2) In the event of the required repairs not being effected within one month from the service or publication of such notice, the Council may itself effect the repairs or remove the memorial work without paying any compensation and recover the cost of such repair or removal from the owner.

**52. Erection of Memorial Work**

(1) No person shall erect or construct or cause to be erected or constructed any memorial work or stonework upon a grave without the permission in writing of the Council.

(2) No person shall erect any memorial work upon any grave, except in such position as the Council may fix.

**53. Supervision of Work**

Any person engaged upon work in any cemetery shall effect such work under the supervision and to the satisfaction of the officer-in-charge.

**54. Damage to Memorial Work**

The Council shall in no way be liable for any damage which may at any time occur to any memorial work for any cause whatsoever.

**55. Reversing of Memorial Work**

The Council may at any time at its discretion reverse or recover the expense incurred in connection therewith from the owner of such work: Provided that in any case where a memorial work was originally placed in a certain position with the express permission of the Council any alteration after the position of any memorial work in any cemetery and such position in terms of the provisions of this section shall be effected at the expense of the Council.

**56. Bringing of Material into Cemetery**

No person shall bring any material into any cemetery for the purpose of constructing any memorial work or stonework upon any grave unless –

- (1) a sketch with dimensions in figures thereon and showing the position of the proposed work accompanied by a certification of the material to be used and a copy of any proposed inscription, carving or ornamentation has been submitted to the officer-in-charge not less than 3 days before it is proposed to bring the material into the cemetery;
- (2) all charges in respect of such grave or plot have been duly paid; and
- (3) written approval of the proposed work has been given to the applicant by the Council.

**57. Removal of Memorial Work by Council**

Any memorial work placed, constructed, altered, decorated, painted or otherwise dealt with in any cemetery in such a way as to contravene any provisions of these by-laws, any at once be removed by the Council without payment of any compensation.

**58. Requirements for Erection of Memorial Work**

- (1) Any person, erecting any memorial work, shall comply with the following requirements -
  - (a) Wherever any part of the memorial work is joined to any other part, copper or galvanised iron clamps, pins or dowels shall be used for such purpose. The holes into which any such clamps, pins or dowels fit shall not be less than 50 mm deep, unless otherwise authorized by the Council.
  - (b) Any part of such work which rests upon the soil or any stone or other foundation shall be fairly squared and bedded.
  - (c) No stones of uneven thickness or having any corner wanting shall be used.
  - (d) The under sides of every flat stone memorial and the base of every monument or head stone shall be set at least 50 mm below the natural level of the soil.
  - (e) Except with the consent of the Council no kerb stone shall be more than 225 mm above the surface of the soil.
  - (f) All head and kerb stones shall be securely clamped outside with round copper or galvanised iron from damps.
  - (g) All head stones up to 150 mm in thickness shall be securely attached to the base in an approved manner.
  - (h) Every kind of memorial work shall be completed as far as possible before it is brought into any cemetery.
  - (i) Foot stones shall consist of one solid piece.
  - (j) No soft stone shall be used for any memorial work and memorial work shall be constructed or made of marble or granite only.
  - (k) No person shall within a cemetery do any stone work, chiselling or other work upon any memorial work not connected with the fixing of such work in position, except where such work is expressly allowed in terms of the provisions of By-laws.
    - (l) In all cases where any memorial work shall have a base -
      - (i) such work shall have such brick, stone or concrete foundation as the officer-in-charge may prescribe;
      - (ii) the bottom base of such work shall not be less than 910 mm x 305 mm x 305 mm;
    - (m) Any lettering on memorial work shall be engraved into a work and shall not be raised beyond the level or surface of the work.

**59. Approval shall be Obtained**

No person shall bring any memorial work for which approval has not been obtained into any cemetery.

**60. Conveyance of Memorial Work**

No person shall convey and stone, brick, or memorial work or any portion thereof into any cemetery upon any vehicle or track which is not drawn or pushed and which is not furnished with wheels having tyres not less than 100 mm wide and of a kind which in the opinion of the caretaker, is not likely to damage the paths of ground of such cemetery, unless the Council shall give its written permission to any person provided that no

such vehicle shall be drawn or pushed along any path which, in the opinion of the officer-in-charge, is too narrow or otherwise unsuitable for such vehicle.

**61. Vehicle and Tools**

Any person engaged upon work upon any grave or plot shall provide such vehicles, tools and other appliances as may be required by him : Provided that no such vehicles, tools or appliances shall be of such a kind as to contravene the provisions of these By-laws.

**62. Complying with Requirements**

Any person carrying on work within any cemetery shall in all respects comply with the provisions of these By-laws.

**63. Refuse and Debris**

No person shall at any time leave any refuse, rubbish, soil, stone or other debris within any cemetery or in any way damage or deface any part of the cemetery or anything therein contained. This prohibition is not applicable in respect of stones placed on graves in terms of section 47(2).

**64. Working Hours in Cemetery**

No person shall bring any memorial work or material or do any work within any cemetery, except during the following hours -

Monday to Friday: 08:00 to 16:00.

**65. Inclement Weather**

No person shall fix or place any memorial work during foul weather or while the soil is in an unfit state.

**66. Production of permit**

Any person in charge of work who is on his way to or from work within any cemetery shall, upon demand at anytime by the officer-in-charge or his authorized assistant, produce his written permission to carry out such work.

**67. Lawn Section of Cemetery**

(1) In all lawn sections of a cemetery the following conditions shall be in force in regard to lay-out and planning -

(a) The dimensions of any headstone for a single grave for an adult shall not exceed the following measurements -

(i) Height: 1 200 mm;

(ii) Width: 900 mm; and

(iii) Thickness: Not less than 100 mm.

**ASHES**

**68. Use of Niches and Affixing of Memorial Work**

No niche or space on a memorial wall shall be used for the storage of ashes or for affixing memorial work without the prior consent of the officer-in-charge and without payment of the appropriate charges as prescribed by the Council.

**69. Memorial Work on Memorial Wall**

(1) Memorial work on the memorial wall in remembrance of the deceased may be affixed.

(2) Such memorial work shall conform to the following requirements:

(a) Memorial work intended to be placed on a space on a memorial wall shall be of polished marble, granite or other suitable material and shall measure 265 x 280 x 40 mm with an all-round 20 mm rebate to fit a 240 mm x 260 mm space.

(b) Memorial work intended to seal a niche shall be of such material as to conform with adjacent memorial work.

(3) No memorial work shall be removed from, or re-affixed to a memorial wall without the prior consent of the officer-in-charge and without payment of the appropriate charges as prescribed by the Council.

**70. Removal of Ashes**

(1) No person shall remove any ashes from a niche without the prior written permission of the Council and without complying with any conditions prescribed by the Council.

(2) Application for the removal of ashes shall be made at least 30 days prior to the removal date and shall be accompanied by the appropriate charges as prescribed by the Council.

**71. Grave Plots Reserved before Promulgation of these By-laws**

For any grave plot which was reserved before the coming into operation of these By-laws, the difference between the charge paid on reservation and the charge payable in terms of the tariff of charges shall be paid when a deceased person is buried in such plot.

**72. Penalties**

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

- (1) A maximum fine of R 3000-00 or maximum imprisonment of 3 months, or either such fine or imprisonment or to both such fine and such imprisonment and,
- (2) in the case of a continuing offence, to an additional maximum fine of R100-00 or an additional maximum period of imprisonment of 1 day or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

**73. Short Title and Commencement**

This By-law will be known as the Cemetery By-laws and shall commence on the date of promulgation in the Provincial Gazette.

**NOTICE 83 OF 2006****Mookgophong Local Municipality  
Proposed By – Laws relating to Community Centre Facilities**

The Municipal Manager of Mookgophong Local Municipality hereby, in terms of section 13 (a) of the Local Government Municipal System Act, 2000 (Act No. 32 of 2000), publishes the Community Centre Facility By-Laws for Mookgophong Local Municipality as proposed by its Council, as set out hereunder.

**MOOKGOPHONG LOCAL MUNICIPALITY  
BY-LAWS RELATING TO COMMUNITY CENTRE FACILITIES****PURPOSE OF THE BY-LAW**

The purpose of this by-law is to regulate the orderly letting or making available of Council facilities for purposes as contained herein and to such persons or bodies as provided for.

**1. Definitions**

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

“**authorised official**” means an official of the Council who has been authorised by it to administer, implement and enforce the provisions of these by-laws;

“**centre**” means a building or premises owned or operated by the Municipality, whether incorporating a community hall or not, at which group activities of an indoor sporting, cultural or recreational nature can be pursued;

“**bazaar**” means any public function arranged, conducted or managed by any church or association of person in order to raise funds from the public by means of games competitions, the sale of goods collected for that purpose and the supplying of refreshments;

“**municipality**” means, the Mookgophong Local Municipality and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

(2) In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa;

**2. Letting of Community Hall**

(1) The Municipality reserves to itself the absolute right to refuse to let the Community Centre Facilities and also to cancel any reservation thereof for any of the following reasons: —

(a) If the entertainment or purpose for which the hall is required is in the opinion of the Municipality undesirable.

(b) If the Community Centre Facilities is required for purpose which in the opinion of the Council, should take precedence over any existing reservation, in which case the Municipality shall not be liable for any expense incurred or loss or damage suffered by the hirer, save that the Municipality shall refund any charges paid by the hirer to the Municipality in respect of such cancelled reservation.

(c) If damage to the building or its furniture may reasonably be expected as a result of, or incidental to, any proposed function.

(2) All concerns and persons wishing to hire the Community Centre Facilities will complete an application form as prescribed, to be completed and the person by whom such form is signed shall be deemed to be the hirer. Applications shall be dealt with in the order in which they are received.

**3. Payment of Charges**

(1) No reservation shall be made unless payment is made as hereinafter stated and no tickets shall be distributed or any public announcement made until the reservation has been accepted.

(2) The hiring of the Community Centre Facilities will include the usual lighting, seating accommodation and toilets appurtenant to such facility, as well as the selling of sweets, tobacco, cigars, cigarettes, or any other goods on the premises, but shall not include the kitchen, for which special charges are prescribed.

(3) Application for the reservation of the accommodation hired shall be accompanied by the total amount payable. If the hirer does not make use of the accommodation reserved, such charges paid to the Municipality shall be forfeited unless, in the opinion of the Council, the reason for not making use of the accommodation justifies a refund of the charges.

(4) If the purpose of the hiring is such as to require extra work to be undertaken by Municipality employees, such as special lighting or any other extra work, the hirer shall be required to pay in advance a sum sufficient

to cover the extra expenditure. Such payment shall be for an amount as shall be specified by the Municipal Manager and shall be paid to the recreation officer.

(5) The hirer shall be responsible for payments in respect of any extras whatsoever incurred by the hirer's caterer during any hiring: Provided that the Municipality shall not be under any obligation to do any extra work or to supply any such extras.

#### **4. Postponement of Reservation**

Any hirer of accommodation in the Community Centre Facilities shall be permitted to postpone a reservation once without forfeiting the deposit, but should the second reservation not be used and the engagement cancelled, the deposit shall be forfeited. If the hirer desires to postpone a date previously reserved, written notice to that effect shall be given by the hirer to the Municipal Manager not later than 12:00 on the third day prior to such reserved date.

#### **5. Admission of Public and Sale of Tickets**

The hirer shall be responsible for all arrangements in connection with the admission of the public, the provision of ushers, police and such staff as may be necessary to control the admission and conduct of persons on the premises and the sale of tickets.

#### **6. Cleaning of Premises**

(1) The clearing up and cleaning of the premises after a function shall be undertaken by the Council, if specifically so agreed at the time of hiring and such work shall be carried out under the supervision of the caretaker.

#### **7. Municipality not Responsible for Loss, Accidents, or Defect or Faults in the Lighting Installation or Equipment**

The Municipality shall not be responsible or liable in any way or manner for any loss or damage of whatever nature and whether direct or consequential, caused to the hirer or any concern or person claiming from or through the hirer, including, without limiting the generality of the foregoing, any employee, agent, guest, invitee or ticket-holder of the hirer or any trespasser in, on or about the hired premises from any cause whatsoever including but not limited to the failure or defect of any machinery, equipment, lighting or scenery or any defect, whether latent or patent, in any part of the hired premises or grounds.

#### **8. Use of Heating Apparatus in Kitchen and Electrical Appliances**

(1) Only electrical installations provided by the Municipality shall be used. The use of portable appliances or the use of flammable liquids in any part of the banquet hall, other than the kitchen, shall be strictly prohibited. Any person committing a breach of the provisions of this section shall be guilty of an offence.

(2) Electric lighting shall be manipulated only by the authorised official or other officer authorised thereto by the Council.

#### **9. Right of Admission and Conduct of Functions**

(1) The hirer shall have the right to reserve mission to the Community Centre Facilities hired by him and shall be held responsible for the due observance and carrying out of the following provision:

(a) No person who is intoxicated or who is unsuitably clad, shall be admitted to the facility or having gained admission, shall be permitted to remain therein.

(b) No person shall be permitted to dance in the Community Centre Facilities unless properly shod for dancing to prevent damage to the floor surface.

(2) The Community Centre Facilities will be let to the hirer on condition that no overcrowding thereof shall take place and that the number of persons allowed in the Community Centre Facilities shall be limited to the seating accommodation available. No person shall be allowed to congregate in the passages, aisles, or doorways leading to such facility. When the available seating accommodation has been occupied, the hirer shall prevent the admittance of any persons in excess of such seating capacity.

(3) The right shall be reserved to any member of the Council, the Municipal Manager, authorised official or other duly authorised officer of the Council, at all times to enter the premises hired for the purposes of inspection.

#### **10. Liability of Hirer for Damage to Council's Property**

(1) The hirer shall be liable for and shall make good any loss occasioned by missing articles or breakages, as well as damage or loss of any other description to the buildings, furniture, fittings or any other property of the Municipality that has occurred during the period of hiring.



(2) The Municipal Manager may, whenever it may reasonably be expected that damage may result to the Community Centre Facilities or municipal rooms or furniture, fixtures and fittings therein at any function for which the Community Centre Facilities is hired, require the hirer beforehand to make a deposit of, or provide an amount determined in the Municipality's tariffs structure to cover any possible damage or loss. In the event of the damage exceeding the said amount the hirer shall be liable for such excess. Should any defect appear to exist in the accommodation hired or its appurtenances, the same shall, before use, be pointed out to the authorised official by the hirer, failing which everything shall be deemed to be in proper order and it shall be the responsibility of the hirer to leave the property after the engagement in the same condition.

(3) No furniture or article of any description whatsoever, being the property of the Council, shall be removed from the Community Centre Facilities by the hirer.

**11. Municipality not Responsible for Damage to or Loss of Hirer's Property**

The Municipality shall not, in any circumstances, accept responsibility or liability in respect of any damage to or loss of any property, articles, or things whatsoever, placed or left upon the premises by the hirer, or to any persons or clothing of such persons entering the premises or making use of the equipment on the premises hired and it shall be a condition of hire that the hirer shall protect and indemnify the Municipality against any claim made by any person on any ground whatsoever.

**12. Municipality not Obligated to Provide Places for Storage.**

The Municipality shall not be obliged to provide means or places for the storage of goods, liquor or other property of the hirer or his guests, patrons, servants or agents prior to, during or after the holding of the function for which the premises are hired.

**13. Hirer Responsible for Catering Arrangements and Tidiness of Premises**

The hirer shall be fully responsible for all catering arrangements on or about the premises hired and shall ensure that the caterers keep such premises clean and tidy and free from refuse at all times.

**14. Decorations and Posters.**

(1) No notices, posters, flags, emblems or other attachments shall be placed or erected upon the inside or outside of the premises hired by any person without the sanction of the Municipality first had and obtained. Any person committing a breach of the provisions of this section shall be guilty of an offence.

(2) The hirer shall not be permitted in any way to decorate the Community Centre Facility hired except with the sanction of the Municipal Manager or other duly authorised officer and no nail or screws shall be driven into the walls, floors or fittings, nor any attachment made thereto, except at points where provision therefore has been made by the Council.

**15. Rehearsals and Preparation of Community Centre Facility**

Persons desiring the use of the Community Centre Facilities for rehearsals shall so state on the application for the use thereof and shall pay therefor in accordance with the prescribed tariff. Reasonable facilities for preparation for any function shall be afforded free of charge on the day of engagement, provided no lights are used and that there is no interference with other engagements. Arrangements for such access shall be made with the authorised official or other duly authorised officer. The manufacture or painting of scenery and stage sets in any part of the Community Centre Facility premises shall be prohibited.

**16. Broadcasting of Performances outside Premises.**

The broadcasting of any performance by means of a public address system, loudspeakers or recorders outside the premises hired shall not be permitted without the consent, in writing, of the Municipal Manager first had and obtained.

**17. Doors shall not be Opened unless Payment has been made**

All charges shall be payable in accordance with the provisions of sections 3 and 15 and the doors shall not be opened or the Community Centre Facilities be used unless such payment has been made.

**18. Inspection of Community Centre Facility**

After every function, the Community Centre Facilities shall be inspected by the authorised official and the hirer and any damage then and there noted. Time may be allowed in the discretion of the authorised official for clearing up on the next day without prejudice to any following engagement.

**19. Censorship/Regulation of Performances**

(1) The hirer shall abide by censorship exercised on any performance, picture, film or representation, classified by the Film and Publication Board.

(2) The hirer will be charged additionally for showing a picture or film for the purposes of making a profit.

**20. Sale of Spirituous Liquor or other Intoxicating Liquors**

No bar for the sale of spirituous liquor or other intoxicating liquors shall be carried on at any function unless the same is under the control of the holder of a liquor licence for the sale of such liquor.

**21. Smoking Prohibited**

Smoking shall be strictly prohibited on the stage, its precincts and in the Community Centre Facilities where a notice is displayed that smoking is prohibited and the hirer shall ensure that this prohibition is enforced in accordance to the relevant legislation.

**22. Attendance of authorised official**

(1) The attendance at the Community Centre Facilities of the authorised official shall be for attending to the Council's interests and his services shall not be at the hirer's disposal, whether for preparation or any other purposes connected with any function.

(2) The authorised official shall have the right to request any person who is contravening any provision of these by-laws to remove himself immediately from the Community Centre Facilities and on his failure to do so, may cause such person to be forcibly removed. Any person who, after such request or ejection, again returns to the building during the same function shall be guilty of an offence and liable on conviction to a fine.

**23. Consent of Owner of Copyright shall be required for Performance or Exhibition of any Musical or other Work**

(1) The letting of accommodation upon the hirer's application shall not be deemed to convey any sanction by the Municipality for the performance or exhibition of any musicals or other work without the consent of the owner of the copyright thereof in any form including the performing right. The hirer shall be bound to procure the consent of any such owner to such an extent as may lawfully be required and if so required by the Municipal Manager or other officer of the Council, shall produce on demand, to the satisfaction of the Municipal Manager or other officer of the Council, proof of the granting of such consent, prior to any such performance or exhibition.

(2) Failure so to produce such proof shall entitle the Council, unless such work be immediately withdrawn on its demand from such performance or exhibition, summarily to cancel the engagement of the premises so hired and on written notice to that effect the right of the hirer to use or continued use of the Community Centre Facilities will at once determine and cease and the Municipality may exclude the hirer and his servants or licensees there from and decline to give access thereto and shall not be liable to restore or refund any rent or hire paid in advance or otherwise for the use of the banquet hall.

(3) The hirer shall protect and indemnify the Municipality from and against any claim for an injunction, damages or otherwise and for costs, including costs between attorney and client, that may be made against it by reason of any infringement by the hirer, or any agent, employee, booking agent or servant of the hirer whilst using the facility, of the copyright in any form of any person or company and in the conduct, including external advertisement and broadcasting, of any performance, work or act therein.

(4) Where programmes of music or works to be performed are printed prior to performance, two copies of such printed programmes shall be handed to the authorised official by the hirer at the conclusion of such performance, together with a list in duplicate of the encores rendered.

(5) Where the printed programme has not been adhered to, the hirer shall make the relevant alterations in writing to such programme so as to show the actual music or work performed. Where no programme of music or works to be performed is printed, a complete list, in duplicate, of the music or works rendered shall be handed to the authorised official by the hirer at the conclusion of the performance.

Such lists shall show —

- (a) the titles of works performed;
- (b) the number of times performed;
- (c) a description thereof;
- (d) the author;
- (e) the composer;
- (f) the arranger; and
- (g) the publisher.

**24. Compliance with By-laws**

(1) Failure by the hirer to observe any of the provisions of these by-laws, shall entitle the Municipality to cancel any engagement forthwith. Such cancellation shall be conveyed to the hirer by the Municipal Manager or his duly authorized representative and all amounts paid by the hirer shall in such event be forfeited.

(2)(a) A person who fails or omits to do anything prescribed by this By-law, will be guilty of an offence.

(b) A person found guilty of an offence in terms of subsection (a) will be liable to a maximum fine of R 1000-00 or maximum imprisonment of 1 month or both such fine and imprisonment.

**25. Dispute or Doubt as to Application of Tariff of Charges.**

In the event of any dispute or doubt arising as to which tariff of charges shall apply to any particular class of function for which the Community Centre Facilities or other accommodation is to be hired, the decision of the Municipality shall be final.

**26. Tariff of Charges**

The tariff of charges set out in the Municipality's Tariff By-laws shall be applicable to the hiring of any of the Community Centre Facilities or any of the facility equipment.

**27. Short Title and Commencement**

This By-law will be known as the Community Centre Facility By-law and shall commence on the date of promulgation in the Provincial Gazette.

**NOTICE 84 OF 2006****Mookgophong Local Municipality  
Proposed By-laws relating to the Crèches and Crèches- cum Nursery Schools**

The Municipal Manager of Mookgophong Local Municipality hereby, in terms of section 13 (a) of the Local Government Municipal System Act, 2000 (Act No. 32 of 2000), publishes the Crèches and Crèches-cum Nursery Schools By-laws for Mookgophong Local Municipality as proposed by its Council, as set out hereunder.

**MOOKGOPHONG LOCAL MUNICIPALITY  
BY-LAWS RELATING TO THE CRÈCHES AND CRÈCHES- CUM NURSERY SCHOOLS****Purpose of the By-law**

The purpose of this by-law is to lay down strict requirements relating to the establishment, management and admission of children to Crèches and Crèches-cum Nursery Schools, and to give a wide range of powers to the Council to enforce these requirements.

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**1. Definitions**

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

"**child**" means a child admitted to a crèche or a crèche-cum-nursery school in terms of these by-laws;

"**crèche**" means any building or premises maintained or used for the custody and care during the whole or part of the day, on all or only some days of the week, of more than 6 children of pre-school going age and which has been registered as a place of care under the Children's Act, 1960;

"**crèche-cum-nursery school**" means any building or premises maintained or used for the custody, care, and tuition during the whole or part of the day, on all or only some days or the week, and where a nursery school programme applies, of more than 6 children of pre-school going age, and which has been registered as a place of care under the Children's Act, 1960;

"**licensee**" means a person or body of persons to whom a licence has been issued in terms of section 3;

"**officer of health**" means the officer of health of the Municipality or any officer authorised to act on his behalf;

"**municipality**" means the Mookgophong Local Municipality and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

"**place of care**" means any building or premises maintained or used, whether for profit or otherwise, for the reception, protection and temporary or partial care of more than 6 children apart from their parents, but does not include any boarding school, any school hostel or any establishment which is maintained or used mainly for the tuition or training of children and which is controlled by or which has been registered or approved by a provincial education department.

## 2. Scope of By-laws

These By-laws shall apply only to crèches and crèches-cum-nursery schools for children.

## 3. Licensing

- (1) Subject to the provisions of section 18, no person or body of persons shall establish, erect, maintain or conduct a crèche or a crèche-cum-nursery school, unless such person or body is in possession of a licence from the Municipality authorising him to do so, and a registration certificate issued by the Minister of Social Welfare and Pensions in terms of the Regulations for Crèches and Crèches-cum-Nursery Schools, promulgated in terms of the Children's Act 1960 (Act 33 of 1960), specifying the premises to which such licence relates and stating the number and ages of children permitted to be kept on such premises.
- (2) A licence shall not be granted in terms of subsection (1) unless a crèche or crèche-cum-nursery school complies with the provisions of these By-laws to the satisfaction of the officer of health, and has been registered as a place of care in terms of section 42 of the Children's Act, 1960.
- (3) The person, or in the case of a crèche or crèche-cum-nursery school administered by a body of persons, such body, licensed in terms of subsection (1), shall be responsible for the care and supervision of the children specified in such licence and shall at all times be responsible to the Municipality for the satisfactory performance of his obligations in terms of such licence.
- (4) A licence issued in terms of this section shall not be transferable.
- (5) A licence issued in the form of a certificate of approval must be displayed at all times on the inside of the main door of the crèche or crèche-cum-nursery school.

## 4. Specific Requirements in respect of Buildings for Children aged 3 years and over but Under School-going Age for All-day Care

- (1) The following minimum accommodation and facilities shall be provided in respect of crèches and crèches-cum-nursery schools admitting for all-day care children aged 3 years and over but under school-going age -
  - (a) An office;
  - (b) A staff room; provided that one room may, subject to the approval of the officer of health, be used as an office and staff room combined;
  - (c) An isolation room with a minimum floor area of 2 m x 3 m, fitted with a built-in wash-hand basin with hot and cold running water, and equipped with a first-aid cupboard and equipment and bed or stretcher;
  - (d) A playroom for play activities, serving of meals and sleeping purposes, with a minimum free-playing area of 3 m<sup>2</sup> for every child. Not more than one-third of the total indoor play area may consist of a covered veranda or stoep, which shall be protected against wind, rain, and other inclement weather conditions;
  - (e) A kitchen complying with the following requirements —
    - (i) The kitchen including scullery, shall have a minimum floor area of 14 m<sup>2</sup> for a maximum of 30 children accommodated, with an additional 0,2 m<sup>2</sup> per child for 30 to 100 children, and a further 0,1 m<sup>2</sup> per child for every child in excess of 100;
    - (ii) The kitchen shall be provided with a double compartment sink, wash-hand basin, vegetable washing sink, and where the officer of health deems it necessary; an approved pot-washing sink shall be installed on the premises;
    - (iii) In the discretion of the Municipality and after due consideration having being given to the manner, amount and nature of cooking undertaken on the premises, there shall be provided, immediately above every cooking stove, oven or similar apparatus, a hood or canopy of adequate size, having a flue at least 300 mm in diameter, and, in addition, such mechanical device as the Municipality shall deem necessary in these circumstances, exhausting to the atmosphere at such a height and in such a position or manner as is necessary to prevent the discharge there from constituting a nuisance or annoyance to the neighbourhood: Provided that where the Municipality is satisfied that the purposes of this subsection will be effectively achieved thereby, a mechanical device may be provided instead of a hood or canopy as aforesaid;
    - (iv) The washbasins mentioned in paragraph (5)(b) shall be made of stainless steel or other approved impervious material and shall have an adequate and wholesome supply of hot and cold running water effectively distributed and laid over the sinks and wash-hand basins;
    - (v) Each bowl of the double-compartment sink shall have a minimum depth of 225 mm and minimum capacity of 55 litres;
    - (vi) The draining boards of the sinks shall be fitted with 150 mm splash screens and installed 100 mm from any wall surface, and every part of a wall surface within 600 mm from any part of the sink or draining board so installed, shall be tiled or given some other approved finish having similar properties to a tiled surface, to a height of at least 1,5 m from the floor;
    - (vii) The floor of the kitchen shall be of concrete or other similar impervious material;
    - (viii) Natural light and ventilation shall be provided in accordance with the Municipality's Building Regulations;
    - (ix) Wall surfaces shall be tiled or smooth-plastered and oil-painted in light-coloured oil paint;

- (x) Ceilings shall be dust-proof;
- (xi) All cupboards, shelves and other equipment for the storage of kitchen utensils and equipment shall be of metal and shall be so fitted or situated as to be easily cleaned and not to favour the harbourage of insects, rodents and other vermin;
- (xii) All worktables shall be constructed of metal with a stainless steel top;
- (xiii) The stove or other cooking units shall be so installed as to allow easy access between the stove or cooking unit and the adjoining wall surfaces to allow for cleaning;
- (xiv) Facilities for the storage of vegetables shall be provided;
- (xv) There shall be provided suitable refrigeration facilities for the storage of perishable foodstuffs;
- (xvi) There shall be provided a sufficient number of metal bins with covers for the temporary storage of refuse pending disposal;
- (f) Nothing contained in these by-laws shall preclude the use of a domestic kitchen, situated on the premises of a nursery school or crèche-cum-nursery school, provided such kitchen complies with the requirements of these by-laws;
- (g) A storeroom or pantry, properly ventilated and rodent-proof, having a minimum floor area of 6.5 m<sup>2</sup> and a minimum width of 2 m.
- (h) Storage for stretchers, bedding and linen.
- (i) Storage for personal belongings of every child.
- (i) Storage accommodation for indoor and outdoor play materials and equipment.
- (k) Sanitary and ablution facilities for the children complying with the following requirements: —
  - (i) Easy access between ablution facilities, play rooms and outdoor play area shall be provided;
  - (ii) There shall be provided one water closet for every 10 children or part of 10 children;
  - (iii) No division of toilets for the sexes is necessary;
  - (iv) Seats of water closets should be reduced size, juvenile type as approved by the officer of health. Seats should be of tilt-up and front-cut-away type;
- (v) There shall be provided one wash-hand basin for 10 children or part of 10 children and such basin shall be so fitted that the upper surface shall not be more than 500 mm above floor level;
- (vi) A constant supply of running cold water or thermostatic controlled water shall be provided to the wash-hand basins set aside for use by the children;
- (vii) The floors of the ablution block shall be of impervious material rendered to a smooth surface;
- (viii) There shall be provided a sufficient number of impervious bins with cover for the temporary storage of paper, paper towels, tissues, and other articles pending disposal.
- (l) Sanitary and ablution facilities for the staff complying with the following requirements: —
  - (i) Sanitary and ablution facilities for the staff shall be entirely separate from such facilities provided for the children, and shall have no direct communication with any apartment used in connection with the children;
  - (ii) There shall be provided 1 toilet and 1 wash-hand basin for every 15 persons or part of 15 persons;
  - (iii) A constant supply of hot and cold water shall be provided to each wash-hand basin;
  - (iv) All wash-hand basins shall be close fitting to walls and the walls at the rear of such basins shall be glaze tiled to a height of not less than 450 mm above the upper surface of such wash-hand basins, or be treated in some other material similar to tiling.
- (m) Laundry facilities shall be provided to the satisfaction of the officer of health.
- (n) Outdoor areas of minimum of 5,5 m<sup>2</sup> per child shall be provided. This area shall provide for grassy areas and shade and for hard surfaces for wheel-toys. It shall be free of excavations and dangerous steps or levels.

#### 5. Specific Requirements in Respect of Building for Children under 3 years of Age

- (1) The following minimum accommodation and relevant services shall be provided for the accommodation of children under 3 years of age:
  - (a) An office;
  - (b) A staff room in terms of section 4(1)(b).
  - (c) An isolation room consisting of 2 separate cubicles, each 2 m x 3 m, minimum size, fitted with wash-hand basin, with hot and cold running water, first-aid cupboard and equipment and cot or stretcher;
  - (d) A nursery which shall provide 3,5 m<sup>2</sup> indoor area per child. Cots shall be arranged so that there shall be a minimum of 750 mm between the cots. Not more than one-third of the total indoor nursery space may consist of covered veranda or stoep, which shall be protected against wind, rain, and other inclement weather conditions;
  - (e) A wash-hand basin shall be provided in each nursery;
  - (f) A milk kitchen with a minimum size of 8,5 m<sup>2</sup> for a maximum number of 25 babies, and thereafter the size of the room and facilities to be increased according to the satisfaction of the officer of health. The milk kitchen shall comprise—
    - (i) Receiving compartment for sterilising bottles, fitted with a stainless steel double-compartment sink, sterilising unit and wash-hand basin; and

- (ii) Preparation compartment separate from receiving compartment fitted with refrigeration unit, stove and wash-hand basin.
- (g) A kitchen in terms of section 4;
- (h) A pantry in terms of section 4;
- (i) Storage for bedding and linen;
- (j) Storage for prams;
- (k) Storage for personal belongings of child;
- (l) Sanitary and ablution facilities for children complying with the following requirements -
  - (i) A sluice room, with a minimum floor area of 6,5 m<sup>2</sup> equipped with a sluice sink, fitted with 150 mm splash screen and installed 100 mm from wall surface. Every part of a wall surface within 600 mm from sink shall be tiled or given some other approved finish having similar properties to a tiled surface, to a height of at least 1,5 m from floor. Wash-hand basin to be provided in sluice room.
  - (ii) A bathing unit with minimum floor area of 6,5 m<sup>2</sup> fitted with 2 baby bathing units for every 20 children, such units to be approved by the officer of health. The flow of water to be supplied to bathing units by side inlets or movable overhead fittings and the temperature of the water shall be regulated. A wash-hand basin shall be provided in the bathing unit and a constant supply of hot and cold running water shall be provided to a sluice sink and wash-hand basin.
  - (iii) For children not using napkins, toilet equipment of such a nature as meets with the approval of the officer of health shall be provided. Such equipment shall be suitably stored and used only in sluice room, save where it may be required for use in the isolation room.
  - (iv) Napkins by means of -
    - (aa) a recognised napkin service, in which case provision shall be made for separate storage facilities for clean and soiled napkins; or
    - (bb) a laundry service on the premises in an approved laundry which shall comprise 3 units as follows -
      - (aaa) Receiving and pre-cleaning unit;
      - (bbb) washing, drying and ironing unit;
      - (ccc) storage and despatch.
  - (v) A sufficient number of impervious bins with covers for temporary storage of soiled paper, tissues, paper towels and other articles pending disposal; and
  - (vi) Floors of sluice rooms and bathing unit of impervious material;
  - (m) Sanitary and ablution facilities for the staff in terms of section 4(l).
  - (n) Storage for indoor and outdoor play materials and equipment.
  - (o) Washing and laundry facilities on or off the premises shall be provided to the satisfaction of the officer of health.
  - (p) The minimum outdoor area of 3 m<sup>2</sup> per child shall be provided for the use of perambulators and playpens and outdoor activities for the toddler group; this area shall provide for lawns and shade and shall be free of excavations and dangerous steps or surfaces.

## 6. General Requirement Relating to Building

- (1) All buildings for crèches and crèches-cum-nursery schools shall comply with the following requirements -
  - (a) The buildings shall be constructed of such material and in such a manner as to conform to the National Building Regulations and any other relevant laws;
  - (b) The windows of all offices, playrooms, isolation rooms and other apartments shall be equal to not less than 15% of the floor area of each such room. The window areas of store-rooms, sanitary blocks, sculleries and laundries shall be equal to not less than one-tenth of the floor area. At least half of the total window area in any such room shall be capable of being opened for ventilation purposes. Adequate artificial lighting shall be available throughout any such buildings. Windows in playrooms, office and isolation rooms shall not be more than 750 mm from ground level and shall be especially constructed so as not to open at a level dangerous to the children;
  - (c) All floors and skirtings shall be finished with a smooth surface, free of dangerous defects, and shall be incapable of collecting dust or dirt;
  - (d) Except as otherwise herein provided, the internal walls throughout shall be smooth surfaced and shall be covered with a light-coloured, durable washable finish;
  - (e) All rooms shall be ceiled and such ceilings and cornices shall be tight-joined and close-fitting and shall be covered with a light-coloured, durable washable finish;
  - (f) All internal woodwork shall be, of sound construction and so designed or fitted as not to favour the collection of dust or the harbourage of insects;
  - (g) Every apartment on the premises shall be so provided with windows, doors or other openings as to ensure the proper cross ventilation of such apartment;
  - (h) All external walls, pillars, roof, roof gutters and down pipes and any other external part of the building or buildings shall be of sound construction and in a clean and slightly state.

## 7. Accommodation

- (1) When employees are provided with accommodation, such accommodation shall be separate for the sexes and shall be so situated and constructed as to conform to the relevant Building Control Regulations.
- (2) Where no accommodation is provided on the premises of the crèche or crèche-cum-nursery school, a cloakroom or lockers for personal effects shall be provided.
- (3) The following facilities shall be provided on the premises for the use of employees of the crèche or crèche-cum-nursery school: —
  - (a) Separate water-closet accommodation;
  - (b) Separate ablution facilities in the form of showers or baths;
  - (c) The facilities referred to in paragraphs (a) and (b) shall be provided in separate apartments but shall form one composite block, within which or in close proximity to which a wash-hand basin shall be placed;
  - (d) A constant supply of hot and cold water shall be provided at the baths, showers, sinks and wash hand basin;
  - (e) Soap, nailbrushes and clean towels shall be provided in the ablution block at all times;
  - (f) The area shall be screened from view from any part of the crèche or crèche-cum-nursery school and the screening shall be so constructed as to preclude any child gaining access thereto.

## 8. Equipment

- (1) Equipment for children, in crèches or crèches-cum-nursery schools shall comply with the following requirements —
  - (a) Chairs shall be of such weight that they can be lifted by the child. They shall be free of splinters or other rough or dangerous surfaces and shall be of such a height as to permit the child to sit thereon with both feet on the floor. They shall not exceed 300 mm in height for the age-group 2 years upwards, and 200 mm for the age-group under 2 years;
  - (b) Tables shall be movable and shall be of strong solid construction. They shall be free of splinters or other rough or dangerous surfaces, and shall not exceed 450 mm in height for the age-group 2 years upwards and 350 mm for the under 2 year group;
  - (c) All beds, cots, stretchers, mats or other furniture for resting or sleeping purposes shall be designed to the satisfaction of the officer of health and shall be used by only one child whose name or symbol shall be clearly affixed thereto. An adequate number of sheets, waterproof sheets, blanket, or other bedding shall be readily available for use;
  - (d) Indoor and outdoor playing equipment shall be provided and such equipment shall be of such nature as not likely to enable a child to injure himself or cause injury to others;
  - (e) No paddling pool, swimming pool, sand pit or other structure shall be permitted without the prior approval of the officer of health and only subject to such conditions as may laid down by him from time to time.

## 9. Medical Care of Children

- (1) Every licensee of a crèche or crèche-cum-nursery school or any other person in charge of the children licensed to be therein shall —
  - (a) Strictly observe all children for any signs of illness, indisposition, or other abnormal condition;
  - (b) Immediately notify the parent or guardian of such illness indisposition or abnormal condition;
  - (c) If necessary and subject to the prior consent of the parent or guardian, summon the private medical practitioner of any child suffering or suspected to be so suffering, or in the event of the unavailability of such medical practitioner, summon a medical practitioner appointed by the crèche or crèche-cum-nursery school;
  - (d) Immediately isolate the child or children so suffering in the isolation room provided for the purpose, and devote all care necessary to the comfort and treatment of the child whilst on the premises;
  - (e) Carry out all instructions issued by the medical practitioner and in the event of a communicable disease, notify the officer of health immediately; and
  - (f) Keep a record of all injuries and illnesses, which occurred whilst the child was on the premises.

## 10. Personal Toilet Equipment

- (1)
  - (a) Provision shall be made in the ablution block or in an adjacent apartment by means of hooks, lockers or other means approved by the officer of health for the separate storage of the personal toilet equipment of each child in a crèche or crèche-cum-nursery school.
  - (b) Such storage accommodation and the personal toilet equipment stored shall be clearly marked in such a manner as to be easily recognised by each child.
- (2) The following minimum personal toilet equipment shall be available for the sole use of each child in the crèche or crèche-cum-nursery school: —
  - (a) Face cloth;
  - (b) Towel;
  - (c) Handkerchief or disposable tissues;



- (d) Comb;
- (e) Soap.
- (3) Provision shall be made for the boiling, washing, or disinfecting of children's toilet equipment.

#### 11. Safely Measures.

- (1) The following measures shall be taken by a licensee of a crèche or crèche-cum-nursery school for the safety of the children therein —
  - (a) Adequate measures shall be taken for the protection of the children against fires, hot water installations, electrical fittings, and appliances, heating appliances and any other article or thing, which may be dangerous or cause injury to any child;
  - (b) Any slats or rails used in enclosures, playpens, beds, cots or for any other purpose whatsoever shall be not more than 75 mm apart and shall be firmly fixed and free from splinters or other rough or dangerous surfaces;
  - (c) The premises shall be entirely enclosed by means of a suitable fence; wall or other means so constructed as to completely preclude children from leaving the confines of the premises of their own accord and prevent the entrance of domestic animals. All gates or doors in such boundaries shall be close-fitting and securely locked or otherwise closed, so as to prevent children opening them;
  - (d) A first-aid box with the necessary materials and equipment to the satisfaction of the officer of health, shall be provided and shall be readily available for use and kept out of the children's reach at all times;
  - (e) All medicines, corrosive and other harmful substances shall be stored in a safe manner, and shall not be accessible to children;
  - (f) No dog or cat or any noxious or poisonous plant or shrub shall be permitted on the premises of a crèche or crèche-cum-nursery school;
  - (g) No person suffering from any infectious or communicable disease and no person who has been in contact with any person so suffering, and who has not cleansed his person and clothing so effectively as to render him incapable of spreading such disease and no person whose body is not in a clean and healthy condition, shall be allowed on the premises of a crèche or crèche-cum-nursery school;
  - (h) The provisions of the regulations regarding the exclusion from school on account of infectious diseases made by the Ministry of Health, shall apply to all crèches and crèches-cum-nursery schools.

#### 12. Duties of the Licensee

- (1) Every licensee of a crèche or crèche-cum-nursery school shall —
  - (a) Maintain every part of the crèche or crèche-cum-nursery school, including outdoor areas and all things belonging thereto, at all times in good repair and in a tidy condition and free from dirt, filth or other noxious matters or things;
- (2) Keep all cutlery, crockery, utensils, vessels, containers, receptacles, appliances and equipment used for the storage, preparation and serving of sanitary condition and free of any defect;
- (3) Provide and maintain efficient measures for the prevention and destruction of flies, cockroaches, rodents and other vermin in such crèche or crèche-cum-nursery school, and provide and maintain in sound condition sufficient mosquito nets for the protection of children against flies or mosquitoes;
- (4) Provide and maintain efficient at all times suitable means for protecting all foodstuffs from contamination by dust, dirt, flies or any other vermin;
- (5) Provide at all times an adequate supply of soap, clean towels and nail brushes or any other at wash hand basin;
- (6) Ensure that all persons engaged in the crèche or crèche-cum-nursery school are clean in person and clothing at all times;
- (7) Provide clean and sound overalls or coats of light-coloured washable material and suitable head-coverings for the use of persons engaged in the handling, preparation and serving of food, and ensure that such overalls or coats are worn at all such times;
- (8) Provide adequate storage space to the satisfaction of the officer of health for toys, books and other indoor and outdoor toy materials and ensure that such storage space shall be within the easy reach of children from floor level;
- (9) Ensure that the children are at all times under the direct supervision or at least one adult;
- (10) Ensure that each child uses his own personal toilet equipment;
- (11) Ensure that all meals provided to the children meet with the requirements of the officer of health. Records of menus of all meals shall be kept, and shall be open to inspection at all times. All menus shall be approved by the officer of health;
- (12) Ensure that personnel in charge of food handling is medically examined before employment and proved to be free from infectious or contagious diseases and thereafter ensure the maintenance of such medical examination annually.

**13. Application for Admission**

- (1) An application in the form stated in paragraphs (a) to (f) hereinafter, shall be completed by the parents or guardian of a child before admission to a crèche or crèche-cum-nursery school and delivered to the licensee —
- (a) The child's name and date of birth;
  - (b) Dates of admission and discharge;
  - (c) Name, address and telephone number of parents; or
  - (d) Place of employment and telephone number of parents or guardian;
  - (e) Name, address and telephone number of a responsible person other than the parents or guardian, who may be consulted in emergencies;
  - (f) Name, address and telephone number of child's medical practitioner and permission to send for him should circumstances so require.

**14. Registers**

- (1) The licensee shall keep an admission and discharge register of all the children admitted to and discharged from the crèche or crèche-cum-nursery school.
- (2) The licensee shall keep a record of attendance in which the presence or absence of children at a crèche or crèche-cum-nursery school shall be noted daily.
- (3) A diet register shall be kept in which the nature and times when all foodstuffs are served, shall be noted daily.

**15. Medical Report**

- (1) A medical report containing the following data shall be obtained in respect of each child and kept by the licensee —
- (a) Information concerning the child's general state of health;
  - (b) Children's ailments and other communicable disease from which the child has suffered and the dates on which he had them;
  - (c) Details of immunisation against smallpox, poliomyelitis, tetanus, measles, whooping cough, diphtheria and tuberculosis;
  - (d) Possible allergies and diseases such as epilepsy.

**16. Journal**

- (1) A journal shall be kept by the licensee in which important and outstanding events such as accidents requiring hospitalisation, the programme of daily activities and other relevant data are noted in respect of each child.

**17. Termination of Operations**

The licensee in terms of section 3 shall notify the Municipality of the temporary or permanent termination of the operation of the crèche or crèche-cum-nursery school to which the license relates.

**18. Application of Standard By-Laws To Existing Crèches and Crèches-cum-Nursery Schools**

- (1) Notwithstanding the provisions of section 3, the owner of a crèche or crèche-cum-nursery school licensed by the Municipality before the date of coming into operation of these by-laws, shall be permitted to comply with the provisions of these by-laws within twelve months after the date of promulgation thereof in the Provincial Gazette
- (2) The Municipality may, in any case where reason to its satisfaction is given, extend the period stated in subsection (1) to a maximum of twelve months.

**19. Offences and Penalties**

- (1) Any person who-
- (a) contravenes or fails to comply with a provision of these By-laws, whether or not such contravention or failure has been declared an offence elsewhere in these By-laws;
  - (b) deliberately obstructs, hampers or handicaps any person in the exercise of any power or the performance of any duty or function in terms of any provision of these By-laws, or
  - (c) furnishes false, incorrect or misleading information shall be guilty of an offence and liable upon conviction to —
    - (i) a maximum fine of R3000-00 or a maximum imprisonment of 3 months or either such fine or imprisonment or to both such fine and such imprisonment; and
    - (ii) in the case of a continuing offence, to an additional maximum fine of R200-00 or an additional maximum period of imprisonment of 2 days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
    - (iii) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

**20. Withdrawal of License**

The Municipality may at its discretion withdraw a licence issued in terms of these by-laws, should the licensee be convicted of a breach of any of the provisions of these By-laws.

**21. Short Title and Commencement**

These By-laws will be known as the Crèches and Crèches-cum Nursery Schools By-Laws and shall commence on the date of promulgation in the Provincial Gazette.

**NOTICE 85 OF 2006****Mookgophong Local Municipality****Proposed By-laws relating to the Credit Control and Debt Collection By-laws**

The Municipal Manager of Mookgophong Local Municipality hereby, in terms of section 13 (a) of the Local Government Municipal System Act, 2000 (Act No. 32 of 2000), publishes the By-laws relating to Credit Control and Debt Collection for Mookgophong Local Municipality as proposed by its Council, as set out hereunder.

**MOOKGOPHONG LOCAL MUNICIPALITY****CREDIT CONTROL AND DEBT COLLECTION BY-LAWS****PURPOSE OF THE BY-LAW**

The purpose of the by-law is to give effect to the formal policy adopted by The Mookgophong Local Municipality in terms of section 96(b) of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000). Matters relating to service delivery and the collection of debt for services rendered are contained in the by-law in order to ensure an efficient and economically operating system to the benefit of the entire community.

Be it hereby enacted -:

**1. Definitions**

(1) For the purpose of these By-laws the following words and expressions shall have the corresponding meaning, unless the context clearly indicates otherwise:

“**acknowledgement of debt**” means the Acknowledgement of Debt contained in forms provided by the Municipality;

“**application for extension of time for arrear payment**” means the Application for Extension of Time for Arrear Payment contained in forms prescribed by the Municipality;

“**chief finance officer**” means such staff member administratively in charge of the budget and treasury of the Municipality, or an officer delegated by the Chief Finance Officer;

“**credit control and debt collection policy**” means the Municipality's Credit Control and Debt Collection Policy as adopted by the Municipality in terms of section 98(1) of the Municipal Systems Act, as amended from time to time;

“**customer**” means the owner or occupier of a property or premises, liable to the Municipality for payment of a Municipal Account or part thereof;

“**delegated**” means delegated in terms of section 59 of the Municipal Systems Act, 2000;

“**extension committee**” means the committee established to consider applications for extension of time for payment of arrears on municipal account and which shall consist of one Councillor, the Chief Finance Officer and one senior financial official;

“**illegal connection**” means any connection or reconnection of a Property or Premises to the water and/or electricity reticulation network of the Municipality, in contravention of these By-laws, any other By-laws of the Municipality, Act or Regulation.

“**municipal account**” means an account in section 2 of the By-laws; means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as amended and shall include levies or charges in respect of the following services and/or taxes -

- (a) Electricity consumption;
- (b) Water consumption;
- (c) Refuse removal;
- (d) Sewerage services;
- (e) Rates and taxes charged in relation to the value of the premises;
- (f) Interest; and
- (g) Other charges.

“**municipality**” means the Mookgophong Local Municipality and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

“**notice of new occupier**” means the Notice of New Occupier contained in forms prescribed by the Municipality;

“**notice of termination of services**” means the Notice of Termination of Services contained in forms prescribed by the Municipality;

“**notice of vacation of occupation**” means the Notice of Vacation of Occupation contained in forms prescribed by the Municipality;

“**occupier**” means a person who occupies a property or premises or any part thereof, whether such occupation is lawful or otherwise;

“**owner**” means -

- (a) the person in whom from time to time is vested the legal title to the premises;
- (b) in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial, manager, liquidator or other legal representative;
- (c) in any case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of such premises or a building thereon;
- (d) in the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof;
- (e) in relation to-
  - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act 1986, (Act 95 of 1986) and without restricting the above the developer or the body corporate in respect of the common property; or
  - (ii) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;
- (f) any legal person including but not limited to -
  - (i) a company registered in terms of the Companies Act, 1973 (Act 61 of 1973), trust *inter vivos*, trust *mortis causa*, a Closed Corporation registered in terms of the Closed Corporation Act, 1984 (Act 69 of 1984), a Voluntary Association;
  - (ii) Any Department of State;
  - (iii) Any Council or Board established in terms of any legislation applicable to the Republic of South Africa;
  - (iv) Any Embassy or other foreign entity.

“**person**” includes a natural person and a juristic person;

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

- (a) a general plan or diagram registered in terms of the Land survey Act (Act 8 of 1997) or in terms of the Deeds Registry Act, 47 of 1937; or
- (b) a sectional plan registered in terms of the Sectional Titles Act, 95 of 1986, which is situated within the area of jurisdiction of the Municipality.

“**property**” means a property registered under separate title in terms of the Deeds Registries Act, 1937 (Act 47 of 1937);

“**service agreement**” means the Service Agreement contained in forms prescribed by the Municipality;

(2) In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa;

(3) Unless defined above or in case the context clearly indicates otherwise, any word or expression in these By-laws will bear a corresponding meaning with the use of such word or expression in the Municipal Systems Act.

## 2. Municipal account

(1) The Municipality shall monthly cause a Municipal Account, as reflected in the financial account relating to a Property or Premises, to be delivered to the Customer in the manner provided for in section 11.

(2) The Municipal Account shall reflect amounts due for the following -

- (a)(i) Basic electricity levy;
- (ii) Available electricity levy;
- (iii) Basic water levy;
- (iv) Available water levy;
- (v) Refuse removal;
- (vi) Property rates; and
- (vii) Other charges, levies and taxes.
- (b)(i) Electricity consumption charge; and
- (ii) Water consumption charge.
- (c)(i) Any arrear amount due;
- (ii) Interest on arrear amounts; and
- (iii) collection charges;
- (d) The amount of any increase in a consumer deposit;
- (e) The unit price and number of units consumed in relation to electricity consumption and water consumption.
- (f)(i) The total amount payable; and
- (ii) the date on or before which payment must be made.

## 3. Service agreement

(1) The Owner must, if also the Occupier of the Property or Premises, enter into the Service Agreement with the Municipality.

(2) The Owner must inform the Municipality of the vacation of the Property or Premises by an Occupier on or before the date of vacation or as soon thereafter as the Owner may become aware of such vacation, by submitting to the Municipality a Notice of Vacation of Occupation.

(3) The Owner must inform the Municipality of any new Occupier on or before the date of such new occupation or as soon thereafter as the Owner becomes aware thereof that a Person has taken occupation of the Property or Premises, by submitting to the Municipality a Notice of New Occupier.

(4) An Occupier must on or before the date of occupation, enter into the Service Agreement with the Municipality, unless the owner will remain liable for the payment of the portion of the Municipal Account in section 2(2)(b), in terms of the Notice of New Occupier.

(5) Should the Owner fail to submit a Notice of Vacation of Occupation in terms of subsection (2) or a Notice of New Occupier in terms of subsection (3), the Owner will be liable for the payment of the portion of the Municipal Account in section 5(2).

(6) Should the Owner or Occupier be represented by an agent or other representative, such agent or representative must submit a power of attorney authorizing such agency or representation in a form and contents to the satisfaction of the Chief Finance Officer.

#### 4. Deposits

(1)(a) Except as determined by law, all classes of consumers approved by the Council and every applicant for a supply shall, before such supply is given, deposit with the Council a sum of money on the basis of the cost of the maximum consumption of electricity which the applicant is in the Chief Finance Officer opinion likely to use during any two consecutive months: Provided that such sum shall not be less than is prescribed in the tariff.

(b) Notwithstanding the foregoing provisions of this section the Chief Finance Officer may, in lieu of a deposit, accept from an applicant, a guarantee for an amount calculated in accordance with paragraph (a) and in the form prescribed by the Council, as security for the payment of any amount that may become due by the applicant for, or in respect of, the supply of electricity: Provided that no such guarantee shall be accepted unless the estimated monthly account in respect of the supply to the premises concerned amounts to at least R2 000.

(2)(a) The Council may at any time when the deposit or guarantee is found to be inadequate for the purposes of subsection (1), require a consumer to increase the deposit made or guarantee furnished by him/her, in which event the consumer shall, within 30 days after being so required, deposit with the Council such additional sum or furnish such additional guarantee as the Council may require, failing which the Council may discontinue the supply. Any sum deposited by or on behalf of a consumer shall, on being claimed, be refunded within 30 days after the termination of the consumers' agreement after deducting any amount due by the consumer to the Council.

(b) An amount as determined by the Council from time to time by means of a Council resolution, shall be payable as a deposit for water consumption, when a pre-paid electricity meter is installed.

(3)(a) Subject to the provisions of subsection (2), any person claiming a refund of a deposit or part thereof, shall either –

(i) surrender the receipt which was issued for payment of the deposit; or

(ii) if such receipt is not available, sign a receipt prescribed by the Council for the refund to him/her of such deposit or part thereof and satisfy the Council that he/she is the person entitled to such refund.

(b) If a deposit or part thereof has been refunded in accordance with paragraph (a), the Council shall be absolved from any further liability in respect thereof.

(4) The consumer's agreement may contain a provision that any sum deposited by the consumer, a refund of which has not been so claimed within 1 year after either such agreement has been terminated or he/she has ceased for any reason to receive a supply in terms of such agreement, shall at the expiration of that period become forfeited to the Council.

(5) Notwithstanding the provisions of subsection (4), the Council shall at any time pay –

(a) to the person who paid the deposit on his/her satisfying the Council of his/her identity and the amount; or

(b) to any other person who has satisfied the Council that he/she is entitled to have the payment made to him/her, an amount equal to the forfeited deposit.

#### 5. Arrears collection

##### (1) Credit Control Policy

The Municipality shall have a written policy on credit control and debt collection, which provides for -

(a) credit control procedures and mechanisms;

(b) debt collection procedures and mechanisms;

(c) provision for indigent debtors that is consistent with its rates and tariff policies and any national policy on indigents;

(c) interest on arrears;

(d) extensions of time for payment of accounts;

(e) termination of services or the restriction of the provision of services when payments are in arrears;

(f) in determining its policy the Municipality may differentiate between categories of persons, clients, debtors and owners as it may deem appropriate.

**(2) Power to restrict or disconnect supply of services -**

(a) The Municipality may, restrict or disconnect the supply of water and electricity, or discontinue any other service to any premises whenever a user of any service:

- (i) fails to make full payment on the due date or fails to make acceptable arrangements for the repayment of any amount for services, rates or taxes;
- (ii) fails to comply with a condition of supply imposed by the Municipality;
- (iii) obstructs the efficient supply of electricity, water or any other municipal services to another customer;
- (iv) supplies such municipal service to a customer who is not entitled thereto or permits such service to continue;
- (v) causes a situation which in the opinion of the Municipality is dangerous or a contravention of relevant legislation;
- (vi) is placed under provisional sequestration, liquidation or judicial management, or commits and act of insolvency in terms of Act no 24 of 1936;
- (vii) if an administration order is granted in terms of section 74 of the Magistrates Court Act, 1944 (Act 32 of 1944) in respect of such user.

(b) The Municipality shall reconnect and or restore full levels of supply of any of the restricted or discontinued services only after the full amount outstanding and due, including the costs of such disconnection and reconnection, if any, have been paid in full or any other condition or conditions of the Municipality's Credit Control Policy as it may deem fit have been complied with.

(c) The right of Municipality to restrict water to any premises or customer shall be subject to the provisions of section 4 of the Water Services Act, 108 of 1997.

(d) The right to restrict, disconnect or terminate service due to non-payment for any other service or assessment rate shall be in respect of any service rendered by the Municipality and shall prevail not withstanding the fact that the person who entered into agreement for supply of services with the Municipality and the owner are different entities or persons, as the case may be.

**(3) Power of Entry and Inspection**

(1) A duly authorised representative of the Municipality may for any purpose related to the implementation or enforcement of these By-laws, at all reasonable times or in an emergency at any time, enter premises, request information and carry out such inspection and examination as he or she may deem necessary and for purposes of installing or repairing any meter or service connection for reticulation, or to disconnect, stop or restrict the provision of any service.

(2) If the Municipality considers it necessary that work be performed to enable an officer to perform a function referred to in (a) above properly and effectively, it may-

- (a) by written notice require the owner or occupier of the premises at his or her own expense to do specified work within a specified period;
- (b) if in its opinion the situation is a matter of urgency, without prior notice do such work or cause it to be done at the expense of the owner.

(3) If the work referred to in (b) above is carried out for the sole purpose of establishing whether a contravention of these By-laws have been committed and no such contravention has taken place, the Municipality shall bear the expense connected therewith together with that of restoring the premises to their former condition.

**6. Payment**

(1) The Owner will, subject to subsection (2), be liable for the payment of the Municipal Account mentioned in section 2, to the Municipality.

(2) The Occupier, if a person other than the Owner, will be liable for payment of the amounts in section 2, excluding the amounts in section 2(2)(a), unless the Owner indicates otherwise on the Notice of New Occupier.

(3) The Occupier will remain liable for payment in terms of subsection (2), up to and including the date which the Occupier terminates the Service Agreement as indicated on the Notice of Termination of Services, whether the Occupier was in actual occupation of the Property or Premises during the currency of the Service Agreement or otherwise.

(4) An Occupier, who fails to enter into the Service Agreement, will despite such failure, be liable for the payment of the account in subsection 5(2).

(5) Nothing contained in these By-laws will prohibit the Municipality to collect payment of any amount from the Owner or any other person, in terms of applicable legislation.

(6) The Chief Finance Officer may consolidate separate Municipal Accounts, or portions thereof, of Persons liable for payments to the Municipality.

(7) An increase in a consumer deposit in terms of section 6(2), becomes payable within twenty one (21) days from the date on which the Customer is informed thereof or should the Customer appeal against such increase, then within twenty one (21) days from the date on which the Customer is informed of the decision of the Municipal Manager, if the appeal is not up held.

**7. Juristic person**

- (1) Should the Occupier be a Juristic person, the following will apply;
- (a) If the Occupier is a company registered in terms of the Companies Act, 1973 (Act 61 of 1973), the Directors of such Company shall be jointly and severally liable for payment in terms of the Service Agreement, if the Company fails to make such payment.
- (b) If the Occupier is a closed corporation registered in terms of the Closed Corporations Act, 1984 (Act 69 of 1984), the members shall be jointly and severally liable for payment in terms of the Service Agreement, if the Closed Corporation fails to make such payment.
- (c) If the Occupier is an Association with legal persona, the members of the Association shall be jointly and severally liable for payment in terms of the Service Agreement, if the Association fails to make such payment.
- (2) Any Service Agreement signed by a person on behalf of a legal person in subsection 5(1) above must be accompanied by a resolution authorizing such person to sign on behalf of the legal person.

**8. Credit rating**

- (1) The Chief Finance Officer may before entering into a Service Agreement with a Customer, or at any time thereafter, if deemed necessary, make such credit rating enquiries with other municipalities, present creditors and/or a credit bureau;
- (2) Should the Chief Finance Officer determine that the Customer poses a payment risk to the Municipality, the Chief Finance Officer may determine a consumer deposit reflecting such payment risk, having regard to the Municipality's policy relating to Client Deposits and relevant By-laws;
- (3) Should the Customer wish to appeal against a decision of the Chief Finance Officer in terms of subsection (2), the Customer may submit an appeal and reasons in writing to the Municipal Manager, within twenty one (21) days from the date on which the Customer is notified of the determination of the Chief Finance Officer meant in subsection (2);
- (4) The Municipal Manager must consider the appeal within six weeks from the date of the appeal and must notify the Customer of this or her decision within a reasonable time thereafter.

**9. Interest**

Subject to the provisions of relevant legislation the Municipality may by resolution charge and recover interest in respect of any amount due and payable to the Municipality.

**10. Dishonoured payments**

- (1) Should any payment made to the Municipality by cheque or other negotiable instrument, be dishonoured by the financial institution on which it is drawn, the Municipality may levy such collection charge against the Municipal Account to which the payment relates, as determined by the Municipality in terms of section 75A(2) of the Municipal Systems Act.
- (2) Any dishonoured payment meant in subsection (1) due to insufficient funds with the financial institution on which it is drawn, will be sufficient grounds for a review of the credit rating of the Customer in terms of section 7(2).
- (3) The Chief Finance Officer may determine not to accept a cheque or other negotiable instrument as payment from a Customer, other than a cheque or negotiable instrument on which payment is guaranteed by the financial institution on which it is drawn, should a payment or previous payment by the Customer been dishonoured as meant in subsection (1).

**11. Delivery**

- (1) If a Municipal Account, Notice, Reminder, Letter of Demand or other document is to be served on a person in terms of these By-laws, such service shall be effective if :
- (a) delivered to such person personally or to such person's duly authorized agent;
- (b) delivered at such person's place of residence or place of employment to a person apparently not less than sixteen years of age;
- (c) delivered at an address nominated in writing by such person;
- (d) sent by registered or certified cost to the last known address of such person; or
- (e) in the event of a legal person, delivered or sent by registered or certified post, to the registered address or place of business of such person.
- (2) In the event that service cannot be effected in terms of (a) to (e) above, then by fixing it to or placing it in a conspicuous place, on the Property or Premises to which it relates.

**12. Settlement of account**

- (1) An amount tendered as payment against a Municipal Account will, if not representative of the full balance of such account on date of payment, be deemed not to be accepted as full and final payment of the amount due and payable on the date or any future date, unless so authorized by the Chief Finance Officer in writing.



(2) An amount tendered as payment against a Municipal Account will, if less than the outstanding balance, be credited pro rata to the longest outstanding debt items reflected on such account, subject thereto that the Chief Finance Officer may direct otherwise.

(3) If no amounts due and payable in terms of the Municipal Account is in arrears and the amount tendered is less than the balance reflected on such account, the payment will be credited against such items on the Municipal Account as the Chief Finance Officer may direct.

### **13. Certification**

(1) A certificate issued under the signature of the Chief Finance Officer, will be prima facie evidence of the amount or amounts due and payable to the Municipality as reflected in such certificate, by the Customer indicated in the certificate and will upon production thereof in a court of law, be accepted as prima facie evidence of the contents thereof. Municipality will not be obliged to prove the appointment and authority of the Chief Finance Officer.

### **14. Collection costs**

(1) All legal cost incurred by the Municipality for the recovery of arrear amounts, due and payable in terms of the Municipal Account, will be a debt against the Municipal Account, including any tracing cost and attorney's fees at the Attorney-and-own-client scale, subject to the discretion of the court regarding the awarding of cost.

(2) The Municipality may for any action taken in demanding payment from the debtor or reminding the debtor, by means of telephone, fax, email, letter or otherwise, that his/her payments are due, levy a penalty fee against the account of the debtor in terms of the Municipality's provisions.

### **15. Reminder notice / letter**

(1) The Municipal Municipality may cause to be delivered to a Customer who fails to make timeous payment in terms of a Municipal Account, a notice to remind such Customer to make the due payment on or before a date specified in such notice.

(2) A notice in terms of subsection (1) may, notwithstanding section 9, be served on a Customer by electronic mail or by cellular phone short message device sent to the electronic mail address or cellular phone number, respectively, provided by the Customer on the Service Agreement and such service shall have the effect as if served in terms of section 9.

(3) Failure by the Municipality to cause the delivery of the notice in subsection (1), or the Customer not receiving such notice, for whatever reason, will not prevent the Municipality from instituting further process for the recovery of any arrear payment or constitute a defence against a claim instituted for the recovery of any arrear payment.

(4) The Municipality may charge a tariff as payment for the delivery of a reminder in subsection (1), as determined by the Municipality in terms of section 75A (2) of the Municipal Systems Act.

### **16. Letter of demand**

(1) The Municipality may cause to be delivered to a Customer who's in arrears with payment in terms of a Municipal Account, a letter demanding payment of such arrear amount, on or before a date specified in such letter of demand.

(2) Failure by the Municipality to cause the delivery of the letter of demand in subsection (1), or the Customer not receiving such letter of demand, for whatever reason, will not prevent the Municipality from instituting further process for the recovery of any arrear debt or constitute a defence against a claim instituted for the recovery of any arrear payment.

(3) The Municipality may charge a tariff for the delivery of a letter of demand in subsection (1), as determined by the Municipality in terms of section 75A(2) of the Municipal Systems Act.

### **17. Debt collectors**

(1) When the Credit Control Section was unsuccessful the Municipality may appoint a debt collector agent or agents to collect on it's behalf, arrear payments from Customers and to take such legal steps necessary to give effect to such debt collection.

### **18. Attorneys**

(1) The Municipality may, at any time, appoint attorneys to institute or proceed with legal proceedings or appeal proceedings, against a Customer, to recover any arrear payments owed by such Customer, including the enforcement of the Acknowledgement of Debt.

(2) The Municipal Manager or a member of staff delegated by him or her, may appoint and give any instruction to an attorney and if prudent, Legal Council, to give effect to subsection (1) and further to depose of or require any person to depose of an affidavit, to give evidence and to produce any document, for the purpose of such legal proceedings.

**19. Credit bureau**

(1) Once the attorneys have failed to collect outstanding debt in a court of law, the name of the defaulter should be handed over to the credit bureau.

**20. Discontinuation of services**

(1) The Municipal Manager or delegate may cause the supply of electricity and/or water to be discontinued to a Property or Premises, should the Municipal Account for these services be in arrears, subject to the provision of the minimum water supply to a Property or Premises as the Municipality may determine from time to time.

**21. Assessment rates**

(1) Amount due for assessment rates -

(a) All assessment rates due by property owners are payable by the fixed date as determined by the Municipality.

(b) Joint owners of property shall be jointly and severally liable for payment of assessment rates.

(c) Assessment rates may be levied as an annual single amount, or in equal monthly instalments.

(d) Payment of assessment rates may not be deferred beyond the fixed date by reason of an objection to the valuation roll.

(2) Claim on rental for assessment rates in arrears

The Municipality may apply to Court for the attachment of any rent, due in respect of rateable property, to cover in part or in full any amount outstanding in respect of assessment rates for a period longer than three months after the fixed date.

(3) Liability of company Directors for assessment rates

Where a company, closed corporation or a body corporate in terms of the Sectional Titles Act, 1986 is responsible for the payment of any arrears amount to the Municipality, the liability of such entity shall be extended to the directors or members thereof jointly and severally, as the case may be.

(4) Disposal of the Municipality's property and payment of assessment rates

(a) The purchaser of the Municipality property is liable for the payment of assessment rates on the property in respect of the financial year in which the purchaser becomes the new owner.

(b) In the event that the Municipality repossesses the property, any outstanding and due amount in respect of assessment rates shall be recovered from the Purchaser.

(5) Restraint on Transfer of property

(a) A registrar of deeds or other registration officer of immovable property may not register the transfer of property except on production to that registration officer of a prescribed certificate-

(i) issued by the municipality in which that property is situated; and

(ii) which certifies that all amounts due in connection with that property for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the two years preceding the date of application for the certificate have been fully paid.

(b) In the case of the transfer of immovable property by a trustee of an insolvent estate, the provisions of this section are subject to section 89 of the Insolvency Act, 1936 (Act No.24 of 1936).

(c) An amount due for municipal service fees, surcharge on fees, property rates and other municipal taxes, levies and duties is a charge upon the property in connection with which the amount is owing and enjoys preference over any mortgage bond registered against the property.

(6) Assessment rates payable on municipal property

(a) The lessee of municipal property is responsible for payment of any general assessment rates payable on the property for the duration of the lease, as if he is the owner of such property.

(b) The Chief Finance Officer may elect to include the assessment rates in respect of a property in the rent payable by the lessee, in stead of billing it separately as in the case of owners of properties.

**22. Extension for payment**

(1) A Customer may apply for extension of time for payment of arrears on the Municipal Account by submitting an Application for Extension of Time for Arrear Payment.

(2) An application will only be considered if the Customer provides all the information as required on the Application for Extension of Time for Arrear Payment.

(3) The Extension Committee will consider an application submitted in terms of subsection (1), having regarded to all relevant facts pertaining to the application and in particular the following -

(a) the amount in arrears;

(b) the period over which the arrears accumulated;

(c) the amount of payment made by the Customer over the period in (b), if any;

(d) any written or oral submissions or representations made by the Customer;

(e) the financial income and expenditures of the Customer;

(f) the ability of the Customer to make payments on the arrear amount;

(g) the credit rating of the Customer mentioned in section 6(1); and

(h) the current average cost over the prior six months of Municipal Services to the Customer.

- (4) The Extension Committee will decide within fourteen (14) days from the date of application, having regard to the relevant facts in subsection (3), whether to allow an extension for payment and if so -
- (a) a period of extension of not more than twenty four (24) months;
  - (b) the amount or instalment amounts to be paid over the period in subsection (a);
  - (c) the dates on which the instalments in subsection (b) are to be paid, if applicable; and
  - (d) any other term or condition which the Extension Committee deems necessary.
- (5) Should the Customer wish to appeal against a decision of the Extension Committee not to allow an extension applied for in terms of subsection (1) or any term or condition relating to an extension granted by the Extension Committee, the Customer may submit an appeal and reasons in writing to the Municipal Manager, within twenty one (21) days from the date on which the Customer is notified of the decision of the Financial Officer referred to in subsection (4).
- (6) The Municipal Manager must consider the appeal within fourteen (14) days from the date of the appeal and must notify the Customer of the decision within a reasonable time thereafter.
- (7) An extension of time for payment granted in terms of this section, is subject to the Customer signing the Acknowledgement of Debt.

### **23. Illiterate persons**

- (1) The Municipality must delegate a member or members of its staff to assist any person who is illiterate or for any other reason, requires assistance to complete any form prescribed or other document required in terms of these By-laws, or to read or interpret any account, notice or document issued in this regard.

### **24. Disputes**

- (1) A Customer who disputes a Municipal Account must submit such dispute, within 30 days from the date on the account, in writing to the Chief Finance Officer, stating the reasons for such dispute and any relevant facts, information or representation which the Chief Finance Officer should consider to resolve such dispute.
- (2) A dispute submitted in terms of subsection (1) shall not stop or defer the continuation of any legal proceedings already instituted, for the recovery of arrear payment relating to such dispute, unless the Chief Finance Officer decides otherwise.
- (3) The Chief Finance Officer will consider a dispute submitted in terms of subsection (1) and will inform the Customer of the decision in writing within fourteen (14) days from the date on which such dispute is submitted together with reasons for such decision.
- (4) Should the Customer wishes to appeal against a decision of the Chief Finance Officer, the Customer may submit an appeal and reasons in writing to the Municipal Manager, within twenty one (21) days from the date on which the Customer is informed of the decision of the Chief Finance Officer meant in subsection (3).
- (5) The Municipal Manager must consider the appeal within fourteen (14) days from the date of the appeal and must notify the Customer of the decision within a reasonable time thereafter.

### **25. Unauthorised consumption of services**

- (1) Any person who undertakes or allow or causes any other person to undertake an illegal connection, will be guilty of an offence.
- (2) A Customer who becomes aware of an illegal connection of the electricity supply or the water supply to a Property or Premises owned by or occupied by such Customer, must immediately notify the Municipality thereof in writing.
- (3) The Municipality will immediately disconnect any illegal connection and remove any wiring, piping or other equipment or installation relating to an illegal connection.

### **26. Indigent persons**

- (1) A Customer who has been classified as an indigent person in terms of the Municipality's policy relating to indigent persons, will remain subject to these By-laws.

### **27. Methods for determining amounts due and payable**

- (1) The municipality must in respect of municipal services that can be metered, endeavour to, within available financial and human resources, meter all customer connections and / or read all metered customer connection, on a regular basis, subject to sub-section (2).
- (2) If a service is not measured, a municipality may, notwithstanding sub-section (1), determine the amount due and payable by a customer, for municipal services supplied to him, her or it, by calculating the -
- (a) the shared consumption; or if not possible
  - (b) the estimated consumption.
- (3) If a service is metered, but is cannot be read due to financial and human resource constraints or circumstances out of the control of the municipality, and the customer is charged for an average consumption the account following the reading of the metered consumption must articulate the difference between the actual consumption and the average consumption, and the resulting credit or debit adjustment.
- (4) Where water supply services is provided through a communal water services word (standpipe), the amount due and payable by customers gaining access to water supply services through that communal water

services word, must be based on the shared or estimated consumption of water supplied to that water services word,

(5) Where in the opinion of the municipality it is not reasonable possible or cost effective to meter all customer connections and / or read all metered customer connections within a determined area, the municipal council may, determine a basic tariff (flat rate) to be paid by all the customers within that area, irrespective of actual consumption.

(6) The municipality must inform customers of the method for determining amounts due and payable in respect of municipal services provided that will apply in respect of their consumption or supply zones.

#### **28. Authentication of documents**

(1) Every order, notice of other document required authentication by the Council shall be sufficiently authenticated, if signed by the Municipal Manager or by a duly authorised officer of the Council; such authority being conferred by resolution of the Council or by a by-law or regulation.

(2) Delivery of a copy shall be deemed to be delivery of the original.

#### **29. Conflict of by-laws**

If there is any conflict between these By-laws and any other By-laws of the Municipality, these By-laws will prevail.

#### **30. Penalties**

(1) A person who -

(a) fails to give the access required by an officer in terms of these By-laws;

(b) obstructs or hinders an officer in the exercise of his or her powers or performance of functions or duties under these By-laws;

(c) interferes with the Municipality equipment or services supplied;

(d) tampers or breaks any seal on a meter or on any equipment belonging to the Municipality, or for any reason determined by the Chief Finance Officer causes a meter not to properly register the service used, shall be charged for usage, estimated by the Chief Finance Officer based on average usage;

(e) fails refuses to give an officer such information as he or she may reasonably require for the purpose of exercising his or her powers or functions under these By-laws or gives such an officer false or misleading information knowing it to be false or misleading;

(f) contravenes or fails to comply with a provision of these By-laws;

(g) fails to comply with the terms of a notice served upon him or her in terms of these By-laws;

(h) shall be guilty of an offence and liable to a maximum fine of R 2000-00 or maximum imprisonment of 3 months or both such fine and imprisonment.

#### **31. Short title and commencement**

(1) These By-laws will be known as the Credit Control and Debt Collection By-laws and shall commence on date of publication in the Provincial Gazette.

## NOTICE 86 OF 2006

### Mookgophong Local Municipality Proposed By-laws relating to the Keeping of Dogs

The Municipal Manager of Mookgophong Local Municipality hereby, in terms of section 13 (a) of the Local Government Municipal System Act, 2000 (Act No. 32 of 2000), publishes the By-Laws relating to the Keeping of Dogs for Mookgophong Local Municipality as proposed by its Council, as set out hereunder.

#### PURPOSE OF THE BY-LAW

The purpose of this by-law is to provide for the control over the number of dogs that may be kept, breeding of dogs, control over dogs by their owners, pounding of stray dogs and the prevention of nuisance through the keeping of dogs.

### MOOKGOPHONG LOCAL MUNICIPALITY BY-LAW RELATING TO THE KEEPING OF DOGS

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#### PURPOSE OF BY-LAW

To provide for the control over the number of dogs that may be kept, the breeding with dogs, control over dogs by their owners, pounding of stray dogs and the prevention of nuisances through the keeping of dogs.

#### 1. Definitions

(1) In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa;

“dog” for the purpose of sections 2(2) and 3(1) means a dog over the age of six months;

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

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

“municipality” means the Mookgophong Local Municipality and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

“premises” means any land, whether vacant, occupied or with buildings thereon;

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

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

- (a) the verge of any such road, street or thoroughfare;

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

## 2. Application of by-law

- (1) The provisions of sections 3(1) and 5 of this by-law shall not apply to premises which is zoned for agricultural purposes, provided that a person keeping dogs on premises zoned for agricultural purposes shall not be exempt from the provisions of any other by-laws or legislation with regard to the inception or bringing about of a nuisance.
- (2) The provisions of section 3(2) shall not apply to a guide dog which is utilised to accompany a blind person.

## 3. Number of dogs

- (1) Subject to the provisions of section 3(2), no person shall keep more than two dogs on any erf or premises without the prior written consent of the municipality.
- (2) A breeder of dogs who wishes to keep more than two dogs on –
  - (a) premises zoned for agricultural purposes, shall be entitled to do so without any restrictions.
  - (b) premises zoned for any purpose other than agricultural purposes, must obtain the prior written consent of the municipality.
- (3) An application for the municipality's consent in terms of section 3(2) shall not be considered by the municipality unless it is satisfied that the size of the premises on which the dogs are to be kept is not less than 5 000 m<sup>2</sup>
- (4) The municipality's consent in terms of section 3(2)(b) to keep more than two dogs on a premise, may be granted subject to such conditions and restrictions as the municipality may deem fit to impose.
- (5) The municipality may at any time revoke a consent granted in terms of section 3(2)(b) in compliance with the stipulations of this by-law.

## 4. Control of dogs

- (1) No person shall –
  - (a) permit any bitch on heat owned or kept by him or her to be in any public road or public place without supervision;
  - (b) urge any dog to attack, worry or frighten any person or animal, except where necessary for the defence of such first-mentioned person or his or her property or of any other person;
  - (c) keep any dog which –
    - (i) by barking, yelping, howling or whining;
    - (ii) by having acquired the habit of charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept; or
    - (iii) by behaving in any other manner, interferes materially with the ordinary comfort, convenience, peace or quiet of neighbours; or
  - (d) permit any dog owned or kept by such person –
    - (i) to be in any public road or public place while suffering from mange or any other infectious or contagious disease;
    - (ii) which is ferocious, vicious or dangerous to be in any public road or public place, unless it is muzzled and held on a leash and under control of some responsible person;
    - (iii) to trespass on private property;
    - (iv) to constitute a hazard to traffic using any public road;
    - (v) to constitute or to his knowledge be likely to constitute a source of danger or injury to any person outside the premises on which such dog is kept, or
    - (vi) to be in any public road or public place except on a leash and under control of some responsible person.

**5. Fencing of property**

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

**6. Dogs shall not be a source of danger**

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

**7. Removal of offensive matter**

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

**8. Dogs on premises where food is sold**

Any person being the owner or person in control of any shop or other place where food is prepared, sold or exposed for sale, shall not permit any dog to be or remain in or on such shop or place except where such dog is a guide for a blind person.

**9. Seizure, impounding and destruction of dogs**

(1) Any dog suffering from mange or any other infectious or contagious disease, or which is ferocious, vicious or dangerous, or which is badly injured, may be seized and destroyed by the municipality.

(2) The municipality may seize and impound at a place designated by the municipality, any dog which is found in any public road or public place in contravention with the provisions of this by-law.

(3) A dog impounded in terms of section 9 may be released to the owner of such dog upon payment of a fee determined by the municipality in addition to any costs, fines or taxes which may be outstanding in respect of such dog.

**10. Liability**

The municipality shall not be liable for any injury suffered or disease contracted by or damage caused to any dog as a result of or during its seizure, impounding, detention or destruction in terms of this by-law.

**11. Penalty clause**

(1) A person who fails or omits to do anything prescribed by this By-law, will be guilty of an offence.

(2) A person found guilty of an offence in terms of section 11(1) will be liable to a maximum fine of R 500-00 or maximum imprisonment of 5 days or both such fine and imprisonment.

**12. Short Title and Commencement**

This By-law will be known as the By-Laws relating to the Keeping of Dogs and shall commence on the date of promulgation in the Provincial Gazette.

**NOTICE 87 OF 2006****Mookgophong Local Municipality  
Proposed Drainage By-laws**

The Municipal Manager of Mookgophong Local Municipality hereby, in terms of section 13 (a) of the Local Government Municipal System Act, 2000 (Act No. 32 of 2000), publishes the Drainage By-Laws for Mookgophong Local Municipality as proposed by its Council, as set out hereunder.

**PURPOSE OF THE BY-LAW**

The purpose of this by-law is to regulate drainage installation, design, construction and maintenance in order to ensure that efficient operating systems are in place to minimise pollution and health risks.

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## CHAPTER I

## 1. Definitions

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

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

"anti-siphonage pipe" means any pipe or portion of a pipe provided for the protection of the water seal of a trap against unsealing by siphonage or backpressure;

"block plan" means a plan drawn to scale showing the size, shape, and measurements of any piece of land and the position thereon of any existing and proposed building and drainage installation or portion thereof;

"branch drain" means, a drain, which discharges into another drain;

"branch anti-siphonage pipe" means an anti-siphonage pipe connecting two or more individual anti-siphonage pipes to a main anti-siphonage pipe or to a ventilation pipe;

"branch pipe" means any pipe conveying soil-water or waste-water either separately or together to a stack or other vertical pipe;

"conservancy tank" means a tank used for the reception and temporary retention of the discharge from a drainage installation;

"connecting sewer" means that part of a sewerage system which is vested in the municipality and which connects a drain to the municipality's sewer;

"developed length" of any pipe means the length between two specified points on such pipe measured along the centre line of the pipe including any bend, junction or similar fitting;

"drain" means that portion of a drainage installation, other than soil-water pipes, waste-water pipes, ventilation pipes and anti-siphonage pipes which is not vested in the Municipality and which is laid in the ground and used or intended to be used for conveying sewage to the connecting sewer, or for conveying sewage to a conservancy tank or a septic tank and includes a conservancy tank or a septic tank;

"drainage installation" means and includes any drain, soil-water pipe, stack, waste-water pipe, ventilation pipe, anti-siphonage pipe, soil-water fitting, waste-water fitting, mechanical appliance or any other work or fitting or combination thereof for the conveyance of sewage and which is not vested in the Municipality;

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

"engineer" and "municipality's engineer" means the person from time to time holding the said appointment or acting in the said capacity in connection with the municipality or any person duly appointed by the Municipality to act on his behalf or appointed or authorised by the Municipality to administer these by-laws;

**"group"** means a combination of sanitary fittings comprising not more than one each of a water-closet, wash hand basin, sink, shower, bidet and bath;

**"horizontal pipe"** means any soil-water pipe or wastewater pipe, other than a branch pipe, which is inclined at an angle of less than 45 degrees above the horizontal;

**"industrial effluent"** means any liquid, whether or not containing matter in solution or suspension, which is given off in the course of or as a result of any trade or industrial operation, including mining operations, and includes any liquid other than soil-water or waste-water or storm water;

**"Individual anti-siphonage pipe"** means an anti-siphonage pipe installed to protect a single sanitary fitting;

**"main anti-siphonage pipe"** means the pipe to which branch anti-siphonage pipes are connected and which is either extended independently to discharge into the open air or is connected to a ventilation pipe;

**"municipality"** means, the Mookgophong Local Municipality and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

**"municipal manager"** means a person as contemplated in section 82 of the Local Government Structures Act 1998 (Act 117 of 1998);

**"one-pipe system"** means a drainage installation in which the discharges from soil-water fittings and waste-water fittings are carried to a drain by a common pipe and in which the water seals of the traps of all waste-water fittings connected to such installation are individually protected by anti-siphonage pipes;

**"piece of land"** means any piece of land registered in a deeds registry as an erf, stand, lot, plot, or other area, or as a portion or a subdivision of such erf, stand, lot, plot or other area, or any defined portion, not intended as a public place, of a piece of land proclaimed as a township, or of a piece of land which is held under surface right permit or under mining title or which, being proclaimed land not held under mining title, is used for residential purposes or for purposes not incidental to mining operations;

**"premises"** means any area of land together with any building or improvement thereon;

**"sanitary fitting"** means any soil-water fitting and any wastewater fitting;

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

**"sewage"** means soil-water, wastewater or industrial effluent whether separately or together;

**"treated effluent,"** means the liquid effluent discharged from a sewage treatment works;

**"sewer"** means any pipe or device vested in the Municipality and used or designed or intended for use for or in connection with the conveyance of sewage;

**"single stack system"** means a modification of the one pipe system in which the water seals of the traps of the waste-water fittings or soil-water fittings are not individually protected by anti-siphonage pipes and in which the system is specifically designed in terms of these by-laws to protect the water seals of the traps of all such fittings by means of the said stack with or without the aid of a supplementary ventilation pipe;

**"soil-water"** means any liquid containing human or animal excreta;

**"soil-water fitting"** means any fitting used for the reception and discharge of soil-water;

**"soil-water pipe"** means any pipe, other than a drain, used for the conveyance of soil-water with or without wastewater;

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

**"storm water"** means any liquid resulting from natural precipitation or accumulation and includes rainwater, spring-water, and ground water;

**"supplementary ventilation pipe"** means a pipe installed to supplement the ventilation of a single stack drainage system;

**"tariff"** means the tariff of charges as referred to in the Tariff By-laws;

"two-pipe system" means a drainage installation in which the discharges from soil-water fittings and wastewater fittings are conveyed to a drain by separate pipes and in which the wastewater pipes are separately ventilated and are separated by traps from the drain;

"ventilation pipe" means any pipe or portion of a pipe, not conveying any liquid, used to ventilate a drainage installation;

"vertical pipe" means any soil-water pipe or wastewater pipe, other than a branch pipe, which is inclined at an angle of more than 45 degrees above the horizontal.

"waste-water" means any liquid other than soil-water, industrial effluent, or storm water;

"waste-water fittings" means any fitting used for the reception and discharge of wastewater;

"waste-water pipe" means any pipe, other than a drain, used for the conveyance of wastewater

(2) In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa;

## CHAPTER II

### 2. Scope of By-Laws

(1) These by-laws shall apply to every drainage installation, and in particular to the design and construction of any such installation in any new building or existing building or to any installation required by the Municipality to be constructed in term of section 6 or to any alteration or addition to an existing drainage installation whether or not required by the Municipality to be made in term of these by-laws.

(2) Every drainage installation shall both during its construction and on its completion be subject to such inspection, approval, test, and control as the Municipality shall deem fit or required.

## CHAPTER III

### 3. Right of Appeal

(1) Any person aggrieved by any decision given or act done by any officer in term of these by-laws in connection with a drainage installation or any work connected therewith, shall have the right to appeal to the committee of the Municipality appointed to supervise the administration of these by-laws or if there is no such committee to the Municipality itself.

(2) Notice of intention to appeal in term of subsection (1) shall be given to the engineer within seven days of the decision or act complained of and shall be allowed within a further fourteen days by a full statement of the appellanti's case in writing to be furnished by the appellant both to the engineer and to Municipal Manager.

## CHAPTER IV

### 4. Notices

(1) Every notice, order or other document issued or served by the Municipality in terms of these by-laws shall be valid if signed by an officer of the Municipality duly authorised thereto.

(2) Any notice, order or other document served in terms of these by-laws on any person shall be so served by delivering it, or a true copy thereof, to the person to whom it is addressed personally or at his last known residence or place of business or by posting it in which case it shall be deemed to have been served five days after it was posted.

(3) Every notice, order or other document issued or served in terms of these by-laws shall specify the premises to which it relates, but may refer to the person for whom it is intended as "the owner" or "the occupier" if his name is not known.

## CHAPTER V

### 5. Sewerage Charges

All charges for the use of the Municipality's sewers or for discharges into the Municipality's sewers or otherwise in connection with the Municipality's sewerage services shall be as referred to in the Tariff By-laws of the Municipality and shall be payable by the owner of the premises in respect of which the charges are raised.

**CHAPTER VI****GENERAL PROVISIONS****6. Compulsory Provision of Sewerage**

- (1) Where a sewer is available for the drainage of any premises in or on which sewage is produced, such premises shall be provided with a drainage installation; connected to the sewer.
- (2) The owner of any premises not having a drainage installation terminating at a point of discharge into the sewer prescribed by the Municipality shall, within twenty weeks of receiving written notice from the Municipality requiring him to do so, construct or cause to be constructed a drainage installation on the premises and shall do all work necessary for and all things required in terms of these bylaws in connection with the construction of such drainage installation, and shall pay all charges due in respect of the connection thereof to the Municipality's sewer.
- (3) The owner as aforesaid shall give written notice to the Municipality when any pail or conservancy tank service rendered to the property is no longer required and shall remain liable for the charges for that service until he has done so.
- (4) If the owner fails within the said period of twenty weeks to comply with a notice served on him in terms of subsection (2) he shall thereafter, without detracting from his liability for charges in respect of the use of the Municipality's sewer as prescribes by these by-laws, pay charges at three times the prescribed tariff for the said pail or conservancy tank service until a drainage installation as required by the said notice and complying with these by-laws is connected to the sewer and the Municipality has been notified thereof in terms of subsection (3).
- (5) Where any part of a building or premises is at such a level in relation to the sewer that a drainage installation serving that part cannot discharge into the sewer by gravitation the engineer may, subject to the provisions of section 66 and to any conditions he may deem necessary, permit the sewage from such part to be raised by a mechanical appliance to discharge at such point and such level as he shall determine.
- (6) Every contractor or other person employing workmen for the construction of any building or for the carrying out of any other work on any piece of land to which a sewer is available for the drainage of buildings constructed or to be constructed thereon, shall provide water closet accommodation connected to the sewer for such workmen.

**7. Connection to Sewer**

- (1) No part of any drainage installation shall extend beyond the boundary of the piece of land on which the building or part thereof served by the drainage installation is erected: Provided that, where it considers it necessary or expedient to do so, the Municipality may permit the owner to lay a drain at his own expense through an adjoining piece of land on proof of the registration of an appropriate servitude or of a notarial deed of joint drainage, as the Municipality may require.
- (2) The Municipality shall have the right to prescribe to what point in the sewer and at what depth below the ground any drainage installation is to be connected and the route to be followed by the drain to the connection so to be made and may, at its discretion, having regard to the necessity of maintaining correct levels, require the owner not to commence the construction or the connection of the drainage installation, as the case may be, until the Municipality's connecting sewer has been laid.
- (3) Subject to the provisions of subsection (4), and without prejudice to the provisions of section 24 concerning the testing of drainage installations, the Municipality shall, as soon as practicable after being notified by the owner that the drainage installation on his premises is ready for connection to the sewer, at the Municipality's own expense, effect the connection or cause it to be effected.
- (4) Any connection required by the owner subsequent to that made by the Municipality in terms of subsection (3) shall be subject to the approval of the Municipality and shall be effected at the owner's expense.
- (5) No person shall permit the discharge of any substance whatsoever other than clean water for testing purposes to enter any drainage installation until the drainage installation has been connected to the sewer.
- (6) Save as may be otherwise authorised by the Municipality, in writing, no person other than an officer duly authorised to do so, shall connect any drainage installation to the sewer.

## 8. Common Drains

The Municipality may at its discretion permit the drainage installation on any two or more pieces of land, whether or not in the same ownership, to discharge into the sewer through a common drain.

## 9. Disconnection

(1) Except for the purpose of and for carrying out of any work of maintenance or -repair, no soil-water fitting or soil-water pipe shall be disconnected from any soil-water pipe or drain, and no drain shall be disconnected from any other drain or from a sewer without the prior written approval of the Municipality after the lodging of an application in the manner, so far as applicable, prescribed in terms of section 20: Provided that no charge shall be made by the Municipality in respect of an application made in terms of this subsection.

(2) Where any part of a drainage installation is disconnected from the remainder thereof because it will no longer be used, the said part so disconnected shall be destroyed or entirely removed from the premises on which it was being used unless the Municipality shall otherwise permit, having regard to the impracticability of such destruction or removal, and all openings in the installation or in the said part if left in position, created by the disconnection, shall be effectively sealed to the satisfaction of the municipality.

(3) Due notice in writing in advance of any disconnection shall be furnished to the engineer who shall, after the requirements of this section have been complied with and on request of the owner, issue a certificate to the effect that the disconnection has been completed in terms of these by-laws and that any sewerage charges raised in respect of the disconnected portion of the drainage installation shall cease to be raised with effect from the first day of the month following the issue of such certificate: Provided that until such certificate shall have been issued by the engineer any such charges shall continue to be raised.

(4) When a drainage installation is disconnected from a sewer, the municipality shall seal the opening to the sewer so made and shall recover from the owner the charge prescribed for such work in the relevant schedule to these by-laws.

(5) Any person who, without the permission of the municipality breaks or removes or causes or permits the breakage or removal of any such seal referred to in subsection (4), shall be guilty of an offence.

## 10. Unlawful Drainage Work

(1) Where any drainage work has been constructed without complying with the provision of these by-laws concerning the submission and approval of plans the owner shall, on receiving written notice by the municipality so to do, comply with the said provision within the period prescribed in that notice.

(2) Where any drainage installation has been constructed or any drainage work has been carried out which fails in itself in any respect to comply with any of these by-laws other than those referred to in subsection (1), the owner shall on receiving written notice by the municipality to do -so and notwithstanding -that he may have received approval of plans in respect of the said installation or work in terms of these by-laws, carry out such alterations to the installation, remove such parts thereof and carry out such other work as, and within the time which the notice may specify.

(3) The municipality may, instead of serving notice as aforesaid or where such a notice has not been complied with within the time prescribed therein, proceed itself to carry out any such alteration, removal or other work as it may deem necessary for compliance with these by-laws and may recover the cost thereof from the owner by the ordinary process of law.

(4) Should the municipality at any time become aware of any installation which does not comply with the provisions of section 74 or that any provision thereof has or is being contravened it may, subject to the provisions of subsections (1), (2) and (3), forthwith and without notice carry out such alterations to the installation as it may deem necessary to effect compliance with the provisions of the said section and recover from the owner the appropriate charges prescribed in the relevant schedule to these by-laws.

## 11. Maintenance

(1) The owner or occupier of premises shall at all times keep and maintain in a proper state of repair and in working order any drainage installation thereon.

(2) Where any part of a drainage installation is used by two or more owners or occupiers they shall be jointly and severally liable in term of this section for the maintenance and repairs of such drainage installation.

## 12. Prevention of Blockages

No person shall cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, pipe, drain or fitting as will block it or prevent effective operation.

## 13. Clearing of Blockages

(1) When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation thereon, he shall forthwith report the fact to the municipality.

(2) Where a blockage occurs in a drainage installation, any work necessary for its removal shall, subject to the provisions of subsection (4), be done by or under the supervision of a qualified plumber or drain layer appropriately licensed.

(3) Any plumber or drain layer licensed as aforesaid shall, before proceeding to remove any blockage from a drainage installation, notify the municipality by telephone or otherwise of his intention to do so, and shall when he has done so, notify the municipality of that fact and of the nature, location and cause of the said blockage.

(4) The municipality itself shall, whether or not it has been requested by the owner to do so, be entitled at its own discretion to remove a blockage from a drainage installation and may recover the cost thereof from the owner in accordance with the tariff prescribed in the relevant schedule to these by-laws.

(5) Should the clearing by the municipality of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the municipality shall not be liable for the reinstatement thereof.

(6) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and the municipality be reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation shall be liable for the cost of clearing the blockage in accordance with the tariff prescribed in the relevant schedule to these by-laws.

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

## 14. Emission of Gas or Entry of Sewage

(1) When in the opinion of the municipality a nuisance exists owing to the emission of gas from any trap sanitary fitting or any other part of a drainage installation, the municipality may require the owner, at his own expense, to take such action as may be necessary to prevent the recurrence of the said nuisance.

(2) Where any sewage, after being discharged in a drainage installation, enters any soil water fitting or waste-water fitting connected to the same drainage installation whether by reason of surcharge, back press or any other circumstances, the municipality may by notice in writing require the owner to carry out within period specified by such notice any work necessary to abate such entry of sewage and to prevent any recurrence thereof.

## 15. Work by the Municipality

(1) Where any person has been required by the municipality by notice in terms of these by-laws to carry out any work whether by way of construction, repair, replacement or maintenance and has failed to do so within the time stipulated in such notice, the municipality may without prejudice to its right to prosecute for a contravention of these by-laws, proceed to carry out the work and may recover costs from the person to whom the notice was directed.

(2) Any damage caused to the municipality's sewerage or any part of its sewerage or sewage treatment system or in consequence of the non-compliance with the contravention of any provision of these by-laws shall be rectified or repaired by the municipality at the expenses of the person responsible for the said non-compliance or contravention.

## 16. Interference with Sewers and Drains

(1) No person, except a person authorised by the municipality to do so shall break into, enter or in any other manner whatsoever interfere with any sewer, connecting sewer, manhole or other work or any part



thereof intended for the conveyance or treatment of sewage and which is vested in the municipality, whether or not situated on premises owned or controlled by the municipality.

(2) No person shall break into, enter or in any other manner whatsoever interfere with any drain, trap, screen, inspection chamber or other work or any part of any drainage installation: Provided that this prohibition shall not apply to alterations to any drainage installation undertaken by a licensed drain layer carrying out work in accordance with plans approved by the municipality nor to any maintenance work carried out by a licensed drain layer or other person authorized by the municipality to undertake such work.

#### **17. Disused Conservancy and Septic Tanks**

If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner shall either cause it to be completely removed or to be completely filled with earth or other suitable material: Provided that the engineer may require such, tank to be otherwise dealt with, or he may permit it to be used for some other purpose subject to such conditions as he may consider necessary, regard being had to all the circumstances of the case.

#### **18. Obstruction and False Information**

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

(2) An owner or occupier of premises who denies or causes or suffers any other person to deny entry to premises to any officer demanding the same in terms of subsection (1) or who obstructs or causes or suffers any other person, to obstruct any such officer in the performance of his duties, or who withholds or causes or suffers: any other person; to withhold information required by die officer for the purpose of carrying out his said' duties, or who gives or causes or suffers any other person to give to the officer any information; which is to his knowledge false, shall be guilty of an offence.

### **CHAPTER VII**

#### **APPROVAL OF PLANS AND APPROVAL AND TESTING OF DRAINAGE INSTALLATIONS AND FITTINGS**

##### **19. Approval Required for Drainage Work**

(1) No person shall construct, reconstruct, alter, add to or make any permanent disconnection in or of; any drainage installation, without first having obtained the approval of the municipality in writing.

(2) No drainage work mentioned: in subsection (1) for which approval has been given as provided for in terms of these by-laws, shall be commenced until after the expiration of two clear days after notice in writing had been served on the municipality stating the day on and time at which it is intended to commence the work.

(3) Any person who commences any drainage work without applying to the municipality for approval thereof or before his application has been granted, or without giving notice as prescribed in terms of subsection (2) or before the expiry of such notice, or who carries out any work otherwise than in accordance with the approval thereof given by the municipality, may be called upon by the municipality by notice in writing to cease the work forthwith and for every day on which work continued in contravention of such notice, shall without prejudice to -any other penalty he may have incurred with regard to the same drainage work, be guilty of a offence.

(4) Before any part of a drainage installation is permanently covered or otherwise rendered permanent inaccessible to visual inspection, it shall be inspected and approved by the municipality and any person who shall have so covered or rendered inaccessible any part of any installation before such inspection has been made and such approval has been given shall, on being required by the municipality to do so, at his own expense in move the covering and do whatever else may be necessary to enable the municipality to carry out the said inspection, and shall in addition be guilty of an offence.

##### **20. Application for Approval**

(1) Every person shall, before commencing construct, reconstruct, alter, add to, open or disconnect from a drain or from a sewer or connecting sewer and drainage installation, lodge with the municipality an application on a form provided by the municipality and signed by the owner of the premises concerned of

his architect or other authorised agent, for approval of the work proposed, together with the fees prescribed in terms of section 23.

(2) An application as required in terms of subsection (1) shall be accompanied by one or more sets of draining plans as the municipality may require, each set comprising of a block plan of the premises and plans, elevations and sections indicating clearly the nature and extent of the proposed work: Provided that where the particulars required in terms of subsection (5) sufficiently appear on the other drawings herein referred to, no block plan need be furnished with the application.

(3) One set of the required drawings shall be made in waterproof ink or otherwise clearly reproduced tracing cloth or other approved durable transparent material or be clearly legible prints with a white band ground on linen or other approved durable material and shall be signed as prescribed in subsection (1).

(4) The plans, elevations, and sections of the required drawings shall be drawn to a natural scale of not smaller than 1:200 except in the case of block plans, which shall be to a natural scale of not smaller than 1:500.

(5) The pans, elevations, and sections shall show —

(a) The position and arrangement in any building, of every waste-water and soil-water fitting to be installed therein;

(b) The size, gradient and position of every drain, the size and position of every manhole, gully trap, bend, soil-water pipe, waste-water pipe, anti-siphonage pipe and ventilation pipe, and the means of access to and inspection of drains;

(c) The position and height of all chimneys, buildings, windows, and other openings within a distance of 6 m from the open end of any ventilation pipe;

(d) The levels of the floors of the building, of any yards and in/the case of sections, the level of the ground in relation to the levels of drain throughout its length; and

(e) As much as is necessary of any existing drainage installation which will be affected by the proposed work.

(6) The block plan shall show —

(a) The full extent of the piece of land on which the drainage work is to be carried out and the position of the building and the existing and proposed drains thereon;

(b) The title deed description of the piece of land on which the drainage work is to be carried out and of all pieces of land contiguous thereto, the name of the township, agricultural holding or farm, and the name of any street on which any part of the said piece of land abuts; and

(c) The north point.

(7) On the drawings of drainage installations submitted in terms of these by-laws the items specified in the left-hand column of the following table shall be depicted in the colour shown opposite to them in the right-hand column:

**TABLE**

Drains and soil water pipes.....	Brown
Ventilation pipe to drains and soil water pipes .....	Red
Waste water pipes.....	Green
Pipes for the conveyance of industrial effluent .....	Orange
ventilation pipes to waste water pipes .....	Blue
Existing approved drainage installation.....	Black

(8) On the drawings referred to in subsection (7) the items specified in the left-hand column of the following table shall, if abbreviations are used, be identified by the abbreviations shown opposite to them in the right-hand column:

**TABLE**

Access eye.....	A E
Anti siphonage pipe .....	A S P
Bath.....	B
Bidet.....	Bt

Castiron pipe.....	C I P
Cleaning eye.....	C E
Earthenwarepipe/Vitrified clay pipe.....	E W P
Fresh-air inlet .....	F A I
Guiley .....	G
Gulley-dished .....	D G
Grease trap .....	G T
Inspection chamber .....	I C
Inspection eye.....	I E
Manhole .....	M H
Outlet ventilation pipe.....	O V P
Rainwater pipe.....	R W P
Rodding eye .....	R E
Sink .....	S
Shower .....	Sh
Slop hopper.....	S H
Soil-water pipe .....	S P
Soil-water ventilation pipe .....	S V P
Urinal .....	U
Ventilation pipe .....	V P
Water closet .....	W C
Wash trough .....	W T
Waste-water ventilation pipe .....	W V P
Waste-water pipe .....	W P

(9) Approval by the municipality of an application shall in terms of this section be conveyed to the applicant in writing.

## 21. Changes in Applications after Approval

(1) After approval by the municipality of an application in term of section 20 has been conveyed to applicant in writing, a departure or deviation from work as so approved may thereafter be made with prior written consent of the municipality only after the owner has submitted an application for such departure or deviation, accompanied by the drawing and particulars specified in section 20 and containing a clear indication of the nature of the proposed departure or deviation and of any part of the original proposed work which is to be superseded, altered or revised.

(2) An application made in terms of subsection 23 shall be deemed to be a new application in terms of section 20 for which the fee prescribed in term of section 23 shall be payable and in respect of which provision of subsection (1) relating to the municipality approval thereof shall apply.

## 22. Period of Validity of Approval

(1) An approval given by the municipality in terms of section 20 shall become invalid in respect of any term covered by such approval which has not been commenced within twelve calendar months of the date which was given unless the said work is associated with building operations which have commenced during the said twelve months.

(2) Where any such work as mentioned in subsection (1), not being work associated with building operations has not been commenced within the said twelve months the owner shall, before proceeding with it, submit a new application form as prescribed in terms of section 20, which application shall be deemed for all purposes to be a new application, and the owner shall not be entitled to a refund of

any fees paid in respect of the original application but shall, on making the new application, pay the fees prescribed in terms of section 23.

**23. Application Fees**

- (1) The fees prescribed in the relevant schedule to these by-laws shall be payable to the municipality in advance for the consideration of an application in terms of section 20 or for any such testing of any fitting as may be deemed necessary by the municipality prior to giving its approval thereto and no consideration shall be given to the application until the said fees have been assessed and paid.
- (2) Where an application made in terms of section 20 is refused or withdrawn, the municipality may at its absolute discretion as retain or refund the whole or any part of the fees paid in respect thereof.

**24. Testing and Approval of Drainage Installations**

(1) After the completion of a drainage installation or any part thereof, but before it is connected to a conservancy tank, a septic tank, the municipality's sewer or an existing approved installation, any one of more or all of the following tests shall in the presence of one of its authorized officers be applied and withstood to the satisfaction of the municipality -

- (a) The interior of every pipe or series of pipes between two points of access shall be inspected throughout its length by means of a mirror and a source of light; during the inspection a full circle of light shall appear to the observer, and the pipe or series of pipes shall be seen to be unobstructed;
- (b) A smooth ball having a diameter 12 mm less than the nominal diameter of the pipe shall, when inserted at the higher end of the pipe, roll down without assistance or interruption to the lower end;
- (c) All openings of the pipe or series of pipes to be tested having been plugged or sealed and all traps associated therewith filled with water, air shall be pumped into the said pipe or pipes until a manometric pressure of 38 mm of water is indicated, after which without further pumping the said pressure shall remain greater than 25 mm of water for a period of at least three minutes.

(2) The aforesaid tests shall be carried out and the apparatus therefore shall be supplied at no expense to the municipality.

(3) Where the municipality has reason to believe that drainage installation or any part thereof has been defective it may require the owner thereof to conduct at no expense to the municipality, any or all of the prescribed tests in subsection (1) and if the installation to withstand any such tests to the satisfaction of municipality, the municipality may call upon the owner to do out at his own expense, and within such period may stipulate, such repairs as may be necessary to enable the installation to withstand any or all of said tests.

**CHAPTER VIII**

**25. HYDRAULIC LOADS CARRIED BY DRAIN INSTALLTIONS**

- (1) The hydraulic load discharged into or carried by a drain, a soil-water pipe or a wastewater shall be calculated in units, hereinafter referred to as a discharge unit.
- (2) The hydraulic load at any point in a drain, water pipe, or waste water pipe shall be the sum of the discharge units of all sanitary fitting the discharge from which enter such drain or pipe upstream of particular point.
- (3) The hydraulic load expressed in discharge from any sanitary fitting specified in column 3 of the following table shall be as specified in column 2, and in the case of a sanitary or drain fitting not specified in the table, the hydraulic load shall be as specified in column 2 for the relevant meter of the outlet of the trap of such as specified in column 1.

**TABLE**

1 Nominal Diameter of Trap(mm)	2 Hydraulic Load in Discharge Units	3 Sanitary Fitting
32	½	Wash-hand basin, bid

38	1	Bath, sink, shower, trough, wall hung urinal
50	1½	
75	2½	Channel type urinal
100	4	Water closet

(4) The hydraulic load of all sanitary fittings discharges from which are conveyed by a drain or of a drain having a nominal diameter set out in column 1 of the following table and a gradient set in either column 5, 6, 7 or 8 shall not exceed the number of discharge units set out in the said table 2 such diameter and gradient of drain.

TABLE

1	2	3	4	5	6	7	8
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MAXIMUM PERMISSIBLE HYDRAULIC LOAD IN DISCHARGE UNITS

Nominal Pipe or Drain (mm)	Carried by a Vertical Pipe or Stack	Carried by a Branch Pipe.	Carried by a Horizontal Pipe	Carried by a Drain having a Gradient			
				Flatter than 1:100	Between 1:50 and 1:100	Between 1:25 and 1:50	Steeper than 1:25
32	1	½	½				
38	8	2	2				
40 OD	3	1	1				
50 OD	16	3	3				
50	24	4	4				
65	42	10	10				
75 OD	64	12	18				
75	95	20	30				
100 (110 OD)	500	90	175	1400	2000	2850	4000
125	1100	200	400	2600	3500	5100	7000
150 (160 OP)	1900	350	700	4100	6000	8500	12000
200	3600	600	1400	8700	13000	18000	25000
125	—	—	1900	12000	17500	24500	30000
250	—	—	2500	16000	23000	32000	45000
300	—	—	3900	26000	37500	52000	73500
375	—	—	7000	46500	67500	74000	132500

**NOT PERMITTED**

- (5) The nominal diameter of any drain shall be not be less than 100 mm, and no drain shall be laid to a gradient flatter than 1 in 60 without the consent of the municipality as required by the provisions of section 28 (3).

## CHAPTER IX

### DRAINS AND MANHOLES

#### 26. Drain Pipes and Fittings

- (1) All pipes, junctions, bends and associated fittings forming part of a drain shall be made of vitrified clay bearing the standardisation mark of the South African Bureau of Standards or of some other approved material.
- (2) All pipes, junctions, bends, and associated fittings forming part of a drainage installation shall be installed in an approved manner.

#### 27. Joints in and with Drains

- (1) All joints between pipes and appliances and fittings in a drainage installation shall be such that adjacent pipe barrels are concentric, inverts or true to line and grade and there are no internal obstructions.
- (2) All joints, as aforesaid shall be so made that they are air and water-tight and that a badger of 6 mm less in diameter than the nominal internal diameter of the pipe can pass freely through them.
- (3) Cement mortar for jointing vitrified clay pipes shall have a composition of not more than three parts of clean and sharp sand to one part of cement and shall be properly caulked between the spigots and sockets of the pipes.
- (4) The joints between cast-iron spigot and socket pipes shall be formed with a gasket of hemp or yarn the depth of which shall not exceed one-half of the depth of the socket when the gasket is properly caulked, and the remainder of the socket shall be filled with molten lead run at one pouring, or with lead fibre, and thereafter solidly caulked.
- (5) Alternative approved methods of jointing pipes and associated fittings made of vitrified clay or cast iron may be used.
- (6) Methods of jointing pipes and fittings made of such other materials as may be approved in terms of section 26(1) shall be as approved by the municipality.
- (7) Where in the opinion of the engineer the nature of the soil in which any pipes and associated fittings are to be laid is such that ground movement, which may result in fracture of the pipes or fittings, is likely to occur, flexible joints shall be formed either by the use of approved special pipes and fittings or by the use of approved jointing material which will permit joint movement to take place throughout the life of the drainage installation and withstand root penetration and not swell or deteriorate when in contact with sewerage or water.

#### 28. Laying, Alignment and Gradients of Drains

- (1) No person other than a licensed plumber shall lay cast-iron drains, nor shall any person other than a drain layer licensed as aforesaid lay vitrified clay drains:

Provided that —

- (a) The jointing of vitrified clay pipes may be carried out by any person working under the supervision of a licensed drain layer;
- (b) Where in terms of section 26(1) the municipality has permitted a drain to be made of some material other than cast iron or vitrified clay, the drain so made may at the

discretion of the municipality be laid by the holder of either a plumber's or drain-layer's licence.

(2) Drains shall be laid in a straight line and at a uniform gradient between the points of access referred to in section 33 and in such manner that the barrel of every pipe is firmly supported throughout its length, and when so required by the municipality, shall be laid on a bed of concrete.

(3) Drains shall be laid at a gradient not steeper than 1 in 6 or flatter than 1 in 60: Provided that the Municipality may at its discretion and on such conditions as it may prescribe, permit —

(a) A gradient steeper than 1 in 6 or a gradient flatter than 1 in 60;

(b) The construction of portions of drains in the form of inclined ramps at a slope not exceeding 45° below the horizontal.

(4) Where ramps are constructed with pipes made of materials other than cast iron, they shall be encased in concrete.

### 29. Drains in Unstable Ground

Drains passing through ground which in the opinion of the engineer is liable to movement, shall be laid on a continuous bed of river sand or similar granular material not less than 100 mm thick under the barrel of the pipe with a surround of similar material and thickness, and the joints of such drains shall be approved flexible joints complying with the requirements of section 27(7).

### 30. Drains within or under Buildings

(1) A drain or part thereof may be laid or may pass, as the case may be, within or under or through a building unless the municipality shall decide otherwise having regard to considerations of health and maintenance or other matters relevant to the particular case

(2) A drain or part thereof shall, where it is laid in an inaccessible position under a building, be without means of access to the part under the building, and except where the engineer permits a change of direction or gradient to or from the vertical, shall be without change of direction or gradient.

(3) A drain or part thereof constructed of pipe made of cast iron or vitrified clay shall, where it is laid in an inaccessible position under a building and except where otherwise permitted by the municipality, be laid on a bed of concrete at least 100 mm thick having a composition of not less than 1 part of cement to 3 parts of fine aggregate and 6 parts of coarse aggregate, and where the pipes are made of vitrified clay or light duty cast iron, they shall be encased in similar concrete having at all points a minimum thickness of 100 mm measured from the external surface of the pipe.

(4) Where a drain or part thereof is laid in an exposed position within a building, it shall be constructed of pipes made of cast iron or other approved material and shall be adequately supported at intervals not exceeding 2 m along its course.

(5) If a drain passes through or under a wall, foundation, or other structure, adequate precautions shall be taken to prevent the transmission of any load to such drain.

### 31. Protection of Shallow Drains

Any portion of a vitrified clay drain which is 450 mm or less below the surface of the ground shall be encased in concrete composed of not less than 1 part of cement to 3 parts of fine aggregate and 6 parts of coarse aggregate and having a minimum thickness at all points of 100 mm measured from the external surface of the pipe.



**32. Branch Drains**

- (1) Every branch drain shall be connected to another drain by means of a junction, not being a saddle junction, made specially for the purpose of such connection.
- (2) Every branch drain shall enter the other drain obliquely in the direction of the flow so that the included angle between the axes of the two drains does not exceed 45°.

**33. Access to Drains**

- (1) Every drain shall be provided as a means of access thereto with a manhole as prescribed in terms of these by-laws or with an access eye with or without a rodding eye, as the municipality may require, at the following points-
  - (a) Within 1,5 m of the point of connection with the municipality's connecting sewer;
  - (b) Within 1,5 m of the upper extremity of every drain or branch drain;
  - (c) At every change of direction of the drain, whether horizontal or vertical;
  - (d) At every point of junction with another drain.
- (2) There shall in any case be a point of access to every drain at intervals of not more than 25 m.
- (3) Access to the interior of a drain shall be provided by means of either manholes or access pipes.
- (4) The lids of openings in access pipes shall be sealed with such approved material as will remain effective as a seal at all temperatures up to 70 °C.
- (5)(a) Where for any reason the provision of adequate means of access within 1,5 m of the point of connection with the municipality's connecting sewer is impracticable on any private premises, the municipality may, at the owners expense cause or permit a manhole to be constructed over the municipality's connecting sewer in such public place and in such position and of such materials and dimensions as the municipality may decide and in addition the owner shall bear the cost, as assessed by the municipality, of any alteration to existing services in the public place which may be reason of the construction of the manhole be necessary.
- (b) The owner of the private premises referred to in paragraph (a) shall, if required by the municipality, paid to the municipality the charges set out in the relevant schedule to these by-laws as rental for the area of public place occupied by the manhole.
- (6) The points of access to drains laid beneath particular areas shall be covered by adequate and appropriate marked removable slabs on the surface.
- (7) Where any part of a drainage installation is situated under a building, it shall be provided with adequate means of access outside and as near as possible to the building at each point of its entry to and from the building.
- (8) In any circumstance not provided for in this by-laws, the engineer may require that access eye; other approved means of access to a drain or to part thereof be provided in such positions as he is deem necessary to render the interior of any part such drain readily accessible for cleaning or installation.

**34. Rodding Eyes**

- (1) Rodding eyes required by the municipality in term of section 33(1) shall be provided in the positions specified in subsection (2) and shall comply with the requirements set out in subsection (3).
- (2) A rodding eye shall be provided —

- (a) Within 1,5 m of the point of connection between the drain and the connecting sewer;
  - (b) At the upper extremity of every drain;
  - (c) At every change of direction, whether such change of direction is horizontal or vertical;
  - (d) At the upper extremity of every branch drain developed length of which exceeds 3 m; and
  - (e) At points not exceeding 25 m apart along the drain.
- (3) Every rodding eye shall —
- (a) Be constructed with pipes made of vitrified clay of other approved material and shall join the drain in the direction of the flow at an angle of not more than 45° and be continued upwards to ground level;
  - (b) Be completely encased in concrete not less than 3 mm thick composed of 6 parts of stone, 3 part sand and 1 part cement; and
  - (c) In the case of a rodding eye which is inclined for the vertical have the concrete casing adequate supported by a pier constructed of concrete of similar composition;
  - (d) Be fitted with an approved cast iron cover to be secured by bolts or screws made of brass or corrosion-resistant material and surmounted by approved concrete box with a cast iron cover frame measuring 300 mm x 300 mm and finished off with a 100 mm wide granolithic surround by with the surrounding ground level: Provided if a rodding eye is exposed to vehicular traffic, cast iron cover and frame shall be of a heavy type approved by the municipality.

### 35. Manholes

- (1) Every manhole in a drainage installation shall, unless otherwise permitted by the engineer, be located in an open air space.
- (2) Every manhole shall be so constructed as to prevent the infiltration of water.
- (3)(a) The walls of every manhole shall be constructed of concrete or brickwork supported on a concrete base not less than 150 mm thick composed of not less than 1 part by volume of cement to 2 parts of fine aggregate and 4 parts of coarse aggregate.
- (b) Except when otherwise permitted by the engineer, the walls of any manhole shall, if constructed of brickwork, be not less than 215 mm thick, and if constructed of concrete be not less than 150 mm thick.
- (c) All bricks used in the construction of a manhole shall be hard and well burnt and shall be laid in mortar consisting of not more than 3 parts of sand to 1 part of cement, and if the walls are constructed of concrete, such concrete shall be composed of not less than 1 part of cement to 2 parts of fine aggregate and 4 parts of coarse aggregate.
- (d) Where the base of a manhole is traversed by an open channel —
  - (i) The sides of the channel shall be brought up vertically to the soffit of the outgoing pipe and from that level the floor of the base of the manhole shall raise continuously to its walls at a slope of not less than 1 in 5;
  - (ii) The walls shall be plastered internally with cement plaster not less than 12 mm thick composed of not more than 4 parts of sand to 1 part of cement; and
  - (iii) The walls and floor shall be steel trowelled to a smooth finish.
- (e) The walls of the manhole or the walls of any shaft giving access thereto shall be carried up to the level of the surrounding ground or floor.

(f) Access to the interior of the manhole shall be provided by means of a cast-iron cover and frame complying with South African Bureau of Standards Specification No. 558, supported by a reinforced concrete slab; or the walls may be corbelled to support such frame and cover.

(g) The top of the manhole shall be finished off with a granolithic surround not less than 150 mm wide trowelled to a smooth finish.

(h) Where a manhole is constructed in a place traversed by —

(i) Heavy vehicles, it shall be provided with a heavy-duty cover; or

(ii) Motor cars or similar light vehicles, it shall be provided with either a medium or heavy-duty cover.

(iii) Every manhole exceeding 2 m in depth shall have an unobstructed internal working height of at least 1,8 m measured from the highest point of the floor thereof, and where the floor of a manhole is more than 1 m below the cover, such cast-iron step-irons shall be provided in its walls as will ensure safe and convenient access to its base.

(4)(a) The internal length and width of a manhole shall be determined according to the depth between the cover and the lowest invert level of the manhole and shall in no case be less than the dimensions set out in the following table:

**TABLE**

Depth	Length	Width
Not exceeding 750mm	600 mm	450 mm
Exceeding 750 mm but not exceeding 2 m	900 mm	600 mm
Exceeding 2 m	1 m	750 mm

(b) The dimensions of the access opening to a man hole provided with —

(i) A rectangular cover shall not be less than 450 mm by 600 mm.

(ii) A square cover shall not be less than 600 mm by 600mm.

(iii) A circular cover shall not be less than 550 mm in diameter.

(5) Where a pipe leading to a manhole is at a higher level than the outlet pipe of the manhole, it shall be brought down to the invert level of the manhole by means of an inclined pipe encased in concrete and located outside the manhole, which pipe shall also be continued upwards to the surface of the ground and shall there terminate in a removable watertight cover or other similar approved device: Provided that where permitted or required by the engineer, the pipe at the higher level may be extended horizontally to terminal with or without a watertight cover in the manhole and in this case the inclined pipe need to be continued up wards to the surface of the ground.

(6) The recess in the frame of every manhole covered having a single seal shall be filled with grease having high melting point and the cover shall be set there to form an airtight seal.

**CHAPTER X.****GULLIES AND TRAPS****36. Gulley Traps**

- (1) Every drainage installation shall have one gulley trap, (unless otherwise authorised by the municipality), provided with a dished gulley and a tap above supplied with running water and, except where a mechanical appliance for the raising of sewage is installed the top of such gulley shall be not less than 150 mm; below the crown of the lowest situated trap of any sanitary fitting connected to the drainage installation.
- (2) No drainage installation shall have more than one gulley trap connected to it, unless otherwise authorised by the municipality.
- (3) Where it is impracticable for any waste-pipe to be made to discharge into the gulley trap required in terms of subsection (1) or into a gulley authorised in terms of subsection (2), such waste-water pipe shall be connected directly to a drain or to a soil-water pipe and the water seal of every trap connected to such waste-water pipe shall be protected in accordance with the requirements of these by-laws for the protection of water seals of traps installed on the one-pipe system.

**37. Requirements for Trapped Gullies**

- (1) Every gulley trap shall have a minimum internal diameter of 100 mm and a water seal at least 65 mm in depth.
- (2) Every gulley trap shall be kept covered with a grating made of cast iron or other approved material. The spaces between the bars of the grating shall be not less than 10 mm or more than 12 mm wide, and shall have an effective open area at least equal to the minimum cross-sectional area of the trap.
- (3) Every gulley trap laid in the ground shall be bedded on concrete not less than 100 mm thick.
- (4) Every dished gulley shall rise at least 75 mm above the level of the grating covering the gulley trap and in no case less than 150 mm above the level of the surrounding ground; and the levels of the tops of all other gullies shall be at least 150 mm above the surrounding ground.
- (5) Subject to the provisions of subsection (6), the surface level of the water in any gulley trap shall not be more than 500 mm below the top of the dished gulley referred to in subsection (4).
- (6) Where it is impracticable to comply with the dimensional requirements of subsection (5), the gulley trap shall be located in a manhole the walls of which shall be brought up to a height of at least 150 mm above the surrounding ground and covered with an approved metal grating.
- (7) Every wastewater pipe, which discharges into a gulley shall discharge at a point below the grating but above the surface of the water seal of the gulley trap.

**38. Grease Traps**

A grease trap of approved type, size, and capacity shall be provided instead of, or in addition to, a gulley as the municipality may decide, to take the discharge of wastewater from every sink or other fitting in —

- (a) Every building the wastewater from which is disposed of in French drains or other similar works; and

(b) Any place where in the opinion of the municipality the discharge of grease, oil or fat is likely to cause an obstruction to the flow in sewers or drains, or interference with the proper operation of any sewage treatment system.

### **39. Industrial Grease Traps**

(1) Industrial effluent which contains or, in the opinion of the municipality, is likely to contain grease, oil, fat or inorganic solid matter in suspension shall, before it is allowed to enter any sewer, be passed through one or more tanks or chambers of approved type, size and capacity designed to intercept and retain such grease oil, fat or solid matter.

(2) Oil, grease or any other substance which is contained in any industrial effluent or other liquid which gives off a flammable or noxious vapour at a temperature of or exceeding 20° C, shall be intercepted and contained in a tank or chamber so as to prevent the thereof into the sewer.

(3) A tank or chamber as referred to in subsection shall comply with the following requirements-

(a) It shall be of adequate capacity, constructed with hard durable materials, and watertight when completed;

(b) The water-seal formed by its discharge pipe shall not be less than 300 mm in depth; and

(c) It shall be provided with such number of covers as may be adequate for the effective render of grease, oil, fat and solid matter.

### **40. Clogging of Traps, Tanks and Similar Fittings**

No person shall cause or permit such an accumulation of grease, oil, fat, or solid matter in any trap, or other fitting that will prevent its effective opening.

### **41. Location of Gullies**

(1) Without prejudice to the provisions of section 39(1), the inlet of every gulley trap, grease trap stable or other premises gulley shall be situated outside of any building or in a place permanently open to the external air an approved extent, and shall at all times be readily accessible for purposes of cleaning or maintenance to the satisfaction of the municipality.

(2) Every floor in a factory, stable, or other premises from which liquid is discharged continuously or intermittently to a gulley shall have an impervious, smooth and durable surface, and notwithstanding the provisions of subsection (1) such gulley may be situated within a building, provided that the pipe receiving the discharge from such gulley discharges into another gulley trap inlet of which is situated as required in terms of subsection (1).

(3) A gulley trap or traps may be situated within any building in which an automatic water sprinkler system is installed to receive the water from such system provided that the pipe or pipes receiving the discharge from such trap or traps is made to discharge in another gulley trap the inlet of which is situated required in terms of subsection (1).

## **CHAPTER XI**

### **VENTILATION PIPES AND ANTI-SIPHONAGE PIPES**

#### **42. Ventilation Pipes — Where Required**

(1) A ventilation pipe complying with the relevant requirements of section 44 shall be provided for -

- (a) Every drain;
  - (b) Every branch drains the developed length of which exceeds 6 m measured from the outlet of any sanitary fitting or trap served by it to its point connection with a ventilated drain;
  - (c) Every soil water pipe the developed length of which, inclusive of the developed length of any unventilated of any sanitary fitting served by into which it discharges, exceeds 6 m measured from the outlet of any sanitary fitting served by it to the point of connection to a ventilated drain;
  - (d) Every branch soil water pipe which receives the discharges from only one sanitary fitting and which has a developed length greater than 6 m measured from the outlet of such fitting to the point of connection to a ventilation soil water pipe;
  - (e) Every waste water pipe the developed length of which exceeds 6 m measured from the outlet of the trap of any waste-water fitting served by it to its point of discharge into a gulley or similar trap; or in the case of the one-pipe system to its point of connection to a ventilated soil-water pipe or a ventilated drain;
  - (f) Every branch wastewater pipe the developed length of which exceeds 6 m measured from the outlet of the trap of any wastewater fitting served by it to its point of connection to a ventilated waste-water pipe.
- (2) Every soil-water stack which carries a hydraulic load greater than 50% of the load specified in column 2 of the table in section 25(4) shall, in addition to any ventilation pipe required in terms of the provisions of this section, be provided with a 100 mm diameter ventilation pipe connected to such stack below the lowest point of entry to the stack of any branch waste-water pipe or soil-water pipe.

#### CHIMNEYS OR FLUES

43. No chimney or other flue shall be used for ventilating any drain, soil-water pipe or waste-water pipe.

#### 44. Ventilation Pipes and Anti-siphonage Pipes - General

- (1) Every ventilation pipe shall throughout its length have a nominal diameter not less than the diameter of the drain or soil-water pipe or waste-water pipe which it ventilates: Provided that if any branch drain or branch soil-water pipe carries the discharge from not more than one gulley or other trap or from not more than one soil-water fitting, the diameter of the ventilation pipe may be less than the diameter of the said drain or soil-water pipe but not less than 50 mm.
- (2) The connection between a ventilation pipe and any drain or pipe mentioned in section 42(1) shall be made immediately downstream of the point of discharge into such drain or pipe of the uppermost-connected sanitary fitting, gulley or similar trap.
- (3) Every individual anti-siphonage pipe shall be connected to the crown or soffit of the soil-water pipe or waste-water pipe on the outlet side of the protected trap obliquely in the direction of flow at a point not less than 75 mm or more than 750 mm from the crown of such trap.
- (4) The nominal diameter of any anti-siphonage pipe shall be in accordance with the provisions of section 46.
- (5) Every ventilation pipe and every anti-siphonage pipe shall be carried upwards without any reducing in diameter and shall, throughout its length, be graded as to provide a continuous fall from its end back to the waste-water pipe or soil-water pipe drain to which it is connected.
- (6) The open end of any ventilation pipe or anti-siphonage pipe which passes through or is attached to a building, shall be not less than 600 mm higher than that part of the roof which is closest to it not less than 2 m above the head of any window or other opening in

the same building or any other building, whether forming part of the same premises not, which is within a horizontal distance of 6m the said open end:

Provided that —

- (a) Where a roof slab or any part thereof is used or is intended to be used for any purpose the pipe shall, unless the engineer shall otherwise permit, extend at least 2,5 m above such roof or part thereof; and
- (b) The open end of any ventilation pipe or a siphonage pipe shall in no case be less than 6 m above ground level.
- (7) Every individual anti-siphonage pipe shall, unless carried up independently, be connected to a anti-siphonage pipe or to a ventilation pipe at a point of at least 150 mm above the flood level of the sanitary fitting which it serves.
- (8) Where the two-pipe system is used, a pipe what ventilates a soil-water pipe or protects the water soil of the trap of a soil-water fitting shall not be connected to a pipe which ventilates a waste-water pipe which protects the water seal of the trap waste-water fitting.
- (9) Whenever, in the opinion of the municipality a nuisance exists owing to the emission of gas from a ventilation pipe or an anti-siphonage pipe, the municipality may require the owner at his own expense to extract the pipe upwards for so far as the municipality may prescribe as being necessary to eliminate such nuisance.
- (10) Where any new building or any addition to an existing building has any window, door or other opening so placed that the provisions of subsection (6) in respect of any existing ventilation pipe or anti-siphonage pipe, whether on the same or any other premises are being contravened, the owner of such new building or addition shall, at his own expense, take such action as may be necessary for compliance with the portions of the said subsection (6).
- (11) Where the top of a ventilation pipe or an anti siphonage pipe is more than 1 m above the top point of its attachment to a building or other means of support, that part of the pipe which is above said point shall be adequately stayed or shall otherwise be made secure.

#### **45. Anti-Siphonage Pipes — Where Required**

- (1) Subject to the provisions of sections 50, 52 and 53, the water seal of the trap of a soil water fitting shall be protected by an individual anti-siphonage pipe complying with the relevant requirements in sections 44 and 46, in all cases where the discharge from such soil-water fitting are conveyed —
  - (a) By an unventilated branch drain or an unventilated soil-water pipe or a combination thereof in which there is a fall of more than 1,2 m within a horizontal distance of 300 mm of the crown of the trap of such fitting; or
  - (b) By an unventilated branch drain or an unventilated soil-water pipe which receives the discharges from any other soil-water fitting; or
  - (c) By a vertical pipe or stack, including any inclined part thereof, which receives at a higher level the discharges from one or more other soil-water fittings; or
  - (d) By a branch soil-water pipe which receives the discharges from any other soil-water fitting; provided that individual anti-siphonage pipes may be omitted in the case of those soil-water fittings the discharges from which are carried by a branch soil- water pipe if —
    - (i) The hydraulic load carried by such branch soil-water pipe does not exceed 25 discharge units;
    - (ii) Such branch pipe is connected to a 100 mm diameter ventilation pipe in accordance with the requirements of section 44(2); and

(iii) Not more than 16 such branch pipes discharge into the same soil-water stack or vertical pipe.

(2) The water seals of the traps of waste-water fittings installed in accordance with the requirements of these by-laws for the two-pipe system shall be protected by individual anti-siphonage pipes, unless approved re-sealing traps are installed: Provided that this requirement shall not apply to a single bath, shower or sink having an independent discharge to a gully trap and situated not more than 2 m above or 3 m from such gully

(3) Subject to the provisions of sections 50, 51, 52, and 53, the water seals of the traps of wastewater fittings installed in accordance with the requirements of these by-laws for the one-pipe system, shall be protected by individual anti-siphonage pipes.

**46. Sizes of Anti-siphonage Pipes**

(1) The nominal diameter of an individual anti-siphonage pipe for the protection of the water seal of the trap of a water closet pan shall be not less than 50 mm.

(2) The nominal diameter of an individual anti-siphonage pipe for the protection of the water seal of the trap of a urinal or a wastewater fitting shall be not less than 32 mm or one half the diameter of the soil-water pipe or waste-water pipe to which the said individual pipe is connected, whichever is the greater diameter.

(3)(a) For the purpose of this subsection —

(i) The developed length of a branch anti-siphonage pipe shall be the length of the pipe measured from its point of connection to a main anti-siphonage pipe or from its point of connection to a ventilation pipe, as the case may be, to the farthest individual anti-siphonage pipe connected to it;

(ii) the developed length of a main anti-siphonage pipe shall be the length of the pipe measured from the open end of such main anti-siphonage pipe, or from the open end of a ventilation pipe if the said main anti-siphonage pipe is connected to it, to its farthest point connected to a soil water pipe or waste water pipe.

(b) Where at any point on a anti-siphonage pipe or on a main anti-siphonage pipe, as the case may be, the sum of the discharge units of all sanitary fittings, the individual anti-siphonage pipe of which are connected either directly or indirectly to the afore said branch or main anti-siphonage pipe downward on such point, falls within the sum of discharge units specified in column 1 of the following table the nominate diameter of the branch or main pipe at that point shall, subject to the provisions of subsection (1) and (2), be not less than the diameter specified in column 3 for the application developed length of such pipe as set out in column 2 of the table.

**TABLE**

1	2	3	
Sum of discharge units of sanitary fitting connected to the branch or main anti-siphonage pipe	Developed length of branch or main anti-siphonage pipe (meters).	Internal diameter (metallic pipes). (mm)	Outside diameter (non-metallic pipes) (mm)
1	Unlimited	32	40



1½ to 3	Unlimited	38	40
3½ to 8	Not exceeding 30	38	50
	Exceeding 30 but not exceeding 51	50	50
	Exceeding 51	50	75
8½ to 16	Not exceeding 9	38	40
	Exceeding 9 but not exceeding 30	38	50
	Exceeding 30 but not exceeding 51	50	50
	Exceeding 51	50	75
16½ to 24	Not exceeding 9	38	50
	Exceeding 9 but not exceeding 30	50	50
	Exceeding 30 but not exceeding 51	50	75
	Exceeding 51	65	75
24½ to 42	Not exceeding 5	38	50
	Exceeding 5 but not exceeding 9	50	50
	Exceeding 9 but not exceeding 21	50	75
	Exceeding 21 but not exceeding 51	65	75
	Exceeding 51 but not exceeding 75	75	75
	Exceeding 75	75	110
1	2	3	
Sum of discharge units of sanitary fitting connected to the branch or main anti-siphonage pipe	Developed length of branch or main anti-siphonage pipe (meters).	Nominal diameter of branch or main anti-siphonage pipe	
		Internal diameter (metallic pipes). (mm)	Outside diameter (non-metallic pipes) (mm)
42½ to 64	Not exceeding 7	50	50
	Exceeding 7 but not exceeding 15	50	75
	Exceeding 15 but not exceeding 36	65	75
	Exceeding 36 but not exceeding 60	75	75

	Exceeding 60 but not exceeding 90	75	110
	Exceeding 90	100	100
64½ to 95	Not exceeding 5	50	50
	Exceeding 5 but not exceeding 7	50	75
	Exceeding 7 but not exceeding 27	65	75
	Exceeding 27 but not exceeding 51	75	75
	Exceeding 51 but not exceeding 75	75	110
	Exceeding 75	100	110
95½ to 500	Not exceeding 7	65	75
	Exceeding 7 but not exceeding 18	75	75
	Exceeding 18 but not exceeding 24	75	110
	Exceeding 24 but not exceeding 96	100	110
	Exceeding 96	125	160
500½ to 1 100	Not exceeding 5	65	75
	Exceeding 5 but not exceeding 9	75	75
	Exceeding 9 but not exceeding 15	75	110
	Exceeding 15 but not exceeding 57	100	110
	Exceeding 57 but not exceeding 177	125	160
	Exceeding 177	125	160
1	2	3	
Sum of discharge units of sanitary fitting connected to the branch or main anti-siphonage pipe	Developed length of branch or main anti-siphonage pipe (meters).	Nominal diameter of branch or main anti-siphonage pipe	
		Internal diameter (metallic pipes). (mm)	Outside diameter (non-metallic pipes) (mm)
1 100½ to 1 900	Not exceeding 5	75	75
	Exceeding 5 but not exceeding 7	75	110
	Exceeding 7 but not exceeding 27	100	110

	Exceeding 27 but not exceeding 75	125	160
	Exceeding 75 but not exceeding 195	150	160
	Exceeding 195	200	
1 900½ to 3 600	Not exceeding 7	100	110
	Exceeding 7 but not exceeding 21	125	160
	Exceeding 21 but not exceeding 57	150	160
	Exceeding 57 but not exceeding 222	200	
	Exceeding 222	225	

## CHAPTER XII

### SOIL WATER AND WASTE WATER PIPE SYSTEMS

#### 47. Soil water Pipe and Waste water Pipe Systems – General

(1) Soil-water pipe and wastewater pipe installation shall comply with the requirements, as hereinafter set out, for either of the following systems-

- (a) The one pipe system; or
- (b) The two pipe system; or
- (c) The single stack system:

Provided that the engineer may permit any combination of the requirements for each system if, in his opinion such combination will result in an adequately vitalisation drainage installation and the effective protection of the water seals of all traps connected thereto.

#### 48. Requirements for the One Pipe Systems

The following requirements shall apply to the one pipe system -

- (1) All soil-water pipes shall be connected directly to a drain or to another soil-water pipe similarly connected;
- (2) All waste-water pipes shall be connected directly to a drain or to a soil-water pipe; and
- (3) The depth of the water seal of the trap of every waste-water fitting shall be not less than 65 mm or more than 100 mm, and each such water system shall be protected by means of an anti-siphonage pipe in accordance with the relevant provisions of sections 44 and 46.

#### 49. Requirements for the Two-Pipe System

The following requirements shall apply to the two-pipe system -

- (1) Every wastewater pipe or system of wastewater pipes shall discharge into a gulley trap connected to a drain or to a soil-water pipe:

(2) Every soil-water pipe shall be connected directly to a drain or to another soil-water pipe similarly connected; and

(c) The depth of the water seal of the trap of every waste-water fitting shall be not less than 38 mm or more than 100 mm, and the protection of the water seal of each such trap shall be effected in accordance with the provisions of Section 45(2).

#### **50. General requirements for the Single Stack System**

(1) The following provision and requirements shall apply in the case of the single stack systems-

(a) The single stack system shall be installed only in a building of the office class or a residential building.

(b) The single stack system shall not be installed in any building the height of which exceeds 25 storeys above the lowest ground level abutting on such building.

(c) Notwithstanding anything to the contrary in these by-laws contained individual anti-siphonage pipes for the protection of the water seals of the traps of sanitary fittings may be omitted in any drainage installation carried out in accordance with the requirements of sections 51, 52 and 53.

#### **51. Single Stack System: Requirements for Residential and Office Buildings**

(1) The following requirements shall apply in the case of the single stack system in both residential and office buildings-

(a) The soil-water stack shall, at its topmost end, be continued upwards as a ventilation pipe to comply with the relevant provisions of section 44, and may, in addition, be provided with a supplementary ventilation pipe.

(b) A supplementary ventilation pipe as required in terms of paragraph (a), shall have a nominal diameter of not less than 50 mm and shall be connected to the soil-water stack at a point below the lowest branch pipe connected to such stack, and shall be continued upwards and be interconnected to such stack at the intervals prescribed for the buildings as required in sections 52 and 53.

(c) The interconnection between a supplementary ventilation pipe and any other pipe shall be so located and made that no soil-water or waste-water can, under any circumstances, be discharged through any ventilation pipe.

(d) The radius of the centre line of any bend installed at the lowest extremity of the soil-water stack shall not be less than 300 mm.

(e) No offset shall be made in any soil-water stack or wastewater stack unless a supplementary ventilation pipe is provided to relieve any pressure caused by the offset, and the nominal diameter of such ventilation pipe shall not be less than one half the diameter of the stack.

(f) Every wastewater trap shall be either a "P" traps the resealing type or other approved "P" trap with a water seal of not less than 75 mm in depth.

(g) The vertical distance between the invert of lowest branch pipe connected to the stack and invert of the drain at the point of connection between the stack and the drain shall be not less than 500 mm in the case of a stack serving a building of not more than three storeys in height, and in the other cases.

(h) Where soil-water fittings and wastewater fitting are installed in ranges or batteries, the branch pipe conveying the discharges from the soil-water fittings shall be separate from the branch pipe conveying the discharges from the waste-water fitting and each such branch pipe shall individually be connected to the stack.

(i) The gradient of any branch pipe conveying where water shall in no part be steeper than 1 in 25 be flatter than 1 in 50.

(j) The point of connection between a branch and water pipe and a stack shall be so located that a centre line of the branch pipe meets the centre of the stack at or above the level at which the centre line of any water closet branch pipe meets the centre line of the stack or at least 200 below such level.

## 52. Single Stack System: Additional Requirements for residential Buildings

(1) The following additional requirements shall apply to a single stack system installed in a residential building:

- (a) The branch pipe of each fitting in a group of sanitary fittings shall be separately connected to a stack.
- (b) Where the trap fitted to a wash-hand basin a nominal diameter of 32 mm, the diameter of branch pipe, which connects such trap to the basin, shall not be less than 38 mm.
- (c) The gradient of the branch pipe referred to in paragraph (b) shall in no part be steeper than 1 to 25, and the length of such pipe measured between its point of connection with the soil-water and the crown of the trap shall not exceed 3 mm.
- (d) Not more than 2 groups of sanitary fittings installed in any one storey shall be connected to the sanitary stack.
- (e) The nominal diameter of a stack serving a residential building, the height of which exceeds 20 storeys above the lowest ground level abutting on such building, shall not be less than 150 mm.
- (f) Where a stack with a nominal diameter of 100 mm serves a residential building which
  - (i) Does not exceed a height of 10 storeys, a supplementary ventilation pipe shall not be required;
  - (ii) Exceeds 10 storeys but does not exceed 15 storeys in height and such stack receives the discharges from one group of sanitary fittings installed at each storey, a supplementary ventilation pipe with a nominal diameter of not more than 50 mm shall be provided and interconnected with the stack above the level of the highest branch pipe connection of each alternate storey;
  - (iii) Exceeds 10 storeys but does not exceed 15 storeys in height and such stack receives the discharges from 2 groups of sanitary fittings installed in each storey, a supplementary ventilation pipe with a nominal diameter of not less than 50 mm shall be provided and interconnected with the stack above the level of the highest branch pipe connection at each storey;
  - (iv) Exceeds 15 storeys but does not exceed 20 storeys in height and such stack receives the discharges from one group of sanitary fittings installed in each storey, a supplementary ventilation pipe with a nominal diameter of not less than 75 mm shall be provided and interconnected with the stack above the level of the highest branch pipe connection at each alternate storey;
  - (v) Exceeds 15 storeys but does not exceed 20 storeys in height and such stack receives the discharges from 2 groups of sanitary fittings installed in each storey, a supplementary ventilation pipe with a nominal diameter of not less than 75 mm shall be provided and interconnected with the stack above the level of the highest branch pipe connection at each storey.
- (7) Where a stack with a nominal diameter of 150 mm serves a residential building not exceeding 25 storeys in height, a supplementary ventilation pipe shall not be required.

**53. Single Stack System: Additional Requirements for Office Buildings**

(1) The following additional requirements shall apply in the case of a single stack system installed in a building of the office class-

- (a) Subject to the provisions of paragraph (e), individual anti-siphonage pipes may be omitted in the case of sanitary fittings installed in ranges or batteries as envisaged in the table below, if the branch pipes - to which such fittings are connected are themselves separately connected to the stack, and a supplementary ventilation pipe as specified in the said table is provided.
- (b) The supplementary ventilation pipe referred to in paragraph (a) shall be interconnected with the stack above the level of the highest branch pipe connection at each storey.
- (c) The nominal diameter of the supplementary ventilation pipe shall be not less than the diameter specified in the table below, regard being had to the diameter of the stack, the number of storeys served by such stack and the number of sanitary fittings installed in a range or battery in each storey.
- (d) For the purposes of the table below, more than one urinal but not more than four urinals may be regarded as equivalent to one water closet pan.
- (e) The single stack system shall not be used in any building of the office class if the number of sanitary fittings installed in a range or battery in any storey exceeds the number specified in the table below for the relevant diameter of stack, or if the number of storeys by such stack exceeds number specified in the said table.

**TABLE**

Nominal diameter of stack	Number of storeys served by the stack	Number of sanitary fittings installed in a range or battery in each storey.	Nominal diameter supplementary ventilation pipe
100 mm	8 storeys	Not exceeding 2 W.C pans and 2 hand basin	Not required
		Exceeding 2 W.C pans and 2 hand basin but not exceeding 5 W.C pans and 5 hand basin	50 mm
	12 Storeys	Not exceeding 4 W.C pans and 4 hand basin	50 mm
150 mm	8 storeys	Not exceeding 4 W.C pans and 4 hand basin	Nor required
	24 storeys	Not exceeding 3 W.C pans and 3 hand basin	Not required

**CHAPTER XIII****WASTE WATER, SOIL WATER, VENTILATION AND ANTI-SIPHONAGE PIPES AND JOINTS****54. Design and Installation of Soil water pipes and Waste water Pipes**

(1) No soil-water pipe or wastewater pipe have an internal diameter less than the diameter of other pipe or of the trap of any sanitary fitting charging into it.

(2) No pipe having an internal diameter of less than 100 mm shall receive the discharges from any water closet pan.

(3) Save as otherwise provided in sections 50, 51, and 53 in respect of the single stack system -

(a) The hydraulic load carried by a vertical pipe stack having a nominal diameter set out in column 1 of table 2 under section 25, shall not exceed the number of discharge units specified in column of that table for such pipe or stack: Provided that where the angle of any inclined part of a stack is less than 45° above the horizontal, shall part be deemed to be a horizontal pipe and the diameter of such part shall be determined in accordance with the provisions of paragraph (b) and the diameter of the stack below such inclined part shall be not less than the diameter of the inclined part;

(b) The hydraulic load carried by a horizontal pipe other than a branch pipe, having a nominal diameter set out in column 1 of the said table 2 not exceed the number of discharge units specified in column 4 of such pipe;

(c) The hydraulic load carried by a branch pipe having other than a branch pipe, having a diameter set out in column 1 of the said table 2 not exceed the number of discharge units specified in column 3 for such pipe;

(d) And notwithstanding anything to the contrary in these by-laws contained, any waste-water pipe having a diameter of 100 mm or greater than 100 mm and any soil-water pipe shall be deemed to be a drain from that point downstream of which the inclination of such pipe and of any drain to which it is connected does not in any part exceed 45° below the horizontal, and the permissible hydraulic load for that part of the waste-water pipe and soil-water pipe deemed to be a drain shall not exceed the number of discharge units prescribed in column 5, 6, 7 or 8 of the said table 2 for a drain of equivalent diameter and gradient;

(e) And where the diameter of any soil-water stack or any waste-water stack is greater than the diameter of any drain into which it discharges, the pipe at the base of such stack shall be extended horizontally for a length of not less than 2 m without any reduction in diameter before it is connected to the drain, and when required by the municipality, a manhole shall be provided at such point of connection.

**55. Location of Soil-water, Wastewater, Ventilation and Anti-siphonage Pipes**

(1) Every soil-water pipe, waste-water pipe, ventilation pipe and anti-siphonage pipe shall be effectively protected against damage by vehicular impact or shall be so located as to be effectively protected against such damage.

(2) No pipe mentioned in subsection (1) shall be so installed that the removal of any part of a building for the purpose of gaining access to renew, maintain, or repair such pipe will endanger the structural stability of the building or any part thereof.

(3) The shape and dimensions of a recess or chase containing any part of a drainage installation and the arrangement of all pipes and any other services therein shall be such as the engineer considers adequate to permit the renewal, replacement, maintenance or repair of such installation or service, and if such recess or chase is provided with a cover or covers, it shall be adequately ventilated.

(4) If an enclosed shaft or duct contains any part of a drainage installation it shall be adequately ventilated, shall have a minimum cross-sectional area of 1,5 m<sup>2</sup> and a minimum width of 1 m and shall be provided with means of access to its interior adequate for

inspection and repair of the drainage installation and of any other services therein: Provided that the municipality may, subject to the provisions of subsection (2) and to such further conditions as it may consider necessary, permit any part of a drainage installation to be located in an unventilated enclosed shaft or duct having a smaller cross sectional area and width in any case where the whole of the interior of every soil-water pipe and waste-water pipe contained therein is otherwise rendered readily accessible for cleaning.

(5) Unless otherwise permitted by the municipality, regard being had to the aesthetics of external appearance and the amenities of the neighbourhood, no pipe, bend or junction forming part of a drainage installation serving a building shall be exposed to view from the outside of such building.

#### **56. Access to Interior of Soil-water Pipes and Wastewater Pipes**

(1) Subject to the provisions of subsection 2 adequate means of access to the interior of the pipe shall be provided within 2 m above the point of entry into the ground of every soil water pipe and in such other positions as are necessary to render the whole of the interior of every soil-water pipe, waste-water pipe and every bend and junction associated there within readily accessible for cleaning.

(2) Where a soil-water pipe or waste-water pipe, not being a waste-water pipe connected to a fitting in the room, passes through a kitchen, pantry or other room used or intended for use for the preparation, handling of storage or sale of food, the means of access necessary for the cleaning of that part of the said pipe which passes through the room, shall be located outside the room.

(3) An inlet to a waste-water pipe as referred to in subsection (2) may be provided in the floor of such a room as is referred to in subsection (2) so long as the said inlet is equipped with a trap connected to a pipe discharging over a gully or other trap situated in the open air.

(4) No bend or junction shall be permitted in such pipe as is referred to in subsection (2), unless its position in relation to any access eye is such as readily to permit the ready cleaning from outside the room or every part of the part passing through such room.

(5) If access to a soil-water pipe is permitted and provided within a building, access to a soil-water pipe located within a building shall be provided only through an adequate screwed or bolted airtight cover.

#### **57. Waste water, Soil water, Ventilation, and anti-siphonage Pipes and Fittings**

(1) Waste-water pipes, soil-water pipes, ventilation pipes and anti-siphonage pipes and their associated traps and fittings shall be made of cast iron, mild steel, copper, brass, drawn lead, asbestos cement or un plasticized polyvinyl chloride, in each case of approved quality in accordance with the relevant South-Africa Bureau of Standards Specification, if applicable or such other materials as the municipality may at its discretion approve. The municipality's discretion in terms of this sub section shall be exercised by reference to established codes of practice and to the appropriate standard specifications issued by the South African Bureau of Standards from time to time, or in the absence of any such specifications, to the appropriate British Standard specifications.

(2) An approval given by the municipality in terms of subsection (1) may include such conditions as it may deem necessary to prevent the spread of fire or the spread of noxious fumes in dangerous quantities given off by pipes, traps or other fittings made of such other materials in the event of an outbreak of fire.

(3) Cast iron pipes and their associated traps fittings shall have both their inside and outside surfaces adequately coated with a bituminous or other corrosion-resisting material, and mild steel pipe and fittings shall be adequately galvanized or otherwise rendered resistant to corrosion.



(4) Where the axes of two or more branch waste water pipes or branch soil-water pipes intersect at a common point on the axis of a wastewater pipe or soil water pipe, the included angle between the axes of the said branch pipes shall not exceed 90°.

#### **58. Joints between Pipes and Pipes and Fittings**

Every connection between a pipe, trap or fitting and another pipe, trap or fitting shall be made in such a manner as to be gas and water-tight and to cause no internal obstruction, and shall be carried out to the approval of the municipality in accordance with established plumbing and drainage practice.

### **CHAPTER XIV**

#### **WASTEWATER AND SOIL-WATER FITTINGS AND FIXTURES**

##### **59. Traps to Wastewater Fittings**

(1) There shall be provided immediately beneath every waste-water fitting an approved self-cleansing trap.

(2) Except in the case of a trap made of rubber or other approved flexible material, every trap in terms of subsection (1) shall be provided with an adequate cleaning eye protected by a water seal and having a removable cover.

(3) The nominal diameter of any trap shall be not less than 32 mm in the case of a trap serving a wash-hand basin and 38 mm in the case of traps serving other wastewater fittings.

(4) The depth of the water seal in a trap shall in no case exceed 100 mm and shall be not less than 38 mm in the two-pipe system and not less than 65 mm in the one-pipe system.

(5) Notwithstanding the provisions of subsection (1), it shall be permissible —

(a) For a bath, hand-wash basin or shower to discharge without the interposition of a trap as aforesaid into an open channel semi-circular in cross section having a diameter of at least 100 mm, made of glazed earthenware, porcelain or other approved material, accessible for cleaning throughout its length and fixed immediately beneath the point or points of discharge into a trapped gully constructed and fixed as prescribed in terms of these by-laws.

(b) For a bath, wash-hand basin or shower installed in a compartment containing a urinal to discharge without the interposition of a trap as aforesaid into the urinal channel: Provided that such channel is constructed in accordance with the provisions of section 62(7).

##### **60. Soil-water Fittings**

(1) Every room or compartment containing any soil- water fitting shall have a rigid floor of non-absorbent material.

(2) Without prejudice to the particular provisions of sections 61 and 62, every soil-water fitting shall be made of earthenware, fireclay, porcelain, vitreous china or other approved material having in every case a glazed or smooth finish, shall be of approved type and shall be provided with a trap having a water seal not less than 50 mm in depth.

##### **61. Water Closet Soil-water Fittings**

(1) Every water closet pan of the wash-down siphonic type and its associated trap shall be made of one piece, shall be provided with an integral flush rim so constructed that the entire surface of the bin is effectively flushed, and shall have a minimum standing water-level area of 130 cm<sup>2</sup>; provided that the trap used with a squatting pan may be an independent.

- (2) Any such trap as referred to in subsection (1) shall have an exposed outlet of sufficient length to conveniently accessible for jointing: Provided that provisions of this subsection may be relaxed in the case of water closet pans connected to a soil-water pipe by bolts or flanges or other approved devices.
- (3) If a ventilating horn is provided on the trap referred to in subsection (1), such horn shall have an internal diameter of not less than 50 mm and shall be placed at the side of and not less than 75 mm from the crown of the trap on its outlet side.
- (4) The following requirements shall be applicable to "P" traps fitted to water closet pans -
- (a) They shall not be fitted with ventilating horn; and
- (b) Their outlet pipes shall slope downwards at an angle of not less than five degrees to the horizon.
- (5) The minimum internal diameter of the outlet of every trap shall be 90 mm in the case of a wash-closet or squatting pan and 80 mm in the case of a siphonage water closet pan.
- (6) The distance between the invert and the lip of the trap of a wash-down water closet pan shall be not more than 70 mm or more than 75 mm.
- (7) Except in the case of squatting pans, pans shall be provided with hinged or other seats of approval type and material.
- (8) Any pad or packing inserted between the bases of the pan and the floor shall be of non-absorbent material.
- (9) The municipality may at its absolute discretion and subject to such conditions as it may impose; permit the use of trough closets of approved design in separate building provided for the purpose.

## 62. Urinals

- (1) Urinals shall be of the stall, slab, wall hut or other approved type made to discharge, without the interposition of a trap, into a channel uniformly grated to a trap connected to a drain or soil water pipe. Provided that a wall-hung urinal may subject to the provision of subsection (3), have a trap attached or formed integrally with the urinal directly connected to a soil water pipe or drain.
- (2) Wall hung urinals shall have:
- (a) A minimum overall height, excluding any trap, 600 mm; and
- (b) A minimum overall width of 380 mm; and
- (c) A minimum horizontal projection from the back of the fixture to the front of the lip of 380mm.
- (3) Where urinals of any type are installed for public use or are installed in a factory, hostel or educational institution, or where more than three wall hung urinals are installed in the same room or compartment in any building, such urinals shall discharge into a channel complying with the relevant requirements of this section.
- (4) Where urinals are directly connected to a soil-water pipe or drain, the floor of the room or compartment containing the urinals shall be graded and drained to an approved floor trap similarly connected.
- (5) All surfaces liable to fouling in any room or compartment containing a urinal shall be protected with an approved impervious material having a glazed or other smooth finish.
- (6) The floor of a room or compartment containing a urinal channel shall slope towards and drain into the channel: Provided that where the channel is raised above the level of the floor, a platform at least 400 mm wide shall be provided and only the said platform shall be required to slope and drain as aforesaid.

(7) Every channel and trap forming part of a urinal or receiving the discharges from a urinal shall be made of approved impervious material having a glazed or smooth finish and shall be located in the same room or compartment as the urinal itself.

(8) The nominal diameter of a trap receiving the discharges from a channel in a compartment or room containing a urinal shall be not less than 75 mm and the diameter of a trap attached to or formed integrally with a wall hung urinal shall be not less than 38 mm.

(9) At least one trap having a diameter of 75 mm shall be provided for every 5 urinal stalls or for every 3,5 m length of slab urinal; or at least one trap having a diameter of 100 mm for every 10 stalls or 7 m length of slab urinal.

(10) Except in the case of a siphonic urinal, every urinal trap shall be provided with a hinged and domed grating designed to retain solid matter without obstructing the flow of liquids.

### 63. Flushing of Soil-water Fittings

Every soil-water fitting shall be capable of being effectively flushed by means of a flushing cistern, flushing valve or other approved device the flushing action, of which shall effectively flush the entire fouling surface of the fitting and clear the trap completely at each flush.

### 64. Flushing Cisterns

(1) The mechanism of a flushing cistern shall so operate that the cistern is automatically refilled after every flushing, that the inflow of water is automatically stopped when the cistern is full and that no water can escape from the cistern otherwise than by the operation of the flushing mechanism or through an overflow pipe.

(2) A flushing cistern shall have an overflow pipe of adequate diameter the discharge from which shall be reasonably detectable and so directed that it cannot cause damage to the building.

(3) The ball valve in a cistern shall be so located and constructed that no back-siphonage from the cistern can take place.

(4) The flow of water into a flushing cistern shall be separately controlled by a stop tap or other approved device situated within 2 m thereof in the same roof or compartment as the cistern.

(5) Flushing cisterns for water closets slop hopped and bedpan sinks and washers shall discharge at each flush not less than 11 litres of water.

(6) Automatic flushing cisterns for urinals shall discharge at each flush not less than 2 litres of water for each urinal stall or for every 600 mm of the width of the urinal.

(7) Automatic flushing cisterns for trough closed shall at each flush discharge not less than 22 litre of water for each seat.

### 65. Flushing Valves

(1) Flushing valves shall at each operation discharge a volume of water not less than is prescribed in section 64(5).

(2) Where flushing valves are installed, adequate measures shall be taken to prevent back-siphonage the soil-water fitting into the water supply.

**CHAPTER XV****66. MECHANICAL APPLIANCES FOR LIFTING SUCH SEWAGE**

- (1) Every person shall before installing any mechanical appliance for the raising or transfer of sewage in terms of section 6(5), make application in writing to the engineer for permission to do so in the form, to be completed in duplicate, set out in the relevant appendix to these by-laws and shall thereafter give such additional information as the engineer may require.
- (2) The form prescribed by subsection (1) shall be completed by a professional engineer who is fully conversant with the technical details of the appliance and the undertaking annexed to such form shall be signed by the owner of the premises.
- (3) The application mentioned in subsection (1) shall be accompanied by drawings prepared in accordance with the relevant provisions of section 20 and applied show details of the compartment containing the appliance, the sewage storage tank, the stilling chamber and the position thereof, and the positions of the drains, ventilation pipes, rising main and the connecting sewer.
- (4) Notwithstanding any permission given in term of subsection (1), the municipality shall not be liable for any injury or damage to life or property caused by the use, malfunctioning or any other condition arising from the installation or operation of such appliance.
- (5) Every mechanical appliance installed for the raising or transfer of sewage shall be specifically designed for the purpose and shall be fitted with a discharge pipe, sluice valves and non-return valves located in approved positions.
- (6) Unless otherwise permitted by the engineer, such mechanical appliances shall be installed in duplicate and each such appliance shall be so controlled that either will begin to function automatically immediately in the event of failure of the other.
- (7) Every mechanical appliance forming part of a drainage installation shall be so located and operated as not to cause any nuisance through noise or smell or otherwise and every compartment containing any such appliance shall be effectively ventilated.
- (8) The maximum discharge rate from any mechanical appliance and the times between which the discharge may take place shall be as prescribed by the engineer who may, at any time, require the owner to install such fittings and regulating devices as may be necessary to ensure that the said prescribed maximum discharge rate shall not be exceeded.
- (9)(a) Except where sewage storage space is incorporated as an integral part of a mechanical appliance, a sewage storage tank shall be provided in conjunction with such appliance.
- (b) Every sewage storage tank required in terms of paragraph (a) shall —
- (i) Be constructed of hard, durable materials and shall be watertight and the internal surfaces of the walls and floor shall be Tendered smooth and impermeable;
- (ii) Have a storage capacity below the level of the inlet equal to the quantity of sewage discharged there into in 24 hours or 900 litres, whichever is the greater-quantity; and
- (iii) Be so designed that the maximum proportion of its sewage content shall be emptied at each discharge cycle of the mechanical appliance.
- (10) If the mechanical appliance consists of a pump, the starting mechanism shall be set for pumping to commence when the volume of sewage contained in the storage tank is equal to not more than one-fifth of its storage capacity.
- (11) When required by the engineer, a stilling chamber shall be installed between the outlet of the mechanical Appliance and the connecting drain or connecting sewer, as the case may be and such chamber shall have a depth of not less than 850 mm.

(12) Every storage tank and stilling chamber shall be provided with a ventilation pipe having a diameter of not less than 100 mm carried upwards in accordance with the relevant provisions of section 44.

## CHAPTER XVI

### SEPTIC AND STORAGE TANKS AND PRIVATE SEWAGE TREATMENT PLANTS, FRENCH DRAINS AND CONSERVANCY TANKS

#### 67. Septic Tanks and Treatment Plants

(1) No person shall construct, install, maintain or operate any septic tank or other plant for the treatment, disposal or storage of sewage without the prior written consent of the municipality, the giving of which shall be without prejudice to any of the provisions of these by-laws and in any event without complying with its Public Health By-laws so far as relevant, or any other relevant by-laws.

(2) No part of any septic tank or other sewage treatment plant shall be situated nearer than 3m to any building used for human habitation or to a boundary of the piece of land on which it is situate or in any such other position as may be prohibited limited by the municipality's Public Health By-laws or any other relevant by-laws.

(3) The effluent from a septic tank or other sewage treatment plant shall be disposed of to the satisfaction of the municipality.

(4) Every septic tank shall be watertight, securely covered and provided with gas-tight means of access its interior adequate to permit the inspection of the inlet and outlet pipes and adequate for the purpose of removing sludge.

(5)(a) A septic tank serving a dwelling-house shall -

(i) Have a capacity below the level of the inflow of the outlet pipe of not less than 500 litre per bedroom, subject to a minimum capacity below such invert level of 2 500 litres;

(ii) Have an internal width of not less than measured at right angles to the direction to the flow;

(iii) Have an internal depth between the cover and the bottom of the tank of not less than 1 m.

(b) Septic tanks serving premises other than a dwelling house shall be of approved design, construction, and capacity.

#### 68. French Drains

(1) The municipality may, at its discretion and on such conditions as it may prescribe having regard to quantity and the nature of the effluent and the nature of the soil as determined by the permeability test prescribed by the South African Bureau of Standards, permitted the disposal of waste-water or other effluent means of French drains, soakage pits or other approved works.

(2) No part of a French drain, soakage pit or other similar work shall be situated nearer than 5 m to a building used for human habitation or to any boundary of the piece of land on which it is situated, within such other distance or in such position as may be prescribed by the municipality's Public Health By-laws or any other relevant by-laws, nor in any such position as will, in the opinion of the municipality, cause contamination of any borehole or other source of water which is or may be used for drinking purposes, or cause dampness in any building.

(3) The dimensions of any French drain; soakage pipe or other similar work shall be determined in relation to the absorbent qualities of the soil and the nature and quantity of the effluent.

#### 69. Conservancy Tanks

(1) The municipality may at its discretion permit the owner of any premises to construct a conservancy and ancillary appliances for the retention of soil-water or such other sewage or effluent as it may decide at such tank and appliances shall be of such capacity and located in such position and at such level as it may prescribe.

(2) No rainwater or storm water and no effluent other than that which the municipality shall have permitted in terms of subsection (1), shall be discharged into a conservancy tank.

(3) No conservancy tank shall be used as such unless —

(a) It is constructed of hard and durable materials;

(b) The walls, if made of brick, are at least 215 mm thick and made of approved bricks, laid in cement mortar, or if made of reinforced concrete, are at least 150 mm thick;

(c) The floor is made of concrete not less than 150 mm thick;

(d) The roof is made of concrete of adequate strength to withstand the loads to which it may be subjected;

(e) The exposed surfaces of the walls, floor, and roof are rendered smooth and impermeable;

(f) The invert of the tank slopes towards the outlet at a gradient of not less than 1 in 10;

(g) The tank is gas and water-tight;

(h) The tank has an outlet pipe, 100 mm in internal diameter, made of wrought iron, cast iron, or other approved material, and except if otherwise permitted by the municipality, terminating at an approved valve and fittings for connection to the municipality's removal vehicles;

(i) The valve and fittings referred to in paragraph (h) or the outlet end of the pipe, as the case may be, are located in a chamber, having an approved hinged cover and situated in such position as the municipality may require;

(j) access to the conservancy tank is provided by means of an approved manhole fitted with a removable cast iron cover placed immediately above the visible spigot of the inlet pipe.

(4) The municipality may at its discretion, having regard to the position of a conservancy tank or of the point of connection for a removal vehicle, make it a condition of its emptying the tank that the owner or user thereof shall indemnify the municipality, in writing, against any sum which it may become liable to pay to any person as a result direct or indirect, of the rendering of that service.

(5) Where the municipality's removal vehicle has to traverse private premises for the emptying of a conservancy tank, the owner thereof shall provide for the purpose a roadway at least 3,5 m wide, so hardened as to be capable of withstanding a wheel load of 4 metric tons in all weather, and shall ensure that no gateway through which the vehicle is required to pass to reach the tank, shall be less than 3,5 m wide.

(6) The municipality shall be entitled to empty or to draw off part of the contents of any conservancy tank at any reasonable time on any day of the week and in

such manner as it may decide having regard to the general requirements of the service and in particular to the necessity for avoiding separate or unnecessary journeys by the municipality's removal vehicles.

(7) The owner or occupier of premises on which a conservancy tank is installed shall at all times maintain such tank in good order and condition to the satisfaction of the municipality.

## CHAPTER XVII

### MISCELLANEOUS PROVISIONS

#### 70. Stables and Similar Premises

(1) Subject to the provisions of subsection (2) municipality may at its discretion permit stables, cowsheds dairies, kennels and similar premises or other premises for the accommodation of animals to be connected to a drainage installation.

(2) The floor of any premises connected to a drain installation in terms of subsection (1), shall be with approved impervious materials, and graded to silt trap, grease trap or gulley of adequate capacity.

(3) Every part of the floor of premises mentioned in subsection (1) shall be covered by a roof and otherwise effectively protected to prevent the entry of rainstorm water into the drainage installation.

#### 71. Waste Food or other Disposal Units

(1) No person shall incorporate into a drain installation a mechanical waste food or other dispense unit or garbage grinder unless —

(a) The owner of the premises has registered such or garbage grinder with the municipality and the enterer is satisfied that the working of the municipality's sewerage and sewage treatment system shall thereby be impaired; and

(b) Such unit or garbage grinder is of an approved and has been installed in conformity with municipality's Electricity By-laws.

(2) The engineer may require the owner or occupant of any premises on which a waste food or other unit or a garbage grinder has been installed by the owner of such unit or grinder either to remove, repair or replace any unit which, in the opinion of the engineer, is functioning inefficiently or which impair the working of the municipality's sewerage system.

(3) The owner shall, upon the removal of any such unit or grinder, notify the municipality within 14 days of removal.

#### 72. Disposal of Sludge, Compost and Manure

(1) Except when prohibited by any competent authority, the municipality may sell or dispose of sewage sludge, compost or animal manure resulting from operation of any sewage treatment works operated by the municipality or farm associated therewith on such conditions regarding the loading and conveyance thereof to the place to which it is conveyed and the manner which, it is to be used, applied or processed as the municipality may impose.

(2) Save in the case of long term contracts, entered into for the purpose of removal thereof, such sludge compost or manure shall be sold or disposed of at the charges set out in the tariff.

**CHAPTER XVIII****STORMWATER, SEWAGE, INDUSTRIAL EFFLUENTS, AND OTHER DISCHARGES****73. Sewage or other Prohibited Discharges not to Enter Storm water Drains**

- (1) No person shall discharge, cause, or permit to be discharged any sewage directly or indirectly into a storm water drain, river, stream, or other watercourse, whether natural or artificial.
- (2) The owner or occupier of any piece of land on which steam or any liquid, other than potable water, is stored, processed or generated shall provide all facilities necessary to prevent any discharge, leakage or escape of such liquid to any street, storm water drain or watercourse except where, in the case of steam, the municipality has specifically permitted such discharge.
- (3) Where the hosing down or flushing by rainwater of an open area on any private premises is in the opinion of the municipality likely to cause the discharge of objectionable matter into any street gutter, storm water drain, river, stream or other watercourse, whether natural or artificial, or to cause or contribute toward the pollution of any such watercourse, the municipality may instruct the owner of the premises to execute at his own cost whatever measures by way of alterations to the drainage installation or roofing of the area it may consider necessary to prevent or minimise such discharge or pollution.

**74. Storm water not to Enter Sewers**

- (1) No part of a drainage installation shall at any time be such or capable of being rendered such that water from any source, not being soil-water or wastewater, can enter the installation without the intervention of human agency.
- (2) No person shall discharge or cause or permit to be discharged any substance other than sewage into a drainage installation.
- (3) No pipe, channel or other device used for or capable of being used to conduct rainwater from any roof or other surface shall be permitted to discharge into any gulley forming part of a drainage installation.

**75. Discharges from Swimming Pools**

- (1) No person shall discharge or permit the discharge of water from any swimming pool directly or indirectly over any road or into a gutter, storming drain, watercourse, open ground or private premises other than the premises of the owner of such swimming pool.
- (2) Water from fountains, reservoirs or swimming pools situate on private premises shall be discharged to a drainage installation only with the prior written consent of the municipality and subject to such conditions as to place, time, rate of discharge and total discharge as the municipality may impose.
- (3) The discharge of water referred to in subsection (2) shall be subject to the payment of the charges specified in terms of the tariff.

**76. Permission to Discharge Industrial Effluents**

- (1) No person shall discharge, cause, or permit to be discharged into any sewer any industrial effluent or other liquid or substance other than soil-water and waste-water without the written permission of the municipality first had and obtained or, if such permission has been obtained, otherwise than in strict compliance with any and all of the conditions of such permission.
- (2) Every person shall, before discharging any industrial effluent, into a sewer, make application in writing to the municipality for permission to do so in the form to be completed in duplicate, set out in the relevant appendix to these by-laws and shall



thereafter further such additional information and submit such sample as the municipality may require.

(3) The municipality may at its discretion, having regards to the capacity: of any sewer or any mechanical appliance used for sewage or, any sewage treatment plans whether or not vested in the municipality and subject of such conditions as it may deem fit to impose, including the payment of any charge assessed in terms of the tariff, grant permission for the discharge of industrial effluent from, any premises into any sewer.

(4) A person to whom -permission has been granted in terms of subsection (3) to discharge industrial effluent into a sewer shall, before doing or causing or permitting to be done anything to result in any changes in the quantity or discharge or nature of that effluent notify the municipality in writing of the date on which is proposed that the: change shall take place and the nature of the proposed change.

(5) Any person who discharges or causes or permanent to be discharged any industrial effluent into the sewage without having first obtained permission to do so in terms of subsection (3), shall be guilty of an offence and liable, in addition to the penalties prescribed in terms of these by-laws, to such charge as the municipality may assess for the conveyance and treatment of the effluent so discharged and for any damage caused as a result of such unauthorised discharge.

(6) Without prejudice to its rights in terms of subsection (5) or of section 79(2)(c), the municipality shall be entitled to recover from any person who discharges into a drain or sewer any industrial effluent or any substance which is prohibited or restricted in terms of section 79 or which has been the subject of an order issues in terms of section 79(2) all costs, expenses or charges incurred or to be incurred by the municipality, as a result of any or all of the following:

(a) Injury to persons, damage to the sewer or any sewage treatment works or mechanical appliance or to any property whatsoever, as the result of the breakdown, either partial or complete, of any sewage treatment plant or mechanical appliance, whether under the control of the municipality or not; or

(b) Any costs including fines and damages which may be imposed or awarded against the municipality and any expense incurred by the municipality as a result of a prosecution in terms of the relevant legislation, as a result of any amendment to these by laws or due to any other reason, the municipality may from time to time or at any time review, amend modify or revoke any permission given or any condition attached to such permission and/or impose new conditions for the acceptance of any industrial effluent into the sewer or prohibit the discharge of any or all of such effluent to the sewer on giving adequate written notice in advance of its intention to do so, and on the expiration of such period of notice the previous permission or conditions, as the case may be shall be regarded as having fallen away and the new or amended conditions, if any, as the case may be, shall forthwith apply.

#### **77. Control of Industrial Effluent**

(1) The owner or occupier of any premises from which industrial effluent is discharged to a sewer shall provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means effectively to prevent the accidental discharge into any sewer, whether through the negligence of operators, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or for any other like reason, of any substance prohibited or restricted or having properties outside the limits imposed in terms of these by-laws.

(2) The municipality may, by notice served on the owner or occupier of any premises from which industrial effluent is discharged, require him without prejudice to any other provision of these by-laws to do all or any of the following -

(a) To subject the effluent before it is discharged to the sewer, to such pre-treatment as will ensure that it at no time will fail to conform in all respects with the requirements of section 79(1) or

to modify the effluent cycle of the industrial process to an extent and in such a manner as in the opinion of the municipality is necessary to enable any sewage treatment works receiving the said effluent, whether under the control of the municipality or not, to produce treated effluent complying with any standards which may be laid down in respect of such works in terms of the National Water Act, 1956 (Act 54 of 1956) as amended;

- (b) To restrict the discharge of effluents to certain specified hours and the rate of discharge to the specified maximum and to install at his own expense such tanks, appliances and other equipment as in the opinion of the municipality may be necessary or adequate for compliance with the said restrictions;
- (c) To install a separate drainage installation for the conveyance of industrial effluent and to discharge the same into the sewer through a separate connection as directed by the municipality, and to refrain from discharging the said effluent through an drainage installation intended or used for the conveyance of domestic sewage or from discharge any domestic sewage through the said separate installation for industrial effluent;
- (d) To construct at his own expense in any drainage installation conveying industrial effluent to the sewer one or more inspection sampling or metering chambers of such dimensions and materials and such positions as the Municipality may prescribe;
- (e) To pay in respect of the industrial effluent discharged from the premises such charge as may be assessed in terms of the tariff: Provided that when owing to the particular circumstances of any case the method of assessment prescribed in terms of the Appendix to these by-laws does not reflect the true permanganate value (PV) of the industrial effluent, the engineer may adopt such alternative method of assessment as does reflect the said value and shall assess the charge accordingly;
- (f) To provide all such information as may be required by the engineer to enable him to assess the charge payable in terms of the tariff; and
- (g) For the purpose of paragraph (f), to provide and maintain at his own expense a meter measuring the total quantity of water drawn from any borehole spring or other natural source of water and use on the property.

(3)(a) If any person in contravention of any provision of these by-laws discharges industrial effluent into a sewer, or causes or permits it to be so discharge or is about to do so, the engineer may, if he is, of the opinion that such effluent is likely to cause damage to any sewer, mechanical appliance, sewage treatment works or sewage farm or process, forthwith after notifying the owner or occupier of the premises concerned of his intention to do so, close and seal off the drain conveying such effluent to the sewer for such period as he may deem expedient so as to prevent such effluent from entering the sewer.

- (b) The municipality shall not be liable for any damage occasioned by any action taken in terms of paragraph (a).
- (c) No person shall without the written permission of the engineer open or break the seal of a drain closed and sealed off in terms of paragraph (a) or cause or permit this to be done.

#### **78. Metering and Assessment of Industrial Effluent**

(1) The municipality may incorporate, in such position as it shall determine in any drainage installation conveying industrial effluent to a sewer, any meter or gauge or other device for the purpose of ascertaining the volume or composition of the said effluent, and it shall be an offence for any person to by-pass, open, break into or otherwise interfere with or to damage any such meter, gauge or other device: Provided that the municipality may at its discretion enter into an agreement with any person discharging industrial effluent into the sewer, establishing an alternative method of assessing the quantity of effluent so discharged.

- (2) The municipality shall be entitled to install and maintain any such meter, gauge, or device as aforesaid at the expense of the owner of the premises on which it is installed.
- (3) The owner of any premises on which there is situated any borehole used for a water supply for trade or industrial purposes shall —
- (a) Register such borehole with the municipality;
  - (b) Provide the municipality with full particulars of the discharge capacity of the borehole; and
  - (c) If the municipality has reason to doubt the reliability of the particulars given, carry out at the expense of the owner such tests on the discharge capacity of the borehole as may, in the opinion of the municipality, be necessary for the purpose of these by-laws.

#### 79. Prohibited Discharges

- (1) No person shall discharge, cause, or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance —
- (a) Which in the opinion of the engineer may be offensive to or may cause a nuisance to the public;
  - (b) Which is in the form of steam or vapour or has a temperature exceeding 44°C at the point where it enters the sewer;
  - (c) Which has a pH value less than 6,0 or greater than 10,0;
  - (d) Which contains any substance of whatsoever nature likely to produce or give off explosive, flammable, poisonous, or offensive gases or vapours in any sewer;
  - (e) Which contains any substance having an open flashpoint of less than 93°C or which gives off a poisonous vapour at a temperature below 93°C ;
  - (f) Which contains any material of whatsoever nature, including oil, grease, fat, or detergents capable of causing an obstruction to the flow in sewers or drains or interference with the proper operation of a sewage treatment works;
  - (g) Which shows any visible signs of tar or associated products or distillates, bitumen's or asphalts;
  - (h) Which contains any substance in such concentration as is likely in the final treated effluent from sewage treatment works to produce an undesired taste after chlorination or an undesirable odour colour, or excessive foam;
  - (i) Which either has a greater PV value, a lower and higher pH value or a higher electrical conduction than specified in the relevant Appendix .to the by-laws or which contains any substance specified in the said relevant Appendix in concentration greater than those there listed: Provided that the municipality may approve such greater limits or concentration in respect of any such substance for such period or on such conditions as it may specify the consideration of the effect of dilution in the sewage and of the effect of such substance on the sewage or any sewage treatment process if the municipality is satisfied that in the circumstances the discharge of such substance would not -
  - (i) Harm or damage any sewer, mechanical appliance, sewage treatment works or equipment;
  - (ii) Prejudice the use of sewage effluent for re-use; or
  - (iii) Adversely affect any waters into which treatment sewage effluent is discharged, or any land crops irrigated with the sewage effluent;
  - (j) Which contains any substance of whatsoever nature which in the opinion of the engineer ;
  - (i) Is not amenable to treatment at the sewage treatment works, or which causes or may cause a breakdown or inhibition of the normal sewage treatment processes; or

(ii) Is of such nature as is or may be amenable to treatment only to such degree as to prevent the final treated effluent from the sewage treatment works from satisfactorily complying in respects with any requirements imposed terms of the National Water Act, 1998, 1956 (Act 54 of 1956); or

(iii) Whether listed in the relevant Appendix of these by-laws or not, either alone or in combination with other matter may —

(aa) Generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works entering the municipality's sewers or manhole in the course of their duties; or

(bb) Be harmful to sewers, treatment plant land used for the disposal of treated sewage effluent; or

(cc) Adversely affect any of the processes where by sewage is treated or any re-use of sewage effluent.

(2)(a) Any person receiving from an official authorised thereto by the municipality a written order instructing him to stop the discharge to the sewer of a substance referred to in subsection (1), shall forthwith stop such discharge.

(b) Any person who contravenes the provision subsection (1) or who fails to comply with an order issued in terms of paragraph (a), shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding R200 or imprisonment for a period not exceeding six months and, in the case of a continuing offence, to a fine not exceeding R50 for each day or part of a day during which such offence continues.

(c) Notwithstanding the provisions of paragraph (b), should any person have failed to comply with the terms of an order served in terms of paragraph (b) and such discharge is likely in the opinion of the municipality seriously to prejudice the efficient operation of any sewage treatment works, the municipality may, after further written notice, refuse to permit the discharge of any industrial effluent into the sewer until such time as the industrial effluent complies in all respects with the municipality's requirements as prescribed in terms of these by-laws, in which event the discharge shall forthwith be stopped by the person responsible for the discharge or by the municipality in the event of his failure to do so.

#### **80. Offences and Penalties**

(1) Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to a penalty not exceeding —

(a) a maximum fine of R 5000-00 or maximum imprisonment of 5 months, or either such fine or such imprisonment or both such fine and such imprisonment;

(b) in the case of a continuing offence, an additional maximum fine of R100-00 or an additional maximum period of imprisonment of 1 day or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued; and

(c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention.

#### **81. Short Title and Commencement**

This By-law will be known as the Drainage By-Laws and shall commence on the date of promulgation in the Provincial Gazette.

#### **APPENDIX I**

##### **LIMITS OF PERMANGANATE VALUE (PV), pH AND ELECTRICAL CONDUCTIVITY AND MAXIMUM CONCENTRATION OF CERTAIN SUBSTANCES**

Subject to the provision of section 79(1) (i) of these by-laws, the following are-

(a) The limits of the PV, pH and electrical conductivity; and

(b) The substance and the maximum permissible concentration thereof, expressed in milligrams per litre (mg/l) referred to in section 79(10) (i): -

(i) GENERAL

PV – not to exceed	1 400 mg/l
pH – within the range	6,0 – 10,0
Electrical conductivity – not greater than	500 mS/m at 20°C
Caustic alkalinity (expressed as CaCO <sub>2</sub> )	2 000 mg/l
Substances not in solution (including fat, oil, grease, waxes and like substance)	2 000 mg/l
Substances soluble in petroleum ether	500 mg/l
Sulphides, hydro-sulphides, and poly-sulphides (expressed as S)	50 mg/l
Substance from which hydrogen cyanide can be liberated in the drainage installation, sewer or sewage treatment works (expressed as HCN)	20 mg/l
Formaldehyde (expressed as HCHO)	50 mg/l
Non-organic in suspension	100 mg/l
Chemical oxygen demand (COD)	5 000 mg/l

APPENDIX II

RULES FOR DETERMINING THE FOUR-HOUR PERMANGANATE VALUE (PV) OF INDUSTRIAL EFFLUENTS

NOTE: These rules are to all intents and purposes a re-statement in the form of by-laws of the "Methods of Chemical Analysis as applied to Sewage and Sewage Effluents" as published by the British Ministry of Housing and Local Government, H.M. Stationery Office, 1956.

PART I

PROCEDURE FOR THE PREPARATION OF REAGENTS

1. (1) For the preparation of potassium permanganate solution, being approximately procedure described in this rule shall be followed.



(2) 4 grams KMnO<sub>4</sub> shall be dissolved in one litre of hot distilled water contained in a large beaker covered with a clock glass, the solution being maintained at 90°C to 95°C for not less than two hours if possible.

3) The said solution shall be diluted to 10 litres with distilled water and set aside in darkness until complete oxidation of any organic matter has taken place and any precipitated manganese dioxide has settled.

(4) The supernatant liquid shall be carefully decanted or siphoned off so that the disturbance of any sediment is avoided.

(5) Notwithstanding anything contained in this rule, it shall be permissible alternatively to filter the solution through a funnel having a sintered-glass element, through glass wool or through asbestos fibre which has been previously digested with nitric and hydrochloric acids and then thoroughly washed with water: Provided that the solution shall not be filtered through paper.

(6) All necessary measures shall be taken to prevent the solution from being contaminated by dust or organic matter.

(7) Daily blank determinations shall be made to check the strength of the potassium permanganate solution.

NOTE: When the method described above is carefully followed and the solution stored in amber bottles or in the dark it is stable for several months.

2. (1) For the preparation of a stock solution, N sodium thio sulphate the procedure described in this rule shall be adopted ..... 4

(2) 63 grams of sodium thio sulphate,  $\text{Na}_2\text{S}_2\text{O}_8 \cdot 5\text{H}_2\text{O}$ , shall be dissolved in one litre of copper-free, freshly boiled and cooled distilled water, and one millilitre of chloroform or 10 milligrams of mercuric iodide shall be added to stabilise the solution

(3) The solution shall be allowed to stand for several days before it is used.

3. (1) For the preparation of a working solution of N sodium thio sulphate the procedure described in this rule shall be adopted..... 80

(2) 50 millilitres of stock solution shall be diluted to one litre with copper-free, freshly boiled, and cooled distilled water, and one millilitre of chloroform or 10 milligram's of mercuric iodide shall be added.

(3) The resulting solution shall be standardised against potassium iodate at frequent intervals.

(4) The solution shall be stored in an amber glass bottle having a rubber stopper.

(5) Any solution remaining in the burette at the end of the day shall be discarded.

N

4. Potassium iodate solution, -----, for standardising a thio sulphate solution in terms of rule 3(3) of this Appendix, shall be prepared by dissolving in a little water 0,892 gram of pure potassium iodate which has been previously dried at 120°C and diluting the resulting solution to exactly one litre.

NOTE: The solution will keep for a very long time if stored in a glass bottle.

5. (1) For the preparation of dilute sulphuric acid the procedure described in this rule shall be adopted.

(2) One volume of concentrated sulphuric acid shall be added to three volumes of water, care being taken to add the acid in small quantities at a time.

(3) Adequate and effective precautions shall be taken against the spitting of acid and the cracking of glass vessels owing to generation of heat.

(4) After the mixing referred to in sub rule (2) has been completed, sufficient N  
80

permanganate solution shall be added to give a faint permanent pink tint to the mixture.

6. For the preparation of potassium iodide solution 10 grams of potassium iodide shall be dissolved in 100 millilitres of water and stored in an amber glass bottle.

7. (1) For the preparation of a starch reagent the procedure described in this rule shall be adopted

(2) One gram of soluble starch shall be ground into a smooth paste with a little cold distilled water.

(3) The resulting paste shall be poured into one litre of boiling distilled water and the pouring shall be accompanied by constant stirring.

(4) The resulting solution shall be boiled for one minute and shall then be allowed to cool before it is used.

(5) The solution shall only be used if it has been freshly prepared.

(6) Notwithstanding anything in this rule contained, it shall be permissible alternatively to use a solution containing a preservative so long as it is known that the preservative does not interfere with the reaction.

(7) If mercuric iodide is used, about 10 milligrams thereof shall be added to the starch when the latter is being ground with water.

(8) It shall also be permissible as an alternative to add 0,1 gram of thymol to the boiling water which is used for making the starch solution.

8. A solution of sodium starch glycollate may be used as an alternative to starch solution, one to two millilitres of a 0,5 per cent solution in cold distilled water being added at the start of the titration.

NOTE: The approach to the end-point is shown by the change from green to intense blue. At the end-point, which is sharp, the solution becomes colourless.

9. (1) For the standardisation of sodium thio sulphate solution the procedure described in this rule shall be adopted.

(2) In a glass bottle having a capacity of about 350 ml there shall be placed 5 millilitres of potassium iodide solution as referred to in rule 5, 10 millilitres of dilute sulphuric acid and 25 millilitres of N

40 iodate solution, in that order

(3) About 100 millilitres of water shall then be added.

(4) Titration with thio sulphate solution shall be carried out immediately thereafter.

(5) One millilitre of starch solution shall be added when the liquid has become pale yellow.

(6) After the pale yellow liquid referred to in sub rule (5) has become blue the titration shall be continued until the solution has just become colourless.

NOTE. The normality of the sodium thio sulphate solution is then

$$N \quad \quad \quad 50$$

$$- X \quad \text{-----} \quad \text{-----}$$

$$80 \quad \quad \quad \text{millilitres of sodium thio sulphate required.}$$

The sodium thio sulphate can be used at this strength provided that the appropriate correction factor is used, but it is preferable to adjust the strength until exactly 50 millilitres are required for a repeat titration. The sodium thio sulphate is then exactly N and one 80 millilitre is equivalent to 0,1 milligram of oxygen.

## PART II

### DETERMINATION OF FOUR-HOUR PERMANGANATE VALUE (PV)

10. (1) The procedure described in this rule shall be followed for the determination of four-hour permanganate value (PV).

(2) Into a clean 350 ml glass-stoppered bottle there shall be placed 10 millilitres of dilute sulphuric acid and 50 millilitres of N

80 potassium permanganate solution

(3) There shall be added to the potassium permanganate solution a volume of distilled water equal to the difference between 100 millilitres and the volume of the sample of industrial effluent to be tested.

(4) The sample of industrial effluent shall immediately after being added to the solution referred to in sub-rule (3) be mixed by gentle rotation of the bottle.

(5) The mixture shall be maintained at a temperature of 27°C for four hours, and shall be remixed after one hour if the sample contains much suspended matter.

NOTE: For the most accurate results all the solutions should be heated to 27°C before mixing, but this is not necessary where a water bath is used. A water bath is preferable because, with most air incubators, any difference in temperature between the bottle and the incubator is only very slowly rectified.

- (6) After four hours there shall be added to the mixture either 5 millilitres of the 10 per cent potassium iodide solution or about 0,5 gram of solid potassium iodide.
- (7) Immediately after the said addition titration shall be carried out with N 80 sodium thio sulphate solution.
- (8) Towards the end of the process hereinbefore described there shall be added to the mixture two millilitres of starch solution.
- (9) As an alternative to the step prescribed by sub-rule (8), it shall be permissible to add two millilitres of sodium starch glycollate solution at the beginning of the titration.
- (10) Titration shall be carried out until the Hue colour resulting from the step prescribed by sub rule (8) just disappears and any blueness, which may return after standing shall be ignored.
- (11) A blank determination shall be made by the same procedure without the sample of industrial effluent but with the use of 100 millilitres of distilled water instead.
- (12) Not more than 50 per cent of potassium permanganate shall be used up during the test, and the quantity of the sample of industrial effluent added shall be proportioned accordingly.

**PART III**

**CALCULATION OF PERMANGANATE VALUE**

The permanganate value shall be calculated from the following formula:

(a-b)

Permanganate value (4 hours) mg/l =  $\frac{100 \times (a-b)}{c}$

c

where —

N

(a) Is the millilitres of ----- sodium thio sulphate required for the blank determination.

80

N

(b) Is the millilitres of — sodium thio sulphate required for the sample; and

80

(c) Is the millilitres of industrial effluent sample used.

**APPENDIX III**

**FORM OF APPLICATION FOR PERMISSION TO DISCHARGE INDUSTRIAL EFFLUENT INTO THE MUNICIPALITY'S SEWER**

I (Name) ..... the undersigned, duly authorised to act on behalf of ..... and hereinafter referred to as the applicant, hereby apply in terms of the provisions of the Drainage By laws of the municipality for permission to discharge industrial effluent into the municipality's sewer on the basis of the information set out herein.



**PART I**

**INFORMATION REGARDING PERSONS EMPLOYED AND WATER CONSUMED ON THE PREMISES.**

1. Nature of the business or industry concerned

.....

2. Name or style under which the business or industry is carried on

.....

3. Address of the business or industry .....

P.O Box.....

Stand(s) Nos. (No.) .....

Township .....

If the business or industry is carried on by a company, state the name of the secretary and if it is a partnership state the names of the partners

.....

4. Description of industrial or trade process by which the effluent will be produced

.....

5. Information relating to employees:

Office Factory

(1) Total number of daily employees (not to include (4)) .....

(2) Number of shifts worked per day. ....

(3) Number of days worked per week. ....

(4) Number of persons resident on the premises.....

(5) Is a canteen provided? .....

6. Information relating to water consumption:

Kilolitres /Month

1) Approximate average monthly quantity of water purchased from the municipality for the use on the premises

2) Approximate average monthly quantity of water obtained from any borehole or other source

(3) Quantity of water in the end product

(4) Quantity of water lost by evaporation \_\_\_\_\_

(5) Quantity of water used as boiler make-up

(6) Is water used on the premises for any, and if so which, of the following purposes: cooling, the cleaning of utensils, floor washing, any other industrial purpose, and subsequently discharged to sewer? \_\_\_\_\_

(7) If the answer to the question in paragraph 6(6) is "yes", Part II of this form must be completed.

Applicant's Signature:

\_\_\_\_\_

**PART II**

**INFORMATION REGARDING THE CONSUMPTION OF WATER**

1 The following information is required for the purpose of estimating the quantity of industrial effluent discharged into the municipality's sewer, and all figures given shall relate to the quantity of water taken over a period of six months.

Name of consumer or his representative

\_\_\_\_\_

Stand No.: \_\_\_\_\_ Township: \_\_\_\_\_

**TOTAL NUMBER OF KILOLITRES OF WATER CONSUMED IN SIX MONTHS**

	Meter No.	Meter No.	Meter No.	Total
Water purchased from the municipality				
Water from borehole or other source				
Water entering with raw materials				
Section of plant served by meter				
Total Quantity of water consumed				

2. For the purposes of this estimate the total number of kilolitres of water used in six months for any of the purposes below mentioned may be left out of account.

(1) Water used by staff for domestic purposes:

	Number	Shifts per Day	Days per Week	Allowance Kilolitres/ Head/ Day	Total
Daily employees (excluding residents)					
Office					
Factory					
Resident Persons					
White					
Non-White.					
Canteen					
Total water used (in kilolitres)					

(2) Water used in the operation of boilers:

	Boiler 1	Boiler 2	Boiler 3	Total
Type of boiler				
Kg steam /hr Rating ----- Kilowatt				
Hours steamed per month				
Total evaporation per month				
Condensate returned (in kilolitres)				
Percent of unreturned condensate discharged to sewer				
Coal burned — kg per month				
Water used for coal wetting (in kilolitres)				
Water used for ash quenching (in kilolitres)				
Quantity of blow down (in kilolitres)				
Does blow down enter sewer?				
Quantity of softener backwash water per month (in kilolitres).				
Total quantity of water used (in kilolitres)				

(3) Water absorbed by the goods manufactured on the premises in six months:

(a) Expressed as a percentage of the total consumption of water less the allowance for staff use.

(b) Expressed as kiloliters per six months contained in the finished product\*:

(i) \_\_\_\_\_

(ii) \_\_\_\_\_

(iii) \_\_\_\_\_ Kilolitres per six months

(iv) \_\_\_\_\_

(v) \_\_\_\_\_

(4) Kilolitres of water lost in six months by evaporation to the atmosphere:

(a) By units of plant other than cooling towers \_\_\_\_\_ kilolitres per six months.

(b) By cooling towers:

	1	2	3	Total
Type of Tower				
Quantity of water circulated per six months (in kilolitres)				
Temperature drop (°C)				
Estimated loss by evaporation (in kilolitres) Metered water fed to cooling towers (in kilolitres)				
Quantity of refrigerant in circulation in six months (in kilolitres)				
Total quantity of water lost by evaporation (in kilolitres)				

(5) Quantities of water lost in six months from miscellaneous causes:

- (a) \_\_\_\_\_
- (b) \_\_\_\_\_
- (c) \_\_\_\_\_

Total deduction (in kilolitres) \_\_\_\_\_

Grand total of deductions to be made in terms of subparagraphs (1) to (5) of this paragraph

\*Example: Soap factory: Yellow soap, 4000 metric tons manufactured at 50 per cent moisture content water in product 2 000 kilolitres (in six months).

3. Estimated process water discharged to sewer (arrived at by deducting the total quantity of permissible deductions shown in subparagraphs (1) to (5) of paragraph 2 from total consumed as shown in paragraph 1.

**SIGNED:** \_\_\_\_\_

By or for the Applicant

\_\_\_\_\_  
By or for the Technical Services Manager

**DATE:** \_\_\_\_\_

**PART III**

**INFORMATION REGARDING NATURE OF INDUSTRIAL EFFLUENT**

Information required concerning the chemical and physical characteristics of the effluent to be discharged:

- (1) Maximum temperature of effluent °C \_\_\_\_\_
- (2) pH Value .....pH \_\_\_\_\_
- (3) Nature and amount of settle able solids \_\_\_\_\_

(4) Permanganate: value (4 hours) strength as determined according to the method prescribed in the relevant Appendix to the Drainage By-laws

(5) Maximum total daily discharge (kilolitres) \_\_\_\_\_

(6) Maximum rate of discharge (kilolitres/hour) \_\_\_\_\_

(7) Periods of maximum discharge (e.g. 07h00 to 08h00) \_\_\_\_\_

(8). If any of the substances, or their salts, specified in the table are formed on premises a cross must be placed in the space in which the substance appears, and, if possible, the average concentration of this substance likely to be present in any effluent must also be stated

**TABLE.**

Iron	Chromium	Nickel	Cadmium	Copper	Zinc
Silver	Cobalt	Tungsten	Titanium	Lead	Selenium
Mercury	Arsenic	Boron	Cyanide	Nitrates	
Ammonium	Sulphides	Sulphates	Others		
Starch 'or sugars	Tar or tar oil	Grease and oil			
Synthetic detergents	Volatile solvents	'Others			

(9) Any further information as to kind or character, chemical composition and concentrations peculiar to the industrial effluent to be furnished on a separate sheet and attached hereto.

#### **PART IV**

##### **CONDITIONS OF ACCEPTANCE OF INDUSTRIAL EFFLUENT**

This application shall only be granted on the applicant's undertaking, as he is by virtue of his signature hereto appended deemed to do, to observe the following terms and conditions and any further special conditions, which the engineer may think fit to impose in any particular case:

1. The applicant shall annex hereto descriptions and a statement of the dimensions of grease and oil traps, screens, dilution and neutralising-tanks and any other provision made by him for the treatment of the industrial effluent before it is discharged to the sewer.
2. The applicant shall submit to the municipality, if requested, plans showing the reticulation systems on his premises for water' and industrial effluent,
3. The applicant shall, in addition to complying with the provisions of the municipality's Drainage By-laws concerned with the protection of its employees, sewers and treatment plant from injury or damage, comply with any direction concerned with such protection given to him by the engineer verbally or in writing for the purpose of ensuring the applicant's compliance with the said by-laws. '
4. The applicant shall notify the municipality, as soon as possible after he becomes aware of or at least 14 days before anything is done to cause any material alteration in the nature or quantity or discharge of the industrial effluent specified in this application or in any of the facts stated by him therein.
5. The applicant shall within 30 days from the date of signature of this application procure an approved accurately representative sample of not less than five litres of the industrial effluent to be discharged to the sewer, which sample shall be free of domestic sewage, and shall submit one half thereof to the municipality for analysis and also submit to the

engineer a report on the sample made by an analyst appointed by him: Provided that in the case of a newly established industry the period specified in this rule may be extended by the municipality for a period not exceeding six months or such further extended periods as the municipality in its discretion may from time to time in writing permit.

6. The applicant hereby declares and warrants that the information given by him on this form or otherwise in connection with this application is to the best of his knowledge and belief in all respects correct.

7. The applicant agrees that the said information, being in all respects correct, shall form the basis on which this application is granted by the municipality.

Thus done at \_\_\_\_\_ by the applicant  
 this day of \_\_\_\_\_ 20 \_\_\_\_\_

Signature and capacity of the applicant.

Permission is hereby granted by me on behalf of the municipality, I being duly thereunto authorized, for the discharge into the municipality's sewer in accordance with the Municipality's Drainage By-laws of industrial effluent as described in this form and in the circumstances therein set forth: Provided that this permission shall be revocable by the municipality at any time at its absolute discretion on the expiry of reasonable notice in writing given by it to the applicant.

The said permission is given subject also to the following special conditions:

**SIGNED:** \_\_\_\_\_

Technical Services Manager

**APPENDIX IV**

**FORM OF APPLICATION FOR PERMISSION TO INSTALL APPLIANCES FOR LIFTING SEWAGE**

**NOTE.** On premises where it is not possible to drain all sanitary fittings by gravitation to a connecting sewer, the municipality will consider applications for lifting sewage in compliance with sections 6(5) and 66 of its Drainage By-laws only in respect of those parts of a premise, which cannot be drained by gravitation. In the case of single basements, consideration will be given to the use of sanitary fittings on the ground floor.

In all cases where lifting of sewerage is permitted, the engineer will stipulate the rate of discharge, which will be normally limited to a maximum of 240 litres per minute.

**INFORMATION TO BE FURNISHED BY OWNER**

The owner of the premises shall furnish the following information and the relevant literature and characteristic curves and sign the application and undertaking:

(a) Make of appliance, name of supplier and purpose for which the appliance is designed:

\_\_\_\_\_

(b) kW rating and speed of motor: \_\_\_\_\_

(c) Maximum rate of discharge in litres per minute: \_\_\_\_\_

(d) Size of rising main and velocity of discharge: \_\_\_\_\_

(e) Capacity and dimensions of storage tank — depth to be given as liquid depth below inlet drain: \_\_\_\_\_

(f) Descriptions of stand-by equipment, automatic controls, warning systems, and other relevant information: \_\_\_\_\_

Any matters relating to the electric power connection and switchboard will be referred to the Electricity Department and will be subject to the approval of that Department.

The engineer may require the owner to supply a key to enable municipality employees to gain access to the mechanical appliance installation at all times.

**APPLICATION AND UNDERTAKING BY OWNER.**

I, the undersigned, hereby make application to install mechanical appliances for the lifting of sewage and accept without reservations, and undertake to abide by, the following conditions:

(a) The maximum discharge rate shall not exceed \_\_\_\_\_ litres per minute.

(b) The onus shall be on the owner of the premises to have the installation regularly serviced and maintained in a hygienic and efficient working condition at all times. Any necessary repairs or replacements are to be effected immediately, so that interruptions in operation are reduced to a minimum.

(c) In the event of breakdowns from any cause whatsoever, the owner shall take immediate precautions to ensure that unhygienic conditions do not develop.

(d) The municipality shall not be held responsible for any damages or claims which may arise thorough unhygienic conditions, installation stoppages, inefficient operation, explosion or other causes.

(e) Municipality employees shall, at all times, be given unhindered access to the installation for the purpose of inspection.

SIGNED: APPLICANT \_\_\_\_\_ OWNER.

ERF NO.: \_\_\_\_\_ TOWNSHIP: \_\_\_\_\_

DATE: \_\_\_\_\_

**FOR OFFICE USE ONLY**

This application is approved and permission to install the proposed mechanical appliances for the lifting of sewage is hereby granted on the under mentioned conditions (if any):

**CONDITIONS:**

DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_  
Technical Services

**NOTICE 88 OF 2006****Mookgophong Local Municipality  
Proposed By-laws relating to the Supply of Electricity**

The Municipal Manager of Mookgophong Local Municipality hereby, in terms of section 13 (a) of the Local Government Municipal System Act, 2000 (Act No. 32 of 2000), publishes the By-Laws relating to the supply of Electricity for Mookgophong Local Municipality Distribution Area licensed for Roedtan, Thusang and Mookgophong as proposed by its Council, as set out hereunder.

**MOOKGOPHONG LOCAL MUNICIPALITY  
BY-LAWS RELATING TO THE SUPPLY OF ELECTRICITY****PURPOSE OF BY-LAW**

The purpose of this by-law is to regulate the installation and maintenance of electrical networks in such a manner that it will ensure that an efficient system is in operation which also complies with high safety standards and in addition hereto it provides for procedures, methods and practices to regulate the supply of electricity.

**CHAPTER 1 - GENERAL****1. Definitions**

(1) In this by-law, 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 installation electrician, as the case may be;

**"applicable standard specification"** means –

SANS 1019 Standard voltages, currents and insulation levels for electricity supply

SANS 1607 Electromechanical watt-hour meters,

SANS 1524 Parts 0,1 & 2 - Electricity dispensing systems,

SANS IEC 60211 Maximum demand indicators, Class 1.0,

SANS IEC 60521 Alternating current electromechanical watt-hour meter (Classes 0.5, 1 & 2),

SANS 0142 Code of practice for the wiring of premises;

NRS 047 National Rationalised Specification for the Electricity Supply - Quality of Service

NRS 048 National Rationalised Specification for the Electricity Supply - Quality of Supply, and

NRS 057 Electricity Metering: Minimum Requirements

**"certificate of compliance"** means a certificate issued in terms of the Regulations in respect of an electrical installation or part of an electrical installation by an accredited person;

**"consumer"** in relation to premises means-

(a) any occupier thereof or any other person with whom the Municipality has contracted to supply or is actually supplying electricity thereat; or

(b) if such premises are not occupied, any person who has a valid existing agreement with the Municipality for the supply of electricity to such premises; or

(c) if there is no such person or occupier, the owner of the premises;

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

**"electrical contractor"** means 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  $44\text{kV} < U_n \leq 220\text{ kV}$ .

[SANS 1019];

**"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 AC voltage of 1000V ( or a DC voltage of 1500 V). [SANS 1019];

**"the 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 Mookgophong Local Municipality or a political office bearer, political structure, the Municipal Manager or delegated staff member, established in terms of the law or any legal entity duly



authorized by the Mookgophong Local Municipality to provide an electricity service within the jurisdiction of the Mookgophong Local Municipality;

"**occupier**" in relation to any premises means-

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

"**owner**" means –

- (a) the person in whom from time to time is vested the legal title to the premises;
- (b) in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration of and control of such premises is vested as curator, trustee, executor, administrator, judicial, manager, liquidator or other legal representative;
- (c) in any case where the Council is unable to determine the identity of such person, a person who is entitled to the benefit of such premises or a building thereon;

"**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 and includes any vehicle, aircraft or vessel;

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

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

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

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

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

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

"**supply mains**" means any part of the Municipality's electricity network;

"**tariff**" means the Municipality's tariff of charges for the supply of electricity;

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

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

## 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 Act, 1987 (Act 41 of 1987), as amended, or the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended.

3. The headings and titles in this by-law shall not affect the construction thereof and words used in the masculine gender include the feminine, the singular includes the plural and vice versa;

## CHAPTER 2 - GENERAL CONDITIONS OF SUPPLY

### 4. Provision of Electricity Services

Only the Municipality shall supply or contract for the supply of electricity within the jurisdiction of the Municipality.

### 5. Supply by agreement

No person shall use or be entitled to use an electricity supply from the Municipality unless or until such person shall have entered into an agreement in writing 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 a person uses an

electricity supply without entering into an agreement he/she shall be liable for the cost of electricity used as stated in section 44 of this bylaw.

**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 municipal manager or a person in attendance at the municipal manager's office.

**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 estimated load, in kVA, of the installation, shall be stated therein. Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Municipality.
- (2) An application for an electricity supply for a period of less than one year shall be regarded as an application for a temporary supply of electricity and shall be considered at the discretion of the Municipality or any duly authorised official of the Municipality, which may specify any special conditions to be satisfied in such case.

**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 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 subsection (3) the Municipality may within its municipal area:
  - (a) provide, establish and maintain electricity services;
  - (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;
  - (c) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the Municipality;
  - (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).
- (2) If the Municipality constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the Municipality or under the control of or management of

the Municipality it shall 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 or under the control or management of the Municipality, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

#### **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 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) An employee of the Municipality authorised thereto by such 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**

No person shall refuse or fail to give such information as may be reasonably required of him 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.

#### **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**

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 calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the Municipality may, with or without notice, disconnect the electricity supply but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed. 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**

The Municipality 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. The amount of the deposit in respect of each electricity installation shall be determined by the Municipality and each such deposit may be increased if the Municipality deems the deposit held to be inadequate. Such deposit shall not be regarded as being in payment 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. On cessation of the supply of electricity,

the amount of such deposit, free of any interest, less any payments due to the Municipality shall be refunded to the consumer.

#### **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. A copy of the prescribed tariff is obtainable free of charge from the Municipality.
- (2) 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.
- (3) An error or omission in any account or failure to render an account shall not relieve the consumer of his obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.
- (4) Where a duly authorised official of the Municipality has visited the premises for the purpose of disconnecting the supply of electricity in terms of subsection (2) and he is obstructed or prevented from effecting such disconnection, the prescribed fee shall become payable for each visit necessary for the purpose of such disconnection.
- (5) After disconnection for non-payment of an account, the prescribed fees and any amounts due for electricity consumed shall be paid as provided for in the Credit Control and Debt Collection by-law of the Council.

#### **19. Interest on overdue accounts**

The Municipality may charge interest on accounts which are not paid by the due date appearing on the account, at an interest rate as approved by the Municipality from time to time.

#### **20. Principles for the resale of electricity –**

- (1) Unless otherwise authorised by the Municipality, no person shall sell or supply electricity, supplied to his premises under an agreement with the Municipality, to any other person or persons for use on any other premises, or permit or suffer such resale or supply to take place. If electricity is resold for use upon the same premises, the electricity resold shall be measured by a submeter 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.
- (2) 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. 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 shall have the right to disconnect the supply of electricity to any premises if 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/she may at any time have received from the Municipality in respect of such premises, or, where any of the provisions of this by-law and/or the Regulations are being contravened, provided the Municipality has given the person 14 (fourteen) days notice to remedy his default and the person has failed to remedy such default after notice has been given, or, in the case of a grave risk to person or property, or as envisaged in terms of Section 26 of this by-law, without notice. After disconnection for non-payment of accounts or the improper or unsafe use of electricity, the fee as prescribed by the Municipality shall be paid.
- (2) In the case where an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the Municipality, or in the case where the Municipality's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from those premises.

#### **22. Non-liability of the Municipality**

The Municipality shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or any other abnormality 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 or interfere with any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the Municipality.
- (2) Where prima facie evidence exists of a consumer and/or any person having contravened sub-section(1), the Municipality shall have the right to disconnect the supply of electricity immediately and without prior notice to the consumer. The person shall be liable for all fees and charges levied by the Municipality for such disconnection.
- (3) Where a consumer and/or any person has contravened sub-section(1) and such contravention has resulted in the meter recording less than the true consumption, the Municipality shall have the right to recover from the consumer the full cost of his estimated consumption.

**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 or remove the ground above, next to, under or near any part of the supply mains.
  - (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) 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.

(3) 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. 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, the Municipality shall not 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 subsection (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) All such equipment installed on the consumer's premises shall be compatible with the Municipality's electrical performance standards

(3) 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.

(4) 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.

(5) 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.

**36. Substation accommodation**

The Municipality may, on such conditions as may be deemed fit by the Municipality or any duly authorised official of 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 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 accommodation shall be situated at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.

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 approval before the work commences.

(2) Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from high voltage, or from one of the substations of the Municipality through mains separate from the general distribution system, a complete specification and drawings for the plant to be installed by the consumer shall, if so required, be forwarded to the Municipality for approval 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 approval of the Municipality. Application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram. The 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's standby generating 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.

**40. Circular letters**

The Municipality may from time to time issue Circulars 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 3 - 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 consumer 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 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 occupier -**

(1) A consumer vacating any premises shall give the Municipality not less than two full working days' notice in writing of his intention to discontinue using the electricity supply, failing which he shall remain liable for such supply.

(2) If the person taking over occupation of the premises desires to continue using the electricity supply, he/she shall make application in accordance with the provisions of section 5 of this by-law and if he/she fails to make application for an electricity supply within ten working days of taking occupation of the premises, the supply of electricity shall be disconnected and he/she shall be liable to the Municipality for the electricity supply from the date of occupation till such time as the supply is so disconnected.

(3) Where premises are fitted with pre-payment meters any person occupying the premises at that time shall be deemed to be the consumer. Until such time as an application is made by this person for a supply of electricity, in terms of section 5 of this by-law, he/she 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.

**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 subsection (1) shall devolve on the owner of the premises.

(4) The amount due in terms of subsection (1) shall be evidenced by a certificate from the Municipality which shall be final and binding.

**CHAPTER 4 - 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, laid or erected by the Municipality, shall vest in the Municipality, the Municipality shall be responsible for the maintenance of such service connection up to the point of supply. The consumer shall not be entitled to any compensation from the Municipality in respect of such service connection.

(3) The work to be carried out by the Municipality at the cost of the consumer for a service connection to the consumer's premises shall be determined by the Municipality or any duly authorised official of the Municipality.

(4) A service connection 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 mm<sup>2</sup> (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. In respect of two or more premises belonging to one owner and situated on adjacent erven, a single bulk supply of electricity may 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 or any duly authorised official of 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 had at all reasonable hours for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment. 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 adequate electric lighting 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 source of 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 5 - SYSTEMS OF SUPPLY**

**48. Load requirements**

Alternating current supplies shall be given as prescribed by the Electricity Act, 1987 (Act 41 of 1987) and in the absence of a quality of supply agreement, as set out in applicable standard specification.

**49. Load limitations -**

- (1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15 kVA, the electrical installation shall be arranged for a two-wire single-phase supply of electricity, unless otherwise approved by the Municipality or any duly authorised official of the Municipality.
- (2) Where a three-phase four-wire supply of electricity is provided, the load shall be approximately balanced over the three phases but the maximum out-of-balance load shall not exceed 15kVA, unless otherwise approved by the Municipality or any duly authorised official of 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 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 or any duly authorised official of 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 70A. 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	Maximum permissible	Maximum motor rating in kW
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mm <sup>2</sup> , copper equivalent mm <sup>2</sup>	starting current A			
		Direct on line (6x 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 own cost, install such corrective devices.

**53. Protection -** Electrical protective devices for motors shall be of such a design as effectively to prevent sustained over current and single phasing, where applicable.

**CHAPTER 6 - 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 58(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 or any duly authorised official of 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 -

(i) in the case of a credit meter, adjust the account rendered;

(ii) 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;

(iii) 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 six months proceeding 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 -

(i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;

(ii) in such notification provide sufficient particulars to enable the consumer to submit representations thereon, and

(iii) call upon the consumer in such notice to provide it with reasons in writing, if any, within 21 days or such longer period as the Municipality may permit why his account should not be adjusted as notified.

(b) Should the consumer fail to make any representations during the period referred to in sub-section 9(a)(iii) the Municipality shall be entitled to adjust the account as notified in sub-section 9(a)(i).

(c) 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 therefore, adjust the account appropriately.

(d) If a duly authorized official of the Municipality decides after having considered the representation made by the consumer that such representations do not establish a case warranting an amendment to the monetary value established in terms of sub-section (6), the Municipality 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, 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 calculation, 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 6 months 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) Where a consumer is indebted to the Municipality for electricity consumed or to the Municipality for any other service supplied by the Municipality (including rates) or for any charges previously raised against him 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.

(6) 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 7 - ELECTRICAL CONTRACTORS**

58. 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, any duly authorised official of the Municipality may at his 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 any duly authorised official 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 or any duly authorised official of the Municipality in no way relieves the electrical contractor/accredited 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 the Municipality shall not be held responsible for any defect or fault in such electrical installation.

59. The Municipality shall not be held responsible for the work done by the electrical contractor/accredited 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.

#### **CHAPTER 8 - COST OF WORK**

60. 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.

#### **CHAPTER 9 - PENALTIES**

61. (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 to cease committing such offence or after he has been convicted of such offence shall be guilty of a continuing offence.

(3) A person found guilty of an offence in terms of subsection (1) will be liable to a maximum fine of R 10 000-00 or maximum imprisonment of 1 year or both such fine and imprisonment.

(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.

#### **CHAPTER 10 - SHORT TITLE AND COMMENCEMENT**

62. This By-law will be known as the Electricity Supply By-law and shall commence on the date of promulgation in the Provincial Gazette.

## NOTICE 89 OF 2006

### Mookgophong Local Municipality

#### Proposed By-laws relating to Undertakings that sell food to the public

The Municipal Manager of Mookgophong Local Municipality hereby, in terms of section 13 (a) of the Local Government Municipal System Act, 2000 (Act No. 32 of 2000), publishes the Undertakings that Sell Food to the Public By-Laws for Mookgophong Local Municipality as proposed by its Municipality, as set out hereunder.

#### PURPOSE OF THE BY-LAW

The purpose of this by-law is to lay down strict requirements relating to premises on which food is prepared for public use whether it is intended for use on such premises or not in order to ensure that high hygienic standards are maintained.

#### MOOKGOPHONG LOCAL MUNICIPALITY UNDERTAKINGS THAT SELL FOOD TO THE PUBLIC BY-LAWS

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#### 1. Definitions

(1) For the purpose of these by-laws, unless the context indicates otherwise —

"adequate" and "effective" mean adequate or effective, as the case may be, in the opinion of and "approved" means approved by, the officer of health, regarding being had to the reasonable public health requirements of the particular case;

"business registration centre" as defined in the Limpopo Business Registration Act, 2003, (Act 5 of 2003);

"code" means the Code of Practice for the taking of Bacteriological Samples in terms of this By-law;

"council" means the Mookgophong Local Municipality and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

"food" and "article of food" include any animal product, fish, fruit, vegetables, condiments, spices, bread, confectionery, beverages and any other article or thing whatsoever (other than a drug or water but including ice) in any form, state or stage of preparation and however packed, which is intended or ordinarily used for human consumption;

"handling" in relation to food means the manufacture, preparation, sale, conveyance, delivery, storage, serving or any other treatment or handling of food;

"officer of health" means the officer of health of the council or any person duly authorised to act on his behalf or any person appointed by the council to give effect to the provisions of these by-laws;

premises" means premises zoned as business or commercial for the carrying on of a business involving the handling of food and includes every part of premises so used and also any premises used in connection with the carrying on of the said business, but, where the first mentioned premises are part of a building, shall not include any other part of the building which is not used for or in connection with the said business.

(2) In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa;

#### 2. Requirements for food premises and related facilities

(1) Save as may be otherwise provided in these by-laws, no person should carry on any business or occupation involving the handling of food unless the requirements prescribed in the succeeding subsections are at all times observed in respect of the premises on which it is carried on.

(2)(a) Each room shall be provided with natural light by means of windows or louvres which shall have an unobstructed glass area equal to at least 5% of the floor area. Where it is not possible or reasonably

practicable to provide the required window area approved means of artificial lighting shall be provided. The illuminance at the points of work in each room where food is prepared or stored shall be at least 200 lux.

(b) Each room shall be ventilated by means of the windows required equal to at least 10% of the floor area of the room concerned and at least 50% of which shall be capable of being opened. Cross ventilation shall be obtained by sitting the windows or louvres in opposite or adjacent walls or by means of opening fanlights or other approved ventilating devices equal to at least 1,5% of the floor area of each room with a minimum of 0,2 m<sup>2</sup>. Where it is not possible or not reasonably practicable to provide a room with natural ventilation as prescribed it shall be provided with approved means of mechanical ventilation or air conditioning that complies with the requirements of the National Building Standard Act 103 of 1997.

(3) The walls of every room shall be constructed of brick, cement concrete or other approved substantial and impervious material.

(4) Where a wall is constructed of brick or cement-concrete, it shall, unless otherwise approved, be plastered and brought to a smooth finish and covered with a light-coloured washable paint or effective plastic finish or otherwise so treated that it has a smooth light-coloured and impervious surface not being a distempered or other similar surface: Provided that a distempered surface of a light colour shall be permitted for the walls of a warehouse.

(5) Every floor shall be cement-concrete, steel, or other approved material and shall have a smooth finish.

(6) Every room and storeroom shall have a smooth-surfaced ceiling or other approved means of preventing, or in the case of a warehouse, adequately limiting entry of dust into the room from above.

(7)(a) There shall be provided on the same erf or stand as the premises, except in the case of a warehouse and with adequate access thereto, an approved storeroom which shall be properly ventilated, rodent-proof and equipped with adequate lighting, the said lighting to be effected as far as possible by natural means unless the use of artificial light is approved. Such storeroom shall have a floor area of not less than 16 m<sup>2</sup>, a height of not less than 2,7 m and a horizontal dimension of not less than 3 m: Provided that the requirements of this subsection relating to minimum horizontal dimensions, height and floor area shall not be enforced in respect of any premises existing at the date of publication of these by-laws if the officer of health is satisfied that it is not reasonably practicable by reason of the difficulty of reconstruction or the expense involved thereby to make those premises comply with any one or more of those requirements.

(b) The storeroom shall be equipped with adequate and approved type dunnage boards shelves or storage racks at least 250 mm above floor level.

(8) Any room in which any food cleansing or washing-up operation is carried out shall have an adequate and wholesome supply of hot and cold running water effectively distributed and laid over an approved double-bowl sink or sinks with a minimum depth of 230 mm and a capacity of at least 55 l, drained in an approved manner and which shall have an adequate drain board or drainage rack made of stainless steel or other approved impervious material- Separate sinks shall be provided for the cleaning of food.

(9) Where any new sink or drain board is installed or any old sink or drain board is reinstalled or replaced, such sink or drain board shall be fixed in to the wall or alternatively located at a distance of at least 100 mm from any wall and be provided on the side nearest to the wall with a splash screen rising to a height of 150 mm above the top of the sink. Such sink shall be firmly secured and the space below it shall not be enclosed. Every part of any wall within 0,6 m from any part of such sink or drain board shall be tiled or given some other approved finish to a height of at least 1,4 m from the floor.

(10) Where a dishwashing machine is installed it shall be of an approved type and adequate provision shall be made for removal of solids from and pre-rinsing of articles to be washed by such machine. The temperature of the wash water shall not be less than 60°C and of the final rinse water not less than 82°C.

(11)(a) No door, window or other opening in any wall of any room in which food is handled shall be situated within 9 m of any pit closet, stable, cowshed or other place where animals or birds are kept.

(b) No door, window or other opening in any wall of any room in which food is handled shall be situated less than 3 m from any door, window or other opening in any wall of any pail closet or pail urinal, or less than 1 m from any door, window or other opening in any wall of any water closet or water flushed urinal.

(c) No pail closet or pit closet shall be constructed or placed or allowed to be inside any building or part of any building in which food is handled.

(12)(a) Notwithstanding the provisions of subsection (11)(b), a water closet or urinal may be situated within a building containing a room or rooms in which food is handled so long as it only communicates with any such room by means of a passage or lobby which has a floor area of not less than 3 m<sup>2</sup> and is separated by an effective door both from such room and from such water closet or urinal

(b) The passage or lobby prescribed in terms of paragraph (a) shall have an aperture, opening to the external air, of at least 0,4 m<sup>2</sup> in area, containing fixed louvres or a fixed grid or such other fixed device as will ensure that the passage or lobby is adequately ventilated and lit.

- (13) Unless otherwise approved, no part of the premises shall be used as or communicate, otherwise than by means of an area open to the air, with, any room or space used for living or sleeping.
- (14) Where on any premises more than two persons of the same sex are employed, there shall be provided for the persons of each such category a change room with a minimum floor area of 6,5 m<sup>2</sup>, having a minimum width of 2 m or 0,5 m<sup>3</sup> of unobstructed floor area for each person, whichever shall be the greater and such change-room shall be equipped with an approved metal locker for each person. In respect of any category for which no change-room is required in terms hereof, an approved metal locker shall be provided for each person and kept in an approved place.
- (15)(a) Wash-hand basins provided with a wholesome supply of running hot and cold water shall be installed separately for persons in the ratio of one for every 15 persons or part thereof for each category and such basins shall be located in an approved position.
- (b) The wall surface above and adjacent to such wash-hand basin shall be tiled with glazed tiles or given some other approved finish to a minimum height of 500 mm measured vertically from the upper edge of the wash-hand basin. The said area shall extend to a minimum of 200 mm on either side of the wash-hand basin to a point 200 mm below the upper edge of such basin.
- (16)(a)(i) Proper water closet accommodation in the proportion of at least one such closet to each 15 or part of 15 persons of each sex working on the premises shall be provided thereon: Provided that where no waterborne sewerage is available, other approved closets shall be provided. In the case of pail closets at least one such closet shall be provided for each 10 or part of 10 persons of each sex working on such premises.
- (ii) Where 5 or more persons are working on the premises, at least one urinal stall or at least 700 mm of urinal space shall be provided for every 50 or part of 50 male persons.
- (b)(i) The closets or urinals and the approaches thereto shall be properly screened, separated for each category, appropriately and clearly designated and properly lit at night when the premises are in use.
- (ii) A bin with a self-closing lid or other approved disposal unit shall be installed in each closet intended to be used by females.
- (iii) Where urinals are provided, the requisite number of other sanitary conveniences may be reduced by the number of urinals provided but the number of such other sanitary conveniences shall at no time be less than 75% of the total required by paragraph (a)(i).
- (17) There shall be provided an adequate number of refuse receptacles of approved material and design, which shall be kept at an approved place.
- (18) The premises shall be provided with an adequate and wholesome supply of water effectively distributed and free from liability to pollution and derived from the council's mains: Provided that if no such supply is available, the water supply may be derived from an approved source so long as the water remains suitable for human consumption and the onus shall be upon the licensee or person in control of the premises to ensure this to the satisfaction of the officer of health.
- (19) All tables, other than tables at which persons consume food or drink and all other working surfaces or appliances used in connection with the handling or transportation on the premises, of food shall be constructed of stainless steel or other approved material having similar non-absorbent properties and all such surfaces shall be smooth and free from open joints. Where more than one table or appliance forms a working surface, such tables or appliances shall in no way be secured unless the joint is suitably welded and brought to a smooth level surface.
- (20) Unless otherwise approved by the officer of health, there shall be adequate access between the interior and the yard of the premises.
- (21) The surface of every yard shall be suitably graded and shall be paved with concrete or other durable and impervious material to an extent of at least 9 m<sup>2</sup> outside each door leading to or from the interior of the premises and where the area of a yard is less than 9 m<sup>2</sup> the whole surface thereof shall be so graded and paved.
- (22) Where cooking is carried out on the premises there shall be provided immediately over every cooking stove, oven or similar apparatus an approved hood or canopy of adequate size having a flue of at least 300 mm in diameter and where required by the officer of health such canopy and flue shall be fitted with an approved extraction fan and filters. The flue shall exhaust to the atmosphere at such a height and in such a position or manner as is necessary to prevent the discharge there from constituting a nuisance to the neighbourhood: Provided that an approved mechanical device may be installed instead of a hood or canopy.
- (23) Fixtures and fittings shall be so installed or arranged as to allow adequate access for cleaning.
- (24) Approved facilities for the storage of unsound foods and damaged containers containing food pending disposal of such unsound foods or damaged containers, shall be provided on the premises.

### 3. Duties of person carrying on or in control of a food handling business.

No person carrying on or for the time being in charge or control of any business or occupation involving the handling of food, shall do or cause, permit or suffer to be done any of the following :

- (1) Allow any part of the premises or any utensil, vessel, container, sack, basket or any other receptacle, or any apparatus, machinery or other equipment of any kind or any table linen, towels or washing or drying cloths or any vehicle to be otherwise than in a clean and sanitary condition and in good repair.
- (2) Have, keep, sell or supply on the premises any food or drink which is not sound, wholesome and fit for human consumption or which does not comply with the provisions of the Foodstuff, Cosmetic and Disinfectants Act, 1972 (Act 54 of 1972) and the regulations made there under.
- (3) Use for or in connection with the containing, wrapping, covering or handling of food, any crockery, utensil, receptacle, container, paper wrapping or other appliance or material which is, as the case may be, chipped, cracked or in any way damaged or not in a clean or sanitary condition.
- (4) Handle any unwrapped cooked or prepared food otherwise than by the use of approved clean apparatus, instruments, or material or in such a way that it comes into contact with the human hand: Provided that this paragraph shall not apply —
  - (a) To the actual cooking or preparation of food, including all operations pertaining to the baking of bread, so long as no individual operation is carried out by hand which could in the opinion of the officer of health equally well be carried out by means of some machine or appliance; or
  - (b) To the removing of bread or any bakery product from the container in which it is placed for delivery in the course of its sale by wholesale.
  - (c) For the consumption of drinks, provide straws or other similar devices, which are not separately wrapped in paper or other approved material.
  - (d) It is the duty of a person in charge of a food premises to ensure that all food is effectively protected from contamination or contact with dirt, dust, insects or rodent, or handling by the public;
  - (e) Perishable foods should be stored at a temperature not exceeding 10°C provided that the foregoing will not apply in respect of :
    - (i) unfrozen fruit or vegetable;
    - (ii) food required to be delivered at temperature not exceeding 5°C in which case the temperature will not exceed 5°C; or
    - (iii) to any other food which the officer of health is satisfied is not susceptible to deterioration that it should be kept at all times at a temperature not exceeding 10°C, provided further that the officer of health may require lower temperature, regard being had to the reasonable public health requirements of the particular case;
  - (f) It is the duty of a person in charge of a food premises to ensure adequate supply of soap and nail brushes for the use of all persons engaged in the handling of foodstuff;
  - (g) Persons mentioned in paragraphs immediately herein supra should be provided with clean and sound overalls of a light coloured material with sleeves of at least elbow length or other approved protective apparel and that such overalls apparel to be worn by such persons when on duty are kept in a change room or locker when not worn;
  - (h) No change room should be used for any purpose other than that of a change room or restroom for employees, provided that where not more than 25 persons are employed on the premises, a change room may be used as an eating room for employees if the area of unobstructed floor space is not less than 0,5 m for every person using the room;
    - (i) No room or area in which food is handled should be used for —
      - (i) sleeping purposes;
      - (ii) washing, cleaning or ironing of clothing or similar laundry;
      - (iii) any other purpose or in any manner that may contaminate the food therein or thereto;
  - (j) No food should be conveyed through the streets by way of sale or sale for retail unless it is wrapped in its entirety in clean unprinted paper or other appropriate wrapping material provided that :
    - (i) this paragraph shall not apply to a bakery from which in the case of the whole business is delivered or conveyed bread or confectionary in the manner prescribed in the Council's By-law, or to fruits, eggs, or vegetables or any canned, bottled or other factory wrapped food; and
    - (ii) bread sold by the retailer must be adequately wrapped in clean unprinted paper or other approved wrapping;
  - (k) No animal or birds should be kept in or introduced into any of the premises on which food is handled, provided that this may not apply to a guide dog accompanying a blind and attached to a leash;
  - (l) Food should not be displayed on premises otherwise than inside a shop, unless otherwise approved;
  - (m) Food not on display for sale or any article or material not reasonably and immediately required or necessary for the conduct of the business should be kept elsewhere than in a storeroom, provided that the mineral water bottles and cases may be stored in any manner as may be approved, regard being had in particular to the maintenance of cleanliness and the prevention of infestation by rodents or insects;
  - (n) Bulk goods should not be stacked or stored in such a manner as to preclude effective inspection therefore and to insure effective cleaning as well as insect and rodent control;
  - (o) A food store-room should not be used for any purpose other than the storing of food.



**4. Handling of food.**

All persons engaged on the premises in work in, or in connection with any business or occupation involving the handling of food shall —

- (1) Wear clean clothing and clean and sound overalls of a light-coloured material or other approved protective apparel at all times while so engaged and shall maintain themselves at all such times in a state of personal cleanliness;
- (2) Keep all clothing, headgear and footwear in a change-room or locker when not in use;
- (3) Immediately before beginning their work and immediately after any break therein liable to result in the contamination of their hands and in particular after every visit to a closet, latrine or urinal, wash and scrub their hands and fingernails with a nailbrush, soap and water.
- (4) After handling unwrapped raw fruit or vegetables or any other material liable to contaminate their hands, first wash and scrub their hands with a nailbrush, soap and water before handling any other unwrapped food as permitted in terms of section 3(d).
- (5) Not smoke or use tobacco in any manner whatsoever in any part of the premises in which unwrapped food is handled.

**5. Milk sold for consumption on premises**

Where milk is sold as a refreshment or beverage, or is sold or supplied for consumption on the premises either by itself as a refreshment or as part of a beverage, such milk shall be taken only from milk bottles or heat sealed containers as obtained from the licensed milk supplier.

**6. Sale of meat**

Only meat obtained from abattoirs shall be sold, offered or displayed for sale or be kept on any premises on which any other food is handled.

**7. Public halls**

No owner or person in charge of a public hall shall handle or allow any other person to handle perishable foodstuff in such hall unless it complies with the following requirements:-

- (1) it shall be provided with a kitchen or preparation room having a floor area of at least 45 m<sup>2</sup> if the floor area of the hall room or the other part of the premises in which the food stuff are to be consumed does not exceed 250 m<sup>2</sup> and the size of such kitchen or preparation room must be increased by 9 m<sup>2</sup> for every 90 m<sup>2</sup> or part thereof by which the floor area of such hall, room or other part of the premises exceeds 250 m<sup>2</sup>.
- (2) at least 0,7 m<sup>2</sup> for the floor space must be provided for each person to whom food is to be served;
- (3) it must be provided with the following refrigeration space :
  - (a) (i) Where a number of persons, calculated on the basis of 0,7 m<sup>2</sup> for each person, who can be served with the foodstuff does not exceed 0,28 m<sup>2</sup> and in addition 0,028 m<sup>2</sup> for every 10 persons;
  - (ii) Where the number of persons as aforesaid exceeds 300 but does not exceeds 500, 0,56 m<sup>2</sup> and in addition 0,028 for every 15 persons;
  - (iii) Where the number of persons as foresaid exceeds 500, 0,84 m<sup>2</sup> and in addition 0,028 m<sup>2</sup> for every 20 persons;

**8. Prohibitions**

- (1) A person who wishes to carry on or conduct business shall not employ:
  - (a) persons suffering from illness liable to contaminate food;
  - (b) persons, who after being called to be examined by the officer of health fail to submit themselves for such examination within the time specified.
- (2) A person who wishes to carry on or conduct business shall in terms of the Limpopo Business Act, 1993, not be allowed to do so without the registration of such a business at a Business Registration Centre within the area in which the business is to be conducted.
- (3) Such a person shall not be allowed to carry on or conduct business if he is not in possession of a business registration certificate, issued in terms of the Act.

**9. Vehicles**

- (1) All meat products, fresh fish and seafood delivered to premises shall be conveyed in a vehicle in which a temperature not higher than 5°C shall be maintained.
- (2) On every vehicle used in connection with a business or undertaking involving the handling of food, there shall appear in a conspicuous position in at least two official languages, the name and address of that business or undertaking.

**10. General**

- (1) It shall be an offence to spit on the premises.

(2) It shall be an offence for any person not connected with the business being carried on as food-handling premises to touch any unwrapped food except food, which he has purchased or selected for purchase or raw fruit and vegetables.

**11. Bacteriological samples.**

(1) The officer of health shall be entitled for the purposes of bacteriological examination to inspect and take bacteriological samples from any knife, fork, spoon, plate, dish, cup, saucer, glass or other utensil or implement, or any container, receptacle or other equipment of any kind on the premises or any other article used for the serving, storage or preparation of or in connection with the handling of food, or from any part of a food vending machine in or from which food is stored, kept or dispensed.

(2) The average plate count for every utensil or any surface thereof sampled shall not exceed the bacterial count and where such count is exceeded, the license of the person in control of the premises from which the article sampled was taken, may be withdrawn

(3) Samples referred to in section 11(1) shall be taken and dealt with in accordance with the provisions of the relevant code

**12. Offences and penalties.**

Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to—

(1) A maximum fine of R 5000-00 or a maximum imprisonment of 5 months, or either such fine or such imprisonment or both such fine and such imprisonment;

(2) in the case of a continuing offence, an additional maximum fine of R100-00 or an additional maximum period of imprisonment of 2 days or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and

(3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention

**13. Short title and commencement**

This By-law will be known as the Food Selling By-Laws and shall commence on the date of promulgation in the Provincial Gazette.

**NOTICE 90 OF 2006****Mookgophong Local Municipality  
Proposed By-laws relating to the Keeping of Animals**

The Municipal Manager of Mookgophong Local Municipality hereby, in terms of section 13 (a) of the Local Government Municipal System Act, 2000 (Act No. 32 of 2000), publishes the By-Laws relating to the Keeping of Animals, for Mookgophong Local Municipality as proposed by its Council, as set out hereunder.

**MOOKGOPHONG LOCAL MUNICIPALITY  
BY-LAW RELATING TO THE KEEPING OF ANIMALS****PURPOSE OF BY-LAW**

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

**1. Definitions**

(1) In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa -

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

"**municipality**" means the Mookgophong Local Municipality and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

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

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

"**premises**" means any land, whether vacant, occupied or with buildings thereon.

**2. Written permission**

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

(2) A person who keeps animals on premises or land which is zoned for agricultural purposes is not exempt from the provisions of any other municipal by-laws or legislation with regard to the inception or bringing about of a nuisance.

**3. Number of animals**

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

**4. Plans for structures and management**

(1) An application for permission to keep animals shall be accompanied by a detailed site plan indicating all structures and fences, existing and proposed, on the premises.

(2) Detailed plans and specifications shall be submitted to and approved by the municipality in respect of all structures where animals are to be accommodated.

(3) An exposition of the number, kinds, sizes and sex of animals shall accompany the plan.

Notwithstanding anything to the contrary contained in this bylaw the municipality may refuse to approve the application and plans if, in its opinion, the property, owing to its location, sitting or geographical features is unsuitable for the keeping of animals thereon.

**5. Structures shall comply with requirements**

(1) All structures housing animals shall be constructed in a workmanlike manner and of materials approved by the municipality.

(2) No structure shall be sited within a distance of 15 m from any dwelling and staff quarters or the boundary of a residential erf and 8 m from any road boundary. The municipality may however, depending on circumstances allow relaxation of the said distances.

(3) Every part of the structure shall be properly maintained and painted as often as the municipality may deem necessary.

(4) No animals shall be kept in a structure or on land which is considered by the municipality to be undesirable or objectionable by reason of its locality, construction or manner of use.

**6. Premises to be kept clean**

- (1) All manure from animals shall be stored in a manner approved by the municipality and disposed of on a regular basis so as to prevent any nuisance from being created.
- (2) All feed shall be stored in a rodent-proof place.
- (3) The premises shall be kept in such condition as not to attract or provide shelter for rodents.

**7. Animals and pets kept in an unsatisfactory manner**

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

**8. Stray animals and pets**

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

**DOG KENNELS AND CATTERIES**

**9. Requirements for premises**

No person shall keep a kennel or cattery unless the requirements listed hereunder are complied with:

- (1) Every dog or cat shall be kept in an enclosure complying with the following requirements-
  - (a) It shall be constructed of durable materials and the access thereto shall be adequate for cleaning purposes.
  - (b) The floor shall be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending over the full width of the floor and situated within the enclosure, which channel shall be graded and shall drain into a gully connected to the municipality's sewer system by means of an earthenware pipe or a pipe of any other approved material with a minimum diameter of 100 mm, or to another approved disposal system.
  - (c) A kerb 150 mm high shall be provided along the entire length of the channel referred to in subparagraph (b) and on the side thereof adjacent to the surrounding outside area, to prevent storm water from such area from entering the channel.
  - (d) Every enclosure referred to in paragraph (1) shall contain a roofed shelter for the accommodation of dogs and cats which shall comply with the following requirements:
    - (i) Every wall shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface without cracks or open joints;
    - (ii) The floor shall be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints and the surface between the floor and the walls of a permanent structure shall be coved; and
    - (iii) Every shelter shall have adequate access thereto for the cleaning thereof and for extermination of vermin.
- (2) In the case of dogs, a dog kennel of moulded asbestos or other similar material, which is movable and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter and if the base of such kennel is not rendered waterproof, a sleeping board which will enable the dog to keep dry shall be provided in every such kennel.
- (3) A concrete apron at least 1 m wide shall be provided at the entrance of the enclosure over its full width, the apron to be graded for the drainage of water away from the enclosure.
- (4) A supply of potable water, adequate for drinking and cleaning purposes, shall be provided in or adjacent to the enclosure.
- (5) All food shall be stored in a rodent-proof store-room and all loose food shall be stored in rodent-proof receptacles with closefitting lids in such store-room.
- (6) At least 5 m of clear, unobstructed space shall be provided between any shelter or enclosure and the nearest point of any dwelling, other building or structure used for human habitation or any place where food is stored or prepared for human consumption.
- (7) Isolation facilities for sick dogs and cats shall be provided to the satisfaction of the municipality.

- (8) If cages are provided for the keeping of cats, such cages shall be of durable, impervious material and constructed so as to be easily cleaned.

#### **PET SHOPS**

##### **10. Requirements for premises**

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

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

##### **11. Business requirements**

Every person who conducts the business of a pet shop shall -

- (1) provide movable cages for the separate housing of animals, poultry or birds and the following requirements shall be complied with -
  - (a) The cages shall be constructed entirely of metal or other durable, impervious material and shall be fitted with a removable metal tray below the floor thereof to facilitate cleaning;
  - (b) Every cage shall be free from any recess or cavity not readily accessible for cleaning and every tubular or hollow fitting used in connection therewith shall have its interior cavity sealed;
  - (c) If rabbits are kept in a cage, the metal tray referred to in subparagraph (a) shall drain into a removable receptacle; and
  - (d) Every cage shall be fitted with a drinking vessel kept filled with water and accessible to pets kept in the cage.
- (2) provide rodent-proof receptacles of impervious material with close-fitting lids in the store-room in which all pet food shall be stored;
- (3) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop in a clean, sanitary condition, free from vermin and in good repair;
- (4) take effective measures to prevent the harbouring or breeding of and to destroy, flies, cockroaches, rodents and other vermin and to prevent offensive odours arising from the keeping of pets on the premises;
- (5) provide overalls or other protective clothing for use by persons employed in connection with the pet shop and ensure that such apparel is worn by every employee when on duty;
- (6) at all times keep every pet in the building on the premises unless otherwise approved by the Municipality;
- (7) provide isolation facilities in which every pet which is or appears to be sick shall be kept whilst on the premises;
- (8) ensure that there is a constant supply of potable water for drinking and cleaning purposes;
- (9) ensure that the premises are at all times so ventilated as to ensure sufficient movement of air for the comfort and survival of the pets, and
- (10) ensure that the number of pets per cage is not such that the free movement of such pets is impeded.

#### **PET SALONS**

##### **12. Requirements for premises**

No person shall conduct the business of a pet salon in or upon any premises unless the premises are constructed and equipped in accordance with the following requirements -

- (1) A room shall be provided with a minimum floor area of 6,5 m<sup>2</sup> for the washing, drying and clipping of dogs or cats;

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

### 13. Business requirements

Every person who conducts the business of a pet salon shall -

- (1) ensure that every cage, including its base, is of metal construction and movable;
- (2) ensure that all pesticidal preparations and preparations used for the washing of dogs and cats and the cleaning of equipment and materials are stored in separate metal cupboards;
- (3) ensure that all tables used for the drying and grooming of dogs and cats are of metal with durable and impervious tops;
- (4) maintain the premises and every cage, tray, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop in a clean, sanitary condition, in good repair and free of vermin;
- (5) at all times keep every dog or cat inside the building on the premises, unless otherwise approved by the municipality;
- (6) provide portable storage receptacles of impervious material with close-fitting lids for the storage of dog and cat litter; and
- (7) remove all litter and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in sub section (6).

### 14. Penalty

Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to—

- (1) a maximum fine of R5000-00 or a maximum imprisonment of 6 months, or either such fine or such imprisonment or both such fine and such imprisonment;
- (2) in the case of a continuing offence, an additional maximum fine of R100-00 or an additional maximum period of imprisonment of 1 day or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued; and
- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention.

### 15. Short Title and Commencement

This By-law will be known as the Keeping of Animals By-Laws and shall commence on the date of promulgation in the Provincial Gazette.

**NOTICE 91 OF 2006****Mookgophong Local Municipality  
Proposed By – Laws Relating to Libraries**

The Municipal Manager of Mookgophong Local Municipality hereby, in terms of section 13 (a) of the Local Government Municipal System Act, 2000 (Act No. 32 of 2000), publishes the By-Laws relating to Libraries, for Mookgophong Local Municipality as proposed by its Council, as set out hereunder.

**PURPOSE OF THE BY-LAW**

The purpose of this by-law is to regulate the conditions under which the local community may use the services and facilities as provided in terms hereof.

**MOOKGOPHONG LOCAL MUNICIPALITY  
LIBRARY BY-LAW****1. Definitions**

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa

“**borrower**” means any person including a Juristic person registered by the Municipality as a library borrower; “**municipality**” means the Mookgophong Local Municipality and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

**2. Use of library**

Any person admitted to the library by the library authority may use the library facilities free of charge during official hours of opening. However, if a person wants to borrow library material, he shall first register as a borrower of the library.

**3. Registration**

(1) Any person residing permanently or a Juristic person being the owner of immovable property in the Municipality's area concerned shall be registered as a borrower at the library concerned if he applies for such registration on the form supplied by the Municipality and the Municipality grants such application; provided that any application by a minor shall be countersigned by his parent or guardian who, by such countersignature, shall for all purposes be deemed to have undertaken to accept liability in respect of any library material borrowed by such minor.

(2) A person residing for a period shorter than three months in the Municipality's area concerned may be registered as a visitor if –

- (a) he applies for such registration on the prescribed form supplied by the Municipality;
- (b) he deposits with the Librarian such deposit as may be determined by the Municipality concerned from time to time; and
- (c) the Municipality concerned approves such application.

(3) The deposit contemplated by subsection (2)(b) shall be refunded on application of any borrower; provided that if the borrower does not renew his cards contemplated by subsection 4(1) within a period of three years after the expiry of the period of validity, such deposit shall be forfeited to the Municipality concerned; provided further that upon any such refunding or forfeiting, the registration of the borrower concerned shall be cancelled.

(4) A person residing outside the Municipality's area concerned who wishes to use the library on a regular basis may register as a borrower at the library concerned if –

- (a) he applies for such registration on the form supplied by the Municipality;
- (b) he pays the Librarian the annual user fees as determined by the Municipality; and
- (c) the Municipality approves such application.

**4. Borrower's card**

(1)(a) The Librarian shall issue a borrower with cards authorising the loan of the number of books which such borrower may be permitted to borrow in terms of this by-law and may, at the request of such borrower issue him with further cards authorising the loan of such number of gramophone records, videos, compact discs, art prints or any other library material which such borrower may be permitted to borrow in terms of this by-law.

(b) Any card contemplated by subsection (1)(a) shall be issued for a period of validity not exceeding three years as stipulated by the Librarian subject to the provisions of this by-law; provided that such card, after the expiry of such period of validity, except in cases as contemplated by the second provision of subsection 3(3) may be renewed without any further registration and without the number of renewals being limited.

(2)(a) Should a borrower report that he has lost a card, a duplicate card shall, on payment of a fee as determined by the Municipality from time to time, be issued to such borrower by the Librarian provided that no

borrower shall be exempted from liability in terms of this by-law arising from the loan of library material on the authority of the lost card before such loss has been reported to the Librarian.

(b) Should the lost card subsequently be found, any duplicate card issued in the place thereof shall be returned to the Librarian and in such event the fee for such duplicate card shall not be refunded to the borrower.

(3) Should a borrower wish to terminate his registration as a borrower or no longer qualifies in terms of this by-law for registration as a borrower, he shall return for cancellation all cards in his possession to the Librarian of the library where he is so registered.

#### **5. Change of address**

A borrower shall notify the Librarian of the library where he is a borrower of any change of address within seven days of such a change occurring.

#### **6. Loan and return of library material**

(1) No library material shall be lent to any person unless such loan has been registered by the librarian against cards authorising such loan to the person concerned or as provided in subsection (4).

(2) Subject to the provisions of subsection (4) and any conditions stipulated by the Municipality concerned and upon payment of any fines or compensation for which such borrower is liable in terms of this by-law, a borrower may, unless the library material concerned has already been requested by another borrower, borrow not more than the following at any one time:

(a) Four books; and/or

(b) No more than two any other library items.

(3)(a) Any library material shall be loaned for fourteen days or such shorter or longer period as the Librarian may determine, as the case may be, but for a period not exceeding one month and art prints shall be loaned for a period not exceeding three months.

(b) If no other borrower or library has requested the library material concerned, a borrower may, subject to this by-law and on payment of any fine payable by him, obtain an extension of any such period from the Librarian.

(4) Where films, videos and DVD's are made available by the Municipality for loan purposes no admission shall be charged for the showing thereof.

#### **7. Overdue library material**

(1) A fine for the retention of library material in excess of the period as provided in this by-law shall be levied in accordance with the Municipality's Tariff By-laws.

(2) The Librarian may exempt any person from the payment of such fine if he is satisfied that the failure to return library material is due to circumstances beyond the borrower's control.

#### **8. Censorship**

Censorship may be exercised on library material, classified by the Film and Publication Board in terms of the Films and Publications Act, 1996.

#### **9. Reservation of library material**

A borrower may reserve not more than the number of items of library material which, in accordance with the stipulation of the Librarian, is available for loan to borrowers. A reservation fee as fixed by the Municipality, but not exceeding the maximum as determined by the Municipality from time to time, may be levied in respect of each item so reserved. However, no borrower shall at one time request by special request more than four items of library material not available at that stage in the library, or have more than four special requests in process.

#### **10. Lost and damaged library material**

(1) A borrower shall accurately establish that library material borrowed by him is in an undamaged condition before its removal from the library and any damage which is observed shall be reported to the Librarian before the material is so removed.

(2) A borrower or the parent or guardian of a minor who is a borrower shall be responsible for the loss or damage, other than by fair wear and tear, whether such loss or damage is occasioned by his own negligence or otherwise, to any library material lent to such borrower and shall make good such loss or damage by paying such compensation in respect thereof as may be determined by the Librarian.

(3) Any library material bearing the ownership mark or stamp of any library and not officially marked as withdrawn, discarded or sold shall at all times remain the property of such library.

(4) Library material retained by a borrower for more than three months calculated from the expiry date allocated to such material at the time of issue or after granting any extension of the loan period shall for all purposes be deemed to be lost provided that art prints shall not be deemed to be lost until a period of six months from such date has expired.



**11. Library material for special purposes**

Library material of a specialised nature shall only be used in such parts of the library building as are set aside by the Municipality for special purposes and shall not be removed from the library building or to any other part of the building without the permission of the Librarian.

**12. Use of group activities hall**

Approval for the use of the group activities hall shall vest in the Municipality, which the Municipality shall give preference to activities organised and/or presented by the Librarian.

**13. Library hours**

A notice by the Municipality, setting forth the days and hours during which the library shall be open, shall be displayed in a prominent place at or near the entrance thereto.

**14. Recovery of service costs**

Any special expenditure incurred by the Municipality in respect of postage, telephone calls, photocopies or other services in connection with the loan of library material to any borrower may be recovered from such borrower.

**15. Handling of library material**

No person having an item of library material in his possession shall either wilfully or negligently –

- (1) fail to keep such material in clean condition;
- (2) expose or permit such material to be exposed to damage by water, heat, fire, animals or any other thing;
- (3) mutilate, deface, mark or in any way damage such material or permit such material to be mutilated, defaced, marked or damaged; or
- (4) remove or damage or permit to be removed or damaged any protective coverings of such material.

**16. Offences**

No person shall –

- (1) conduct or participate in a disturbing conversation, read aloud, sing or whistle in the library building in a manner which is disturbing to other persons present in the library building;
- (2) impede, obstruct, disturb or in any other way annoy any other person in the legitimate use of the library;
- (3) refuse to deliver any library material or equipment to any other person within a reasonable time of being requested to do so by the Librarian;
- (4) while using the library, refuse to comply with any lawful request of the Librarian;
- (5) allow any minor under his supervision to create a disturbance in the library;
- (6)(a) act in an uncouth or a disorderly fashion;
- (b) use unseemly, abusive or blasphemous language, or
- (c) lay bets or gamble in any part of the library;
- (7) recline, sleep or partake of refreshments in the library;
- (8) cause or permit any animal under his supervision to enter or remain in the library building;
- (9) bring any vehicle, carrier or container into the library building without the permission of the Librarian;
- (10) distribute, or deposit in the library for distribution, material for advertisement, publicity, or any other purpose without the permission of the Librarian;
- (11) damage or deface any part of the library building, or any fitting, furniture, equipment or contents thereof;
- (12) supply a false name or address for the purpose of entering any part of the library or to benefit from any service rendered by the library;
- (13) enter or remain in any part of the library if he is –
  - (a) unclean in body or dress;
  - (b) suffering from a contagious or infectious disease notifiable in terms of any law, or
  - (c) under the influence of intoxicating liquor or drugs;
- (14) enter or remain in any part of the library during the hours that such library or part thereof is not officially open for service to the public;
- (15) enter or leave the library building by any entrance or exit not officially provided for use of the public;
- (16) enter or remain in any part of the library building which is reserved for the use of the library staff;
- (17) obstruct or block any entrance to or exit from the library building;
- (18) remove from the library or be in the possession of library material the loan whereof has not been registered by the Librarian in terms of this by-law; or
- (19) retain in his possession any library material for more than 24 hours after the delivery to his registered address of a written demand from the delivery to his registered address of a written demand from the Librarian for the return of such material.

**19. Penalties**

(1) Any Librarian, security officer, law enforcement officers or member of the police force who is called upon or requested thereto by a Librarian may order out or remove any person who is guilty of misbehaviour in any library, or any person not *bona fide* using the library for the purposes it is intended for.

(2) Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to a penalty not exceeding –

(a) A maximum fine of R1000-00 or maximum imprisonment of 1 month, or either such fine or such imprisonment or both such fine and such imprisonment;

(b) in the case of a continuing offence, an additional maximum fine of R50-00 or an additional maximum period of imprisonment of 1 day or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and

(c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention

**20. Short Title and Commencement**

This By-law will be known as the Library By-law and will come into operation on publication in the Provincial Gazette.

**NOTICE 92 OF 2006****Mookgophong Local Municipality  
Proposed By-laws relating to the Impoundment of Animals**

The Municipal Manager of Mookgophong Local Municipality hereby, in terms of section 13 (a) of the Local Government Municipal System Act, 2000 (Act No. 32 of 2000), publishes the By-Laws relating to the Impoundment of Animals for Mookgophong Local Municipality as proposed by its Council, as set out hereunder.

**PURPOSE OF THE BY-LAW**

The purpose of this by-law is to make provision for the impoundment of strayed animals and to lay down procedures relating to the keeping and the selling of such impounded animals.

**MOOKGOPHONG LOCAL MUNICIPALITY  
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**1. Definitions**

(1) In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa;

"**animal**" means any equine, bovine, sheep, goat, pig, fowl, ostrich, dog, cat or other domestic animal or bird, or any wild animal, wild bird or reptile which is in captivity or under the control of any person;

"**cattle**" means bulls, cows, oxen, heifers, steers and calves;

"**goat**" means an adult male or female goat, a wither and a kid;

"**horse**" means a stallion, mare, gelding, colt, filly, donkey and mule;

"**Municipality**" means – the Mookgophong Local Municipality and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

"**occupier**" means any person in actual occupation of land or entitled as owner to occupy land;

"**owner**", in relation to an animal, includes any person having possession, charge, custody or control of such animal;

"**pound**" means a fenced-off area consisting of one or more camps under the control of a pound master, which was created for the housing and care of stray animals which are astray, lost or at large;

"**pound master**" means a person who may be either:-

- (a) a part-time or full-time employee of a municipality; or
- (b) appointed under a service delivery agreement to keep and operate a pound.

"**sheep**" means a ram, an ewe, a wither and a lamb;

"**stallion**" means a male horse, donkey or mule not castrated or partially castrated;

"**proprietor**" means any owner, lessee, or occupier of land;

"**veterinary surgeon**" means a person who is qualified as such in accordance with the provisions of the relevant legislation.

**2. Impoundment for trespassing**

Any person may impound an animal found abandoned upon any street, road, road reserve or other public place.

**3. Pound to which animals are to be sent**

Any proprietor upon whose land any animals are found trespassing may send such animals to such pound as is nearest by a passable road or thoroughfare to the land trespassed upon, or such other pound designated by the municipality.

**4. Offer by owner before impoundment of animals**

The owner of any animals liable to impoundment for trespassing may, before the animals are removed from the property trespassed upon, offer to the person complaining of the trespassing a sum of money in compensation of the damage suffered by him. Such offer shall be made to the complainant himself or to his employee or agent charged with the duty of taking the animals to the pound.

**5. Receiving of animals by pound master**

(1) It shall be the duty of every pound master to receive into his charge all animals brought to his pound, during such hours as the municipality may determine, by the proprietor, or by any person authorized in writing thereto by such proprietor or caretaker, to be impounded for having been found trespassing upon the land of such proprietor.

(2) Any pound master who unreasonably refuses or fails to receive animals brought to his pound as aforesaid shall be guilty of an offence and shall, in addition, be liable for any damage caused to the owner of the said animals, or to any other person, by reason of such refusal of failure; provided that, if any animal suffering from any contagious disease is brought to the pound, such animal shall be kept separate from all other impounded animals and the pound master may cause such animals to be finished off under the provisions of section 8.

**6. Receipt for impounded animals**

Every pound master shall give the person delivering animals into his charge a written receipt, indicating the number and description of the animals so delivered and specifying the trespassing for which the said animals, as reported, are to be impounded.

**7. Number of enclosures**

Every pound master shall maintain in good repair and, as far as possible, free from all infection, not less than five separate enclosures for-

- (1) ostriches and horses;
- (2) cattle
- (3) sheep, goats and pigs;
- (4) canine;
- (5) feline;

provided that a municipality may in regard to any pound in its area give permission to the pound master to maintain a smaller number of enclosures thereon.

**8. Finishing off of dangerous or contagious animals**

A pound master may cause to be finished off any impounded animal suffering from a contagious disease, or which may prove dangerous to human life or other animals impounded; provided that no such animal shall be finished off unless a veterinary surgeon has examined it and has agreed with the pound master as to the necessity for its finishing off.

**9. Notice of impounded animals**

Every pound master who knows the name of the owner of any animal impounded in his pound shall forthwith give written notice to such owner that the said animal has been impounded.

**10. Keeping of pound register**

(1) Every pound master shall keep a pound register with the following particulars-

- (a) the date when and the cause for which, all animals received by him are impounded;
- (b) the number and description of such animals;
- (c) the name and residence of the person impounding such animals and the name and residence of the owner or supposed owner;
- (d) the date and particulars of the release or sale of the animals, as the case may be and
- (e) any other matters which he may be directed by the municipality to ascertain and record.

(2) The entries under subsection (1)(a), (b) and (c) shall be made at the time the animals are impounded and the entries under subsection (1)(d) and (e) shall be made as soon as the pound master obtains the necessary information; provided that no entry shall be made after a dispute has arisen.

(3) In case of the death or injury of any impounded animal, the pound master shall enter in his pound register a description of such animal and the cause of its death or injury.

#### **11. Inspection of and extracts from pound register**

Every pound register shall be kept at the pound or any other approved place and shall at all reasonable times be open for inspection, free of charge, to any authorized officer of the municipality, veterinary surgeon, authorised official and any member of the South African Police Services and any member of the public.

#### **12. Submission of pound register entries after pound sales**

Every pound master shall within a fortnight after the date of each pound sale submit to the municipality a copy of all entries in his pound register made since the date of the preceding submission. The municipality shall preserve all such copies for inspection by any person desirous of seeing them.

#### **13. Inspection of pound register at place of sale**

Whenever a sale of impounded animals is to take place, the pound master or a person authorized to conduct the sale, shall take the pound register with him to the place of sale and such register shall be open for inspection, free of charge, at the place of sale to all persons desirous of inspecting it.

#### **14. Pound master's fees**

(1) The municipality may fix fees and charges or tariffs for the keeping of animals in a pound and may, in determining such fees and charges or tariffs, distinguish between different kinds of animals and provide for the keeping and feeding of animals in separate enclosures.

(2) Every pound master shall be entitled to claim the fees and charges or tariffs determined by the municipality in terms of subsection (1) for every animal impounded by him in terms of this by-law.

#### **15. Fees payable**

(1) The fees and charges or tariffs determined by the municipality in terms of section 14 shall be paid to the pound master by the owner of the animals impounded and the said fees and charges or tariffs, together with any costs which the pound master may have incurred and such animals may be detained by the pound master in security of payment of the said fees and charges or tariffs, provided that -

(a) if the value of the animals impounded is in excess of the total amount due thereon, as determined in terms of this by-law and if the owner is unable to pay the said amount, the pound master shall detain only so many of the said animals as may be sufficient to secure the total amount due for all the animals and shall deliver the remainder of the animals to the said owner; and

(b) any pound master who retains any greater number of such animals than is reasonably necessary to secure such amount shall be liable to the owner for any damages sustained by him on account of such retention.

(2) If the pound master is an official of the municipality, he shall pay the fees and charges or tariffs received by him in terms of this by-law into the revenue of the municipality.

(3) No pound master shall release any impounded animal until the prescribed fees and charges or tariffs have been paid to him.

#### **16. Notice of sale**

Every pound master shall-

(1) whenever any impounded animal has not been released within six days from the date of its impoundment, forward to the municipality in whose area of jurisdiction the pound is situated, a notice setting forth the species, marks and distinguishing features (if any) of such animal and in regard to horses and cattle their colour also and stating that the animal mentioned therein will be sold at the next sale of impounded animals, as well as the time and place of such sale;

(2) upon sending such notice to the municipality, post a copy thereof in some or other conspicuous place at or near his pound, there to remain until the day of the sale and

(3) cause to be published in a newspaper circulating in the area of jurisdiction of the municipality where the pound is situated a notice of the sale of an impounded animal; provided that the cost of such notice shall be recoverable from the owner of the impounded animal and shall be deemed to be part of the amount to be deducted from the proceeds of the sale of an animal and it shall be recoverable from the owner of such animal if the said proceeds are less than the amount due; provided further that -

(a) if such notice refers to more than one animal, the municipality shall in its discretion, divide the cost of such notice pro rata in respect of the animals referred to therein; and

(b) if the owner of an impounded animal is unknown and the proceeds of the sale do not cover the amount as aforesaid, the municipality shall make good the deficiency.

**17. Auctioneer**

(1) Every sale of impounded stock shall-

(a) be conducted by the pound master or some other person duly authorized thereto by the municipality concerned; and

(b) commence at a time and be held on a day to be fixed by the auctioneer.

(2) No person conducting a pound sale shall have any direct or indirect interest in any purchase at any sale so held by him.

**18. Sale of Animals**

At every such sale-

(1) no animal shall be put up for sale unless impounded for at least two weeks;

(2) all animals, except sheep and goats shall be sold individually;

(3) sheep and goats shall be sold in lots of not more than ten and sheep and goats, or sheep or goats with different marks or brands shall in no circumstances be sold together in the same lot;

(4) animals shall be sold for cash and the proceeds, less the amount of the pound fees and other fees, charges or tariffs payable in respect of such animals shall forthwith upon receipt, be handed by the pound master to the municipality, to be paid to the owners of the animals sold according to their respective rights; provided that-

(a) if in any particular case the animals sold do not realise sufficient funds to cover the sum of pound fees and other fees, charges or tariffs as aforesaid, the proceeds shall be first utilized for the payment of the compensation due to the pound master and if the said proceeds are insufficient to cover such compensation, the balance of compensation shall be paid to the pound master by the municipality;

(b) any money, being the proceeds of the sale of any impounded animal as aforesaid, which remains in the hands of the municipality for a period of twelve months without being claimed by the owner of such animal, shall become the property of such municipality;

(c) it shall be competent for the municipality to make good to any pound master any loss which he may incur in the keeping of animals where the selling price does not cover the costs incurred;

(d) it shall be competent for any pound master, after compliance with the procedure prescribed by section 8 relating to diseased animals, to cause to be finished off any aged or otherwise permanently unfit animal presented at the pound;

(e) if any animal dies in the pound and the owner cannot be traced, the expenses of burying the carcass shall be borne by the municipality;

(f) the municipality or an authorized officer may fix a reserve price for any animal offered for sale and

(g) the auctioneer may withdraw any animal from the sale if the highest bid received is not in his opinion satisfactory, irrespective of whether or not a reserve price has been fixed by the municipality.

**19. Illegal impounding and penalties**

Any person who illegally impounds any animal shall be guilty of an offence and shall in addition be liable to the owner for all damages, pound fees, compensation, cost and charges arising out of such proceeding and for all charges, fees or tariffs in connection therewith.

**20. Recovery of loss in respect of impoundment of animals from area of another municipality**

Any loss suffered by a municipality as a result of the impounding in a pound under its management and control of animals found trespassing within the area of jurisdiction of another municipality, may be recovered by such first-mentioned municipality from such other municipality.

**21. Use, detention and ill-treatment of animals**

No person shall furiously drive away any animal found trespassing, worry or ill-treat it.

**22. Offences and Penalties**

Any person who-

(1) contravenes or fails to comply with a provision of this by-law, whether or not such contravention or failure has been declared an offence elsewhere in this by-law;

(2) deliberately obstructs, hampers or handicaps any person in the exercise of any power or the performance of any duty or function in terms of any provision of this by-law, or

(3) furnishes false, incorrect or misleading information shall be guilty of an offence and liable upon conviction to -

(a) a maximum fine of R 500-00 or maximum imprisonment of 6 months or either such fine or imprisonment or to both such fine and such imprisonment; and,

(b) in the case of a continuing offence, to an additional maximum fine of R 100-00 or an additional maximum period of imprisonment of 1 day or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and,

(c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

**23. Short Title and Commencement**

This By-law will be known as the Pound By-Laws and will come into operation on publication in the Provincial Gazette.

**NOTICE 93 OF 2006****Mookgophong Local Municipality  
Proposed Standing Orders**

The Municipal Manager of Mookgophong Local Municipality hereby, in terms of section 13 (a) of the Local Government Municipal System Act, 2000 (Act No. 32 of 2000), publishes the Standing Orders for Mookgophong Local Municipality as proposed by its Council, as set out hereunder.

**PURPOSE OF THE BY-LAW**

The purpose of this by-law is to provide proper procedures and practices to regulate the formal meetings of the Council and its committees and to provide for sanctions in the event of non-compliance.

**MOOKGOPHONG LOCAL MUNICIPALITY  
STANDING ORDERS****1. Definitions**

(1) In these rules and orders unless the context indicates otherwise-

"act" means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"agenda" means a list of matters to be considered at a meeting including reports regarding such matters;

"budget" means the estimate of the revenue and expenditure of the Council drawn up and presented to Council;

"chairperson" means the chairperson of a meeting;

"code of conduct" means the code of conduct for councillors as referred to in schedule 5 of the Structures Act;

"committees" means all the committees established by council in terms of the Structures Act or any other act;

"continuation meeting" means a council or committee meeting in terms of these rules that takes place to complete the unfinished business standing over from a meeting that had not been concluded because it was adjourned in terms of these rules;

"council" means the Mookgophong Local Municipality and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

"councillor" means an elected or appointed member of the council;

"mayor" means the duly elected Mayor as well as any other Councillor who has been appointed or elected to act as acting Mayor in the absence of the Mayor.

"meeting" means a meeting of the Council or any committee of the Council and it includes ordinary as well as special meetings.

"member" means a member of the Council or any committee of the council as the case may be;

"motion" means a motion introduced in writing in terms of section 38:

"municipal manager" means a person as contemplated in section 27(1) of the Act;

"petition" means a written statement, proposal or grievance addressed to the municipality or an office-bearer or employee of the municipality and signed by more than fifty residents within the municipal area or a part thereof;

"proposal" means a proposed resolution submitted orally by a councillor during debate on any matter at a meeting of the council or a committee of such council, but excluding a motion;

"question" means a question in terms of these rules and orders asked during a meeting of the council or any of its committees;

"quorum" means the majority of the total number of councillors that must be present at a meeting before it may commence or continue with its business;

"systems act" means the Local Government; Municipal Systems Act 2000 (Act no 32 of 2000);

(2) In these rules, unless the context otherwise indicates, words and expressions denoting:

the singular shall include the plural and vice versa; and

the male sex shall include the female sex and vice versa; and

**2. Determination of time and venue of ordinary council meetings**

(1) With due regard for the provisions of these rules and orders, meetings of the council and its committees must be held at a venue within the municipal area.

(2) The Mayor must determine a schedule of the dates, times and venues of ordinary council meetings for a period of at least of 12 months in advance, provided that :

(a) the council must hold at least one ordinary meeting every three months; and

(b) not more than one ordinary council meeting may take place during any month.

(3) As soon as the Mayor has determined the schedule referred to in section 2(2) he must inform the Municipal Manager thereof. The Mayor may at any time change the scheduled date, time or venue of a meeting and must immediately inform the Municipal Manager of any such change.



**3. Determination of the time and venue of special council meetings**

- (1) The Mayor may at any time convene a special meeting of the council on a date, time and venue determined by him.
- (2) The Mayor must, if a majority of the councillors of the council request him in writing to do so,
  - (a) convene a special council meeting on a date set out in the request and at a time and venue determined by him;
  - (b) supply a copy of the request to the Municipal Manager.
- (3) As soon as the mayor has determined the date, time and venue of a special council meeting, he must inform the Municipal Manager thereof who shall give the required notice as referred to in section 6(1).
- (4) A request to call a special meeting must set out the matter to be dealt with at that special council meeting. No business other than that specified in the notice convening a special council meeting or set out in the request referred to in section 3(3) may be dealt with at a special council meeting.
- (5) Should the mayor fail to convene a special council meeting in terms of section 3(2) the Municipal Manager must convene the meeting at the date set out in the request and at a time and venue determined by him or her.

**4. Determination of venue and time of ordinary committee meetings**

- (1) The chairperson of a committee of the council must determine a schedule of the date, time and venue of ordinary meetings of the committee concerned for a period of at least 12 months in advance taking into account the schedule of ordinary council meetings referred to in section 2(2) and after consultation with the Municipal Manager, provided that:
  - (a) the committee must hold at least one ordinary meeting every three months;
  - (b) no committee meeting shall take place during an ordinary or special council meeting.
- (2) As soon as the chairperson concerned determined the schedule of venues, dates and times, he must inform the Municipal Manager. The chairperson concerned may at any time change the date, time or venue of a scheduled meeting and must immediately inform the Municipal Manager of any such change.

**5. Determination of venue and time of special committee meetings**

- (1) The chairperson of a committee may at any time convene a special meeting of the committee concerned at a venue, time and place determined by him.
- (2) The chairperson of a committee must, if a majority of the members of the committee who are councillors requests him in writing to convene a special committee meeting:
  - (a) convene a special committee meeting on a date set out in the request and at a time and venue determined by him;
  - (b) supply a copy of the request to the Municipal Manager.
- (3) As soon as the chairperson concerned has determined the date, time and venue of a special committee meeting, he must inform the Municipal Manager thereof.
- (4) A request to call a special committee meeting must set out the matter to be dealt with at that special committee meeting. No business other than that specified in the notice convening a special committee meeting or set out in the request referred to in section 5(2) may be dealt with at a special committee meeting.
- (5) Should the chairperson concerned fail to convene a special committee meeting in terms of section 5(2)(a) the Municipal Manager must convene the meeting at the date set out in the request and at a time and venue determined by him.

**6. Notice of council and committee meetings**

- (1) The Municipal Manager must, unless otherwise provided for in these rules, give at least forty-eight hours notice in writing of the date, venue and time for the holding of an ordinary or special meeting -
  - (a) of the council, including a continuation meeting in terms of section 22(1) to every councillor and departmental head;
  - (b) of a committee, including a continuation meeting in terms of section 22(1) to every member of the committee concerned and departmental head; and
  - (c) he must place a copy of the notice on the municipal notice board.
- (2) A councillor and departmental head to whom notice had been given in terms of section 6(1) is, until such date, venue or time is changed and written notice of such change has been given, required to attend the meeting stipulated in the notice without further notice.
- (3) A notice referred to in section 6(1) given to a councillor and departmental head must contain the agenda for the meeting concerned (except in the case of a continuation meeting in terms of section 22(1)). In the case of a special meeting the agenda may contain only the matter that must be dealt with at the meeting.
- (4) A notice given in terms of section 6(1) to a councillor and departmental head is deemed read for the purpose of the meeting to which it applies.

**7. Absence from meetings by Councillors**

- (1) A councillor who
  - (a) is unable to attend a meeting of which notice had been given; or
  - (b) is unable to remain in attendance at a meeting; or

(c) will arrive after the stipulated time for a meeting; must, at least six hours before the commencement of the meeting, lodge with the Municipal Manager an oral or written application for leave of absence from the whole or any part of the meeting concerned.

(2) As soon as it is possible for him to do so, a councillor who did not apply for leave of absence in terms of section 7(1) and who was absent from a meeting or hearing or a part thereof may, after that meeting, lodge with the Municipal Manager a written application for leave of absence from that meeting. Such a late application for leave of absence must-

- (a) state the reasons for the late submission of the application; and
- (b) the reasons for his or her absence from the meeting.

(3) The Municipal Manager must inform the chairperson of the meeting concerned of any application for leave of absence and must submit any late submission referred to in section 7(2) above to the forthcoming meeting.

(4) An application in terms of section 7(1) or 7(2) is considered and granted or refused by the council or relevant committee and recorded in the minutes of the meeting.

(5) Whenever an application for leave of absence in terms of section 7(1) or 7(2) is refused the Municipal Manager must immediately after the meeting, in writing, inform the councillor concerned accordingly.

(6) A councillor -

- (a) who is absent from a meeting he is required to attend; or
- (b) whose application for leave of absence has been refused and is absent from the meeting he is required to attend;

is deemed absent without leave from the meeting concerned and the "sanctions" approved by council shall be applied.

(7) The Municipal Manager must keep a record of all cases in terms of section 7(6) and must submit a written report thereon to the Mayor at least once during every three-month period.

#### **8. Attendance of meetings by the public and employees of the Council**

(1) Until the council or a committee closes a meeting, a meeting may be attended by members of the public (including the media). An employee may only attend a council or committee meeting with the express prior approval of his departmental head or in compliance with internal arrangements of council.

(2) Every councillor and committee member must, from the time stipulated in the notice convening the meeting, attend every meeting of the council and remain in attendance at such meeting unless leave of absence had been granted to him or he is obliged to leave a meeting in terms of the code of conduct.

(3) The Municipal Manager and departmental heads of the municipality must attend council and committee meetings, as provided for in the internal arrangement of council.

#### **9. Presiding at the first council meeting after a general election**

(1) The Municipal Manager, or if there is not a Municipal Manager, a person appointed by the MEC, presides at the first meeting of a council after a general election of councillors until a chairperson/ Mayor is elected.

#### **10. Presiding at council meetings**

(1) The Mayor presides, with due regard for the provisions of these rules and orders, at every council meeting where he is present.

(2) Whenever the Mayor is absent from or unable to preside at or during any part of a council meeting, the council must elect from amongst the councillors present at that meeting an acting Mayor for the duration of the Mayor's absence or inability.

(3) The Municipal Manager presides over the election of an Acting Mayor.

#### **11. Presiding at committee meetings**

(1) The duly elected or appointed member of the relevant committee presides at meetings of such committee.

(2) Whenever the chairperson of such a committee is absent from or unable to preside at or during any part of such a committee meeting, the committee must elect from amongst the members present at that meeting an acting chairperson for the duration of the chairperson's absence or inability.

(3) The Municipal Manager presides over the election of an acting chairperson.

#### **12. General powers and duties of chairpersons**

(1) The chairperson at a meeting must -

- (a) ensure that the meeting at which he presides is conducted in accordance with these rules and orders;
- (b) when requested to do so, interpret these rules and orders and make a ruling and state the grounds for the ruling;
- (c) If in his opinion a motion, proposal or question -
  - (i) may lead to the discussion of a matter already contained in the agenda for that meeting;
  - (ii) advances arguments, expresses opinion or contains unnecessary tactless, incriminating, disparaging or improper suggestions;
  - (iii) may encourage, engender, advocate or aggravate hatred, discrimination, exclusion, restriction, ridicule, contempt or preference based on colour, descent, race, ethnicity, gender or religion so as to cause harm,

hostility, degradation, violence or which insults, degrades, defames or encourages abuse of any racial, ethnic, gender or religious group, through the uttering of words, whether in writing or orally, or the performance of deeds;

(iv) contain unwelcome suggestions, innuendoes, remarks or hints of a sexual nature, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments of another person's body;

(v) contains threatening, abusive or insulting language towards an employee which causes that employee harassment, alarm or distress due to any alleged, suspected or proven act, omission or statement by the employee in the exercise of any of his rights or the discharge of any of his duties so as to harass or cause or advocate unfair treatment of that employee;

(vi) may be contrary to these rules and orders or any other law, including a bylaw of the municipality, or against the values generally existing in the community;

(vii) may result in unauthorised expenditure;

(viii) is not properly seconded;

(ix) on the face of it, may threaten or affect a fundamental right of any person; or

(x) is unclear;

(xi) point it out to the meeting, and without allowing any discussion, put the decision thereof to the vote. If the majority of members present vote in favour thereof such motion, proposal or question automatically lapses.

(d) call the attention of any person at the meeting to -

(i) irrelevance, tedious repetition or language unbecoming; or

(ii) any breach of order by a councillor or such other person;

(e) submit every motion and proposal made and seconded to the vote;

(f) declare the result of any vote in terms of subsection (e); and

(g) instruct any member of the public or media and any employee of the council who may be present at a meeting to leave the meeting when the meeting resolved to close any part of its session and not to return to it until the meeting continues in public.

(2) The chairperson's interpretation of the rules and orders or a ruling as to procedure is final, provided that -

(a) if the interpretation or ruling is contested or called into question, the chairperson must, at the next meeting, provide a written interpretation or ruling;

(b) a councillor may request that the chairperson provide a written interpretation or ruling at the next meeting;

(c) the council or committee, as the case may be, may upon receipt of such written interpretation or ruling, consider the matter and amend or substitute the interpretation of the chairperson.

(3) The chairperson may, in performing his functions and powers-

(a) consult with the Municipal Manager;

(b) direct any person who is speaking to discontinue his speech or to desist from breaching the order or to discontinue making interjections;

(c) direct any person to apologise for or to apologise for and withdraw any allegation, statement or remark if it is unbecoming, unnecessarily tactless, incriminating, disparaging, improper, racist or sexist or inciting violence or injures or impairs the dignity or honour of a councillor or employee of the municipality;

(d) direct any person who persist in disregarding the chair or who obstructs the business at a meeting, to retire from the meeting;

(e) instruct any person to leave the meeting if such a person is not properly dressed.

(4) If a person refuses to retire from a meeting after having been directed in terms of section 12(3)(e) or 12(3)(d) or (e), the chairperson may direct an employee of the municipality present at the meeting to remove that person or cause his removal and to take steps to prevent that person from returning to the meeting.

(5) The chairperson may change the order of business at the meeting despite any provisions to the contrary herein.

### 13. Failure or refusal to exercise the powers or discharge the duties by chairperson at a meeting

(1) Whenever a councillor who attended a meeting is of the opinion that the chairperson at that meeting failed or refused to exercise any of his powers or to discharge any of his duties properly, he may direct a written allegation against the chairperson concerned to the Municipal Manager.

(2) An allegation in terms of section 13(1) must quote the relevant rule or convention that had been breached or not fulfilled and must state to what extent it had been breached or not fulfilled.

(3) The Municipal Manager must submit the allegation within 3 working days after receipt to -

(a) the Mayor in the case of an allegation against the chairperson of a committee; and

(b) the council in the case of an allegation against the Mayor.

and send a copy thereof to the councillor against whom the allegation had been made.

(4) The relevant functionary or the council, as the case may be, must determine the time and place of the hearing when the matter will be considered and inform the Municipal Manager accordingly, provided that the hearing takes place within three weeks after it was reported in terms of section 13(1).

(5) The Municipal Manager must inform the councillor who made the allegation and the councillor against whom the allegation had been made of the time and place where the matter will be heard.

(6) At the hearing the councillor making the allegation and the councillor against whom the allegation had been made must have the opportunity to state their case, to call witnesses, to examine any documents submitted and to cross examine any witness.

(7) After the matter had been heard the mayor or the council, as the case may be, must make a ruling as to the most probable version of the event and make a finding.

(8) Should it be found that an allegation against the Mayor was true, the council must decide on an appropriate penalty. Whenever the Mayor finds that an allegation against the chairperson of a committee was true, he must submit his finding to the council and recommend an appropriate penalty.

(9) An appropriate penalty may include a formal warning or reprimand or any such penalty as provided for in the internal arrangements of council.

#### **14. Status of chairperson at a meeting**

(1) Whenever the chairperson at a meeting speaks, any person then speaking or offering to speak must sit down, if he or she stands, and all the persons in the meeting must remain silent so that the chairperson may be heard without interruption.

#### **15. Conduct of members of the public at Council or committee meetings.**

(1) A member of the public or the media or an employee attending a council or committee meeting may not -

(a) address the meeting at any time, unless he or she is a member of a deputation in terms of these rules;

(b) obstruct the business of the meeting;

(c) make any interjections;

(d) make unwelcome suggestions, innuendoes, remarks or hints of a sexual nature, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments of another person's body;

(e) encourage, engender, advocate or aggravate hatred, discrimination exclusion, restriction, ridicule, contempt or preference based on colour, descent, race, ethnicity, gender of religion so as to cause harm, hostility, degradation, violence or which insults; degrades, defames or encourage abuse of any racial, ethnic, gender of religious group, through the uttering of words, whether in writing or orally, or the performance of deeds;

(f) use threaten, abusive or insulting language towards an employee or display any writing, sign or other visible presentation which is threatening, abusive or insulting which causes that employee harassment, alarm or distress due to any alleged, suspected or proven act, omission or statement by that employee in the exercise of any of his or her rights or the discharge of any of his or her duties so as to harass or cause or advocate unfair treatment of that employee;

(g) make unwelcome or obscene gestures.

(2) Whenever a meeting resolves to close its session or a part thereof any member of the public, media and employee must leave the meeting immediately and may not return to that meeting until it resumes as a public meeting.

(3) A member of the public or media attending a council or committee meeting is subject to the authority of the chairperson of the meeting.

#### **16. Recording of proceedings at meetings**

(1) Except for the purpose of writing the official minutes of a meeting by an employee, nobody may, unless the express prior approval of the chairperson of a meeting had been obtained, make any recording, whether audio or visual or both audio and visual, of a meeting or any part thereof.

#### **17. Conduct of councillors during meetings.**

The following conduct by a councillor during a meeting is deemed contrary to the provisions of the code of conduct -

(a) to make unnecessary tactless, incriminating, disparaging or improper suggestions or express such opinions;

(b) to make unwelcome suggestion, innuendoes, remarks or hints of a sexual nature, sexual advances, comments with sexual overtones, sex-related jokes or insults or unwelcome graphic comments of another person's body;

(c) to make unwelcome or obscene gestures;

(d) to make or second a proposal that may be contrary to these rules and orders or any other law, including a bylaw of the municipality, or against the values generally existing in the community;

(e) to make or second a proposal that may have an impracticable result or cause uneconomical, inefficient or ineffective use of resources;

(f) to make or second a proposal that may result in unauthorised expenditure;

- (g) to make or second a proposal on a matter on which the municipality has no executive or legislative authority unless the intention is to convince the meeting to make representations to an institution that has the required authority;
- (h) to make or second a proposal that is calculated to or may threaten or affect a fundamental right of any person;
- (i) to encourage, engender, advocate or aggravate hatred, discrimination, exclusion, restriction, ridicule, contempt or preference based on colour, descent, race, ethnicity, gender or religion to cause harm, hostility, degradation, violence or which insult, degrades, defames or encourages abuse of any racial, ethnic, gender or religious group, through the uttering of word, whether in writing or orally, or the performance of deeds;
- (j) to incite imminent violence;
- (k) to compel or attempt to compel employees or councillors by threats to partake in any actions against their will;
- (l) to breach the order;
- (m) to disregard the chair;
- (n) to use threaten, abusive or insulting language towards an employee or display any writing, sign or other visible presentation which is threatening, abusive or insulting which causes that employee harassment, alarm or distress due to any alleged, suspected or proven act, omission or statement by that employee in the exercise of any of his or her rights or the discharge of any of his or her duties so as to harass or cause or advocate unfair treatment of that employee;
- (o) to make an allegation, statement or remark that is unbecoming a councillor or injures or impairs the dignity or honour of a councillor or employee of the municipality; or
- (p) to submit a motion or to request the Municipal Manager or any other employee of the Municipality to formulate a motion that –
  - (i) may be contrary to these rules and orders or any other law, including a bylaw of the municipality, or against the values generally existing in the community;
  - (ii) may have an impracticable result or cause uneconomical, inefficient or ineffective use of resources;
  - (iii) may result in unauthorised expenditure;
  - (iv) falls outside the municipality's executive or legislative authority unless the intention is to convince the meeting to make representations to an institution that has the required authority; or
  - (v) is calculated to or may threaten or affect a fundamental right of any person.

#### **18. Dress code**

(1) The council may by resolution prescribe a dress code for councillors and officials attending meetings.

#### **19. Signing of attendance register and wearing of robe during meetings**

(1) Every member attending a meeting shall-

- (a) sign his name in the attendance registers; and
- (b) comply with the dress code referred to in section 18.

#### **20. Adjournment of meeting in the absence of a quorum**

- (1) If there is not a quorum for the meeting present within 15 minutes after the time stipulated in the notice referred to in section 6 such meeting is not held but a continuation meeting is held in terms of section .
- (2) If at any time during the course of a council or committee meeting it is suspected that there is not a quorum present the chairperson must discontinue the proceedings immediately; and cause the councillors present to be counted.
- (3) If the suspicion is proved, the chairperson must inform the councillors or members present that the meeting will be adjourned if there is no quorum within a period of 5 minutes.
- (4) If there is still no quorum within five minutes the chairperson must adjourn the meeting forthwith.
- (5) If the shortfall of councillors contemplated in section 20(2) is owing to the withdrawal of one or more councillors in compliance with the code of conduct, the chairperson must arrange that such matter be dealt with at the next meeting and the unfinished business on the agenda is dealt with.
- (6) If a sufficient number of councillors is present after the 5 minute period, the meeting continues, provided that the councillor who was speaking when the proceedings were discontinued, is, in his own discretion, entitled to start his or her speech from afresh.
- (7) Any business, except a matter referred to in section 20(2), which had not been dealt with at a meeting that had been adjourned, must be considered at a continuation meeting contemplated in section 22(1), provided that any unfinished business arising from a special meeting, must be considered at the first ordinary meeting unless the date of such ordinary meeting is later than the date contemplated in section 22(1).

#### **21. Adjournment of a meeting before it completed its business**

(1) A councillor may at any time during a meeting propose that the meeting be adjourned and must state the reasons for the proposal, provided that no councillor may propose more than twice during the same meeting that it be adjourned.

(2) A proposal in terms of section 21(1) must be seconded by at least three councillors present at the meeting, provided that a councillor may not second a proposal to adjourn more than twice during the same meeting. Such a proposal lapses if it is not properly seconded.

(3) A proposal in terms of section 21(1) is carried if a majority of the members present at a meeting vote in favour thereof.

(4) Whenever a meeting adjourns in terms of section 21(1) before it had finished the business stated in the agenda for that meeting, the meeting must resume as a continuation meeting in terms of section 22(1) to deal with any unfinished business unless the date of the next ordinary meeting is earlier than the date referred to in section 22(1) in which case the unfinished business of an adjourned meeting is dealt with at that ordinary meeting.

## **22. Continuation of an adjourned meeting**

(1) A continuation meeting is held at the time and venue as stipulated in the notice, referred to in section 6(1) provided that it shall take place within 10 days after the adjournment of the initial meeting.

(2) The agenda for a continuation meeting is the agenda for the meeting that had been adjourned.

## **23. Temporary adjournment of a meeting**

(1) A councillor may at any time during a meeting propose that the meeting be adjourned for a period proposed by him and must state the reasons for the proposal, provided that not more than two such proposals may be made during the same meeting and that no such adjournment may exceed thirty minutes.

(2) Despite the provisions of section 23(1) the chairperson at a meeting may, if he is of the opinion that a third temporary adjournment of a meeting may facilitate the discussion and resolution of a matter, allow a third adjournment.

(3) A proposal in terms of section 23(1) must be seconded by at least two councillors present at the meeting, provided that a councillor may not second a proposal to adjourn more than twice during the same meeting. Such a proposal lapses if it is not properly seconded.

(4) A proposal in terms of section 23(1) is carried if a majority of the members present at a meeting vote in favour thereof.

(5) The meeting resumes after the expiry of the period referred to in section 23(1) and deals with any unfinished business contained in its agenda.

## **24. Person speaking to address the chairperson**

(1) A person addressing a meeting or hearing must address the chairperson of that meeting.

## **25. Councillor, official or member of the public to stand while speaking**

(1) Unless otherwise directed by the chairperson of a meeting a councillor, official or member of the public addressing a meeting must stand while speaking.

(2) If a councillor who is not speaking raises his or her hand while another councillor is speaking on a point of order or to make a proposal and the chairperson addresses such councillor the councillor who speaks must sit down (if he stands) and remain silent until the chairperson has made a ruling on the point of order or the proposal

## **26. Duration and reading of speeches**

(1) Unless expressly otherwise determined in these rules and orders, a councillor may not speak longer than ten minutes on any matter.

(2) Except when a councillor is-

(a) delivering the mayoral report; or

(b) presenting the draft budget

he may not read a speech, but may refresh his memory by referring to notes.

## **27. Councillor to speak only once**

(1) Unless expressly otherwise determined in these rules and orders, a councillor may speak only once on a matter.

(2) The introducer of a motion or proposal may reply in conclusion of the debate but must confine his reply to answering to previous speakers.

## **28. Relevance**

(1) A councillor who speaks must confine his or her speech strictly to the matter under discussion.

(2) No discussion may take place which will anticipate a matter on the agenda unless the chairperson has granted leave to discuss two or more items at the same time or the Municipal Manager indicated in the agenda that two or more items should be considered together; or on any motion or proposal that had been rejected in terms of section 12(1)(c).

**29. Personal explanation, point of order and clarification**

- (1) A councillor may, at any time during a meeting, whether or not he participated in a debate rise
- (a) to a point of order in the event of a departure from these rules and orders;
  - (b) to explain any part of his speech that may have been misunderstood; or
  - (c) to request that any part of a speech that he may have misunderstood be explained.
- (2) A councillor referred to in section 29(1) must be heard forthwith.
- (3) The ruling of the chairperson of the meeting on a point of order or a personal explanation is, subject to section 12(2), final and may not be discussed.

**30. Only matters included in the agenda are dealt with**

- (1) Subject to the provisions of section 30(2) only matters included in an agenda for a meeting may be dealt with.
- (2) A councillor may propose that section 30(1) be suspended to allow discussion of any matter not included in the agenda provided that such proposal is reduced to writing, signed by the mover and handed to the chairperson at least 10 minutes prior to the commencement of the meeting in question. Reasons for the proposal must be contained in the written proposal.
- (3) A proposal in terms of section 30(2) need not be seconded and no debate about the proposal is allowed.
- (4) A proposal referred to in section 30(2) is carried if the councillors present at the meeting unanimously adopt it.

**31. Order of business of meeting**

- (1) The order of business of an ordinary meeting shall be as follows:
- (a) Opening.
  - (b) Acceptance of notice of the meeting as read.
  - (c) Applications for leave of absence.
  - (d) Official notices-
    - by the Chairperson;
    - by members of the Council;
    - by the Municipal Manager.
  - (e) Chairperson's unopposed proposals.
  - (f) Approval of minutes of previous meetings.
  - (g) Questions of which notice has been given.
  - (h) Motions or proposals referred from previous meetings.
  - (i) Report of the committees.
  - (j) New motions.
  - (k) Petitions.
  - (l) Closure.
- (2) After the matters referred to in paragraphs (a) to (f) of subsection (1) have been considered, the Council may at its discretion change the order of the other business appearing on the agenda.

**32. Minutes of meeting and summary of evidence at hearings**

- (1) The Municipal Manager must keep, or cause to be kept, minutes of the proceedings of every council and committee meeting.
- (2) The minutes of a meeting must reflect -
- (a) the names of the councillors attending;
  - (b) the names of the councillors absent with or without leave;
  - (c) the periods of absence during a meeting of a councillor;
  - (d) the names of the councillors voting respectively for and against any matter for the division of which a division is called;
  - (e) the name of any councillor who demanded that his or her vote against any particular decision be recorded in the minutes;
  - (f) any adjournment of the meeting;
  - (g) any declaration of a personal or pecuniary interest by a councillor;
  - (h) any advice of the Municipal Manager regarding possible unauthorised expenditure of resolutions beyond the authority of the municipality; and the resolutions taken.
- (3) The minutes of a meeting must be delivered to the councillors with the notice of the next meeting or prior to delivering of such a notice.
- (4) Minutes delivered in terms of section 32(3) are deemed read with a view to their approval.
- (5) No proposal regarding minutes, except a proposal relating to the accuracy thereof may be allowed.
- (6) The minutes of a meeting must, in order, be approved at the next ordinary meeting of the council or committee, as the case may be.
- (7) The minutes relating to any matter, which had been discussed and resolved in closed session, must be clearly separated from the minutes of that part of the meeting that had been conducted in public.
- (8) The chairperson of a meeting must sign each individual page of the approved minutes of a meeting.

**33. Declaration of personal and pecuniary interest**

- (1) A councillor wishing to declare a personal or pecuniary interest in terms of item 5 of the code of conduct must do so when the chairperson put the relevant item in the agenda to order.
- (2) No councillor may speak longer than five minutes on the question whether his interest is so trivial or remote or irrelevant as to render a clash of interests unlikely.

**34. Deputations**

- (1) Anybody who wishes to obtain an interview with the council or a committee of the council, must lodge a written application with the Municipal Manager. Such an application must state the representations the applicant wishes to make.
- (2) The Municipal Manager must submit the application to the -
  - (a) Mayor in the case of an application for an interview with the council; or
  - (b) chairperson of the relevant committee in any other case who may grant or refuse the interview or request additional information.
- (3) Whenever the mayor or chairperson of a committee -
  - (a) grants an interview, he must determine the date, time and venue of the interview and the size of the deputation that may attend the interview;
  - (b) refuses an application, he must supply reasons for the refusal and he must inform the Municipal Manager of his decision.
- (4) The Municipal Manager must inform the applicant of a decision in terms of section 34(3).
- (5) If a committee conducts an interview and that committee does not have the power to dispose of the matter, the committee must submit its report and recommendations to the council.
- (6) During an interview only one member of the deputation may address the meeting except when the chairperson of the meeting has made particular concessions, either before or during the meeting. No debate will be allowed on the ruling of the chairperson.
- (7) Unless the council or a committee conducts an interview in closed session, the members of a deputation may remain in the meeting whilst the council or committee considers the matter after the interview had been completed.

**35. Petitions**

- (1) A councillor must submit a petition received by him to the Mayor.
- (2) The Municipal Manager must inform the Mayor of any petition he has received.
- (3) Any petition in terms of section 35(1) or 35(2) and any petition received by the Mayor, must be referred to the relevant committee or the Council, as the case may be, who may dispose of the matter.
- (4) If the committee to whom a petition had been referred does not have the power to dispose of the matter, the committee must submit its report and recommendations to the council.

**36. Questions of which notice had been given**

- (1) A councillor may at any time submit a written question he intends to ask during a council meeting or a meeting of a committee of which he is a member to the Municipal Manager provided that such question must be submitted to the Municipal Manager at least ten working days before the meeting where the question will be asked. A councillor may request the Municipal Manager, to assist him to formulate the question provided that he personally signs the formulated question.
- (2) The Municipal Manager must immediately upon receipt of a question in terms of section 36 provide a copy thereof to the relevant departmental head and instruct him to prepare a reply to the question.
- (3) The Municipal Manager may direct a departmental head to which he has sent the question to consult with any other departmental head before he prepares the answer.
- (4) Provided the question had been received at least ten working days before the scheduled date of the meeting where the question would be asked, the Municipal Manager must ensure that the question and the answer thereto is included in the agenda for the first ensuing ordinary meeting of the council or committee where the question will be asked.

**37. Questions during meetings**

- (1) A councillor may at a meeting of the council or a committee of which he is a member, ask a question regarding a matter arising from or pertaining to an item contained in the agenda.
- (2) The chairperson of the meeting may allow the question if, in his opinion, it affects the interests of the residents within the municipal area and may elect to either respond to it directly or through another councillor or to rule that it will be responded to in terms of section 37(4).
- (3) No discussion of the question or the answer thereto is allowed.
- (4) The chairperson of the meeting where the question is asked, may elect to reply to the question at the first ordinary meeting of the council or the committee, as the case may be. The response shall be in writing.
- (5) A question and the response thereto must be recorded in the minutes of the relevant meeting.



**38. Notice of motion**

- (1) Every notice of motion shall be in writing and such motion shall be signed by the member submitting it.
- (2) A motion shall be given to the Manager: Corporate Services who shall enter it in a book to be kept for the purposes of his office, which book shall be open to the inspection of any member and the Manager: Corporate Services shall without delay furnish each member with a copy of the motion.
- (3) At the request of the member who gave notice of the motion, the Manager: Corporate Services shall acknowledge receipt thereof in writing.
- (4) Unless a notice of motion is received at least ten days before a meeting, it shall not be included in the agenda of such meeting.
- (5) Every motion shall be relevant to some question relating to the administration or conditions in the municipality.
- (6) The member who introduces a motion may reply: Provided that when a proposal in terms of subsection 53(1)(b), (c), (d), (e), (f) or (g) is carried in respect of such motion, such member may reply for not more than ten minutes.

**39. Order of motions**

- (1) Every motion shall on receipt be dated and numbered and shall be entered by the Manager: Corporate Services upon the agenda in the order in which it is received except in the case of notice of an amendment which shall be entered immediately after such notice of motion, irrespective of the time upon which notice of motion to amend is received.

**40. Limitation of notices**

- (1) No member shall have more than one motion other than a deferred motion upon the agenda paper and no member shall move more than six motions, which includes a motion contemplated in section 41, in any year.

**41. Motion to rescind any resolution passed within the preceding three months**

- (1) When a member proposes a motion in terms of the provisions of section 38 which-
  - (a) is aimed at the revocation or amendment of a resolution of the Council taken within the preceding three months, or
  - (b) has the same purport as a motion which has been negative within the preceding three months such motion shall be placed on the agenda only if the notice of such motions is signed by three members in addition to the member who proposes such motion.
- (2) A motion similar to the one that was disposed of in terms of subsection (1), shall not again be proposed by a member before the expiry of six months after such disposal.

**42. Procedure in respect of putting of motions**

- (1) When motions come up for discussion, the chairperson shall read out the number of each and the name of the mover and shall ascertain which motions are unopposed.
- (2) An unopposed motion shall be carried immediately and without discussion.
- (3) If there is an opposed motion, the chairperson shall call for a seconder and he shall thereafter in turn put each such seconded motion.
- (4) A member who seconded a motion may subsequently speak upon such motion unless a proposal in terms of subsection 53(1)(b), (c), (d), (e), (f) or (g) in respect of such motion has been made and carried before the seconder has spoken.
- (5) A motion which is not put by the proposer thereof, or which is not seconded, shall lapse.

**43. Irregular motions or proposals**

- (1) The chairperson shall disallow a motion or proposal-
  - (a) which in his opinion-
    - (i) might lead to the discussion of a matter already contained in the agenda or which is not relevant to some question relating to the administration or conditions in the municipality; or
    - (ii) advances argument, expresses an opinion or contains unnecessary factual, incriminating, derogatory or improper allegations;
  - (b) In respect whereof-
    - (i) the Council has no jurisdiction; or
    - (ii) a decision by a judicial or quasi-judicial body is pending; or
    - (iii) which, if carried, will be in conflict with the provisions contained in these Standing Orders or of any other law, or will be unenforceable.

**44. Matter serves before Council by way of proposal**

- (1) A matter shall not deemed to be put to the Council for a decision unless a proposal on such matter has been made and duly seconded, except otherwise provided for in these rules and orders.

**45. Provisions relating to the consideration of the budget**

(1) Notwithstanding anything to the contrary contained herein, the following provisions shall apply when the Council considers the budget, except if provided otherwise in legislation:

- (a) A proposal, which will have the effect that estimated revenue or expenditure of the Council is increased or decreased, shall not be put, before the debate on the budget has been closed.
- (b) After the debate on the budget has been closed, the chairperson shall put every proposal contemplated in paragraph (a) seriatim.
- (c) If any such proposal is accepted, the budget shall be deemed to be amended in accordance with that resolution

**46. Withdrawal or amendment of motion or proposal**

- (1) A mover may withdraw or amend a motion or proposal with the Council's permission and only the mover shall be allowed to explain his request for such permission.
- (2) After permission has been requested in this way, no further discussion shall be held on the respective motion or proposal and the permission requested shall be granted or refused without further discussion.

**47. Length of speeches**

(1) Subject to the provisions of section 53 and other relevant stipulations, a member may not speak for longer than ten minutes: Provided that-

- (a) A member who submits a motion may speak for a period not exceeding fifteen minutes when elucidating his motion; and
- (b) The Council may permit a speech to be continued for a further period or periods of five minutes.

**48. Exclusion of members**

- (1) The Council may exclude from meetings of the Council, for such period as it may fix but not exceeding forty-five days, a member who wilfully disregards the authority of the chairperson or who wilfully obstructs the business at any meeting. Provided that the member concerned may within 7 days from the Council meeting at which the exclusion decision was taken, direct an appeal in writing to the Mayor, who must convene a special Council meeting to consider the appeal within 7 days from date of receiving such appeal.
- (2) The Council at the said special meeting may confirm, reject or amend the original Council resolution.
- (3) In the considering of the appeal, the Council must comply with the rules of natural justice.
- (4) A proposal to exclude a member may be moved at any stage of the meeting.

**49. Member to speak only once**

(1) Subject to any provisions to the contrary, or the prior approval of the chairperson, no member shall speak more than once on any motion or proposal and the chairperson's decision whether or not to allow the member to speak again, is final and shall not be open to discussion.

**50. A point of order and personal explanation**

Any member may rise to a point of order or explanation but such explanation shall be confined to the material content of his former speech.  
Such a member shall be called upon to speak forthwith.

**51. Chairperson's ruling on a question of order**

(1) The ruling of the chairperson on a point of order or on the admissibility of an explanation, shall be final and shall not be open to discussion.

**52. Mode of voting**

- (1) Every opposed motion or proposal shall be submitted to the Council by the chairperson who shall call upon the members to indicate by a show of hands, unless the Council decides otherwise, whether they are for or against it or abstain from it and he shall thereupon declare the result of the voting.
- (2) After the chairperson has declared the result of the voting in accordance with subsection (1), a member may demand-
  - (a) that his vote be recorded against a decision, or
  - (b) a division by rising and putting such demand to the chairperson.
- (3) When a division has been duly demanded in accordance with subsection (2)(b), the chairperson shall accede thereto; the division bell shall be rung for at least one minute, whereupon every entrance to the Council chamber shall be closed and no member shall leave or enter the Council chamber until the result of the division has been declared.
- (4) After the expiry of the period of time referred to in subsection (3), the chairperson shall again put the motion or proposal to the vote as provided in subsection (5) and thereafter declare the result of the division.
- (5) A division shall take place as follows: The Manager: Corporate Services shall read out the name of each member alphabetically. Each member shall indicate by means of a clearly audible "for" or "against" or

"abstained" whether he votes in favour of or against or abstained on the motion or proposal and the Manager: Corporate Services shall record each such vote as well as the name of each absent member.

(6) When a division takes place in accordance with the preceding provisions, every member present, including the chairperson, shall be obliged to record his vote for or against the motion or proposal or abstain.

(7) A member demanding a division shall not leave the Council chamber before such division has been taken.

(8) Should there be an equality of votes in respect of a motion or proposal on which voting takes place in accordance with subsection (1) or (4) and the chairperson refuses to record his second or casting vote as contemplated in the Act the matter under consideration shall be referred back for further attention.

### **53. Proposals which may be made**

(1) When a motion or proposal is under debate at a meeting, no further proposal shall be received except the following:

- (a) That the motion or proposal be amended;
- (b) That consideration of the question be postponed;
- (c) That the meeting be adjourned;
- (d) That the debate be adjourned;
- (e) That the question be put;
- (f) That the Council proceeds to the next business;
- (g) That the question be referred back for further consideration;
- (h) That, for the purpose of dealing with the matter, the Council resolves itself in committee in terms of section 64; and

(2) That the consideration of the matter be held over until the Council has dispatched all the other matters on the agenda; Provided that the proposals referred to in paragraphs (b) to (g) may not be made to the Council until the mover of the motion or proposal under debate have spoken thereon: Provided further that a second proposal in terms of paragraph (b), (c), (d) (e) and (f) shall not be made within half-an-hour of a similar proposal under the same item unless, in the opinion of the chairperson, the circumstances are materially altered.

(3) A member who has not participated in the debate upon or proposal may during that debate at the conclusion of any speech, move-

- (a) that consideration of the question be postponed to any stated date; or
- (b) that the meeting be now adjourned; provided that the meeting shall not be adjourned until the debate on a motion or proposal has first been adjourned; or
- (c) that the debate be adjourned.

(4) A member who has made a proposal mentioned in subsection (2) may speak thereon for not more than five minutes and the seconder shall not be allowed to speak thereon.

(5) Upon a proposal mentioned in subsection (2) being made, the mover of the question under debate may speak on such proposal for not more than five minutes and subsequently the proposal shall be put without further debate.

### **54. Consideration of a matter to be held over**

(1) A member who makes a proposal in terms of subsection 53(1)(i), may speak thereon for not more than three minutes, but the seconder shall not be allowed to speak thereon and thereafter the proposal shall be put to the vote without further debate.

### **55. Amendment of a motion or proposal**

- (1) An amendment which is moved shall be relevant to the motion or proposal on which it is moved.
- (2) Such amendment shall be reduced to writing, signed by the mover and handed to the chairperson.
- (3) An amendment shall be clearly stated to the meeting before it is put.
- (4) Whenever an amendment upon a motion or proposal has been moved and seconded, no further amendment shall be moved until a resolution has been adopted upon which an amendment may be moved.
- (5) If the amendment is carried, the amended motion or proposal shall take the place of the original motion or proposals and shall become the substantive motion or proposal upon which an amendment may be moved.
- (6) A member shall not move more than one amendment of a proposal or motion.
- (7) The mover of an amendment of a proposal or motion shall have no right to reply.

### **56. Postponement of consideration of question**

(1) If a motion is carried that the consideration of the question be postponed to a stated date, the motion or proposal shall be placed first among the motions or proposals to be contained in the report of that committee to the Council on the day in question.

### **57. Adjournment of meeting**

(1) No member shall at any meeting move or second more than one proposal for the adjournment of the meeting.

**58. Adjournment of the debate**

(1) If the proposal that the debate be adjourned is carried, the Council shall deal with the next question appearing on the agenda and the question in respect of which the debate has been adjourned, shall be placed first on the list of motions or proposals of the next meeting and the discussion thereof shall be resumed at that meeting.

(2) On resuming an adjourned debate, the member who moved its adjournment shall be entitled to speak first.

(3) No member shall move or second more than one proposal for the adjournment of the same debate.

**59. Putting the question**

(1) Subject to the provisions of section 53(1), a member who has not participated in the debate on a motion or proposal during that debate may at the conclusion of a speech move that the question be now put.

(2) Subject to the provisions of subsection (3), a proposal made in terms of subsection (1) shall not be open to discussion.

(3) The mover of a question under debate may, when a proposal has been made in terms of subsection (1), speak on such a proposal for not more than five minutes and subsequently the proposal shall be put without further discussion.

**60. The Council shall proceed to next business**

(1) Subject to the provisions of subsection 53(1) a member who has not participated in the debate on a motion or proposal during that debate may at the conclusion of a speech move that the Council do now proceed to the next matter.

(2) Subject to the provisions of subsection (3), a proposal made in terms of subsection (1) shall not be open to discussion.

(3) The mover of a question under discussion may, when a proposal has been made in terms of subsection (1), speak on such proposal for not more than five minutes and subsequently the proposal shall be put without any further debate.

(4) If a proposal made in terms of subsection (1) is carried, the question under discussion shall be dropped.

**61. The matter shall be referred back for further consideration**

(1) When a member move that the question be referred back for further consideration the mover of such a proposal shall have no right of reply.

(2) If such a proposal is carried subject to subsection (3), the debate on the recommendation shall end and the Council shall proceed to the next matter.

(3) No matter shall be referred back more than twice.

**62. Interpretation of standing orders**

(1)(a) Any member may request the ruling of the chairperson as to the interpretation of the Standing Orders to be embodied in the minutes and a register of such rulings shall be kept by the Manager: Corporate Services.

(b) The chairperson shall sign the entry of each ruling given by himself.

(2)(a) A member who has made a request in terms of subsection (1), may during that meeting orally or within 5 days thereof in writing require the Municipal Manager to obtain a professional interpretation or ruling and to report thereon to the Council.

**63. Discussion of matter in committee**

(1) When a member moves that the Council resolve itself in committee to consider a matter on the agenda, including a proposal in terms of section 30(2), he may speak on such proposal for not more than three minutes, but the seconder shall not speak thereon.

(2) After a proposal contemplated in subsection (1) has been carried, the chairperson shall after consideration if it is reasonable and necessary to protect the rights of the person/subject under discussion, order the press, the public and every other person whose presence will in his opinion not be required during the discussion, to leave the Council chamber and upon satisfying himself that his order has been complied with, he shall put the matter concerned again.

(3) A discussion of a matter in committee shall not suspend any other provisions of these standing orders.

(4) If after the Council has despatched the matters dealt with in committee, there still remain other matters on agenda, the chairperson shall allow the press, the public and others leave to re-enter the Council chamber.

(5) Any decision by the Council to resolve itself in committee must be taken with due consideration of section 31 of the Act which requires a Council to conduct its business in an open manner and that it may close its sittings or authorise its committees to close their sittings only when it is reasonable and justifiable to do so in an open and democratic society after having regard to the nature of the business being conducted.

**64. Resignation of seat on committee**

(1) Any member of a committee who wishes to resign his seat on the committee, shall submit his resignation to the Municipal Manager in writing and thereafter such resignation may not be withdrawn.

**65. Filling of a vacancy on a committee**

(1) Every vacancy on a committee shall be notified by the Municipal Manager to the Council not later than the second meeting after the meeting of the committee at which such vacancy is notified and the Council may fill the vacancy.

**66. Filling of a vacancy on a committee during absence of a member**

(1) When any member is granted leave of absence from a meeting of a committee, the Council may appoint another member to act during his absence on any committee on which the absent member serves.

**67. Attendance register for Committee meetings**

(1) The Manager: Corporate Services shall keep an attendance register in which every member of the Committee attending a meeting of that committee, shall sign his name.

(2) Any non-member of a Committee shall whenever he attend a meeting of that committee, enter his name in the attendance register and shall write after his name the words "no-member".

**68. Participation in discussions at Committee meetings**

(1) Any person requested or allowed by the chairperson of a Committee to attend a meeting of such committee may, with the permission of the chairperson, speak thereat.

**69. No quorum at Committee meetings**

(1) If after expiration of ten minutes after the time at which a meeting of a Committee is due to commence there is no quorum, the meeting shall be held on a day and at an hour determined by the Municipal Manager.

**70. Manner of voting at meetings of Committees**

(1) The chairperson shall allow the members of the Committee to vote by show of hands and any member of that committee then present and voting may call for a division in which event the provision of sections 52(5), (6) and (7) shall apply *mutatis mutandis*: Provided that no provision hereof shall affect the right of any member to have his vote recorded against the resolution.

**71. Approval of minutes of Committee meeting**

(1) At any ordinary meeting of the Committee, after considering applications for leave of absence, the minutes of any previous meeting of the committee not yet confirmed shall be read, approved with or without amendments and signed by the chairperson.

(2) The minutes mentioned in subsection (1) may be taken as read if they have been open to inspection of the members of the committee not less than an hour prior to the commencement of the meeting: Provided that the minutes shall be read if a member so required unless the committee decides to defer consideration thereof until its next meeting: Provided further that if the minutes have been circulated in a manner as provided in the Act, it shall not be competent for any member to require them to be read unless a majority of the members present so resolves.

**72. Minutes may be held over owing to pressure of work**

(1) The minutes of a meeting of the Committee may owing to pressure of work or any other appropriate reason be held over for confirmation at any subsequent meeting.

**73. Discussion of minutes of Committee meeting**

(1) No proposal or discussion shall be allowed upon the minutes, except as to their accuracy.

**74. Reports may be supplied to press**

(1) The Municipal Manager, may, on application being made to him by any registered newspaper, supply the agenda of the Council to a representative of such newspaper at the commencement of a meeting: Provided that the Mayor may instruct him not to supply any particular agenda or item in an agenda or to withhold it until the conclusion of the relative meeting.

**75. Exclusion of members disclosing documents**

(1) A member who publishes or discloses or causes to be published or disclosed any document or record of the Council or of the proceedings of any committee of the Council, or of the Council in committee, relating to a matter referred to in the Code of Conduct for Councillors shall be guilty of a contravention of this subsection.

(2) The Council may exclude for such period, but not exceeding 45 days, as it may determine, any member who in its opinion is guilty of a contravention of subsection (1). Provided that the appeal procedures contemplated in section 48 shall *mutatis mutandis* apply to the provisions for this section.

(3) If a member attends any meeting despite a decision in terms of subsection (2) to exclude such member, the chairperson may call upon an officer to remove such member and to take steps to ensure that such member does not return to the meeting.

**76. Return of attendance of meetings**

(1) The Manager: Corporate Services shall prepare annually a return of the number of Council meetings attended by each member and of the number of meetings of Committees contemplated in the act, attended by each member of such committees.

(2) The Manager: Corporate Services shall include the return contemplated in subsection (1) in the agenda of the ordinary meeting to be held in January of each year.

**77. Short Title and Commencement**

(1) This By-law will be known as the Standing Orders and shall commence on the date of promulgation in the Provincial Gazette.

## NOTICE 94 OF 2006

### Mookgophong Local Municipality Proposed By – Laws Relating to Streets

The Municipal Manager of Mookgophong Local Municipality hereby, in terms of section 13 (a) of the Local Government Municipal System Act, 2000 (Act No. 32 of 2000), publishes the By-Laws relating to Streets for Mookgophong Local Municipality as proposed by its Council, as set out hereunder.

#### MOOKGOPHONG LOCAL MUNICIPALITY BY –LAWS RELATING TO STREETS

##### PURPOSE OF BY-LAW

The purpose of the by-law is to promote the achievement of a safe and clean environment for the benefit of residents within the area of jurisdiction of the municipality by the implementation of procedures and practices to manage the use of streets and to place specific prohibitions on certain activities in streets.

##### 1. Definitions

(1) In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa: -

**"animals"** means any horses, mules, donkeys, cattle, pigs, sheep, goats, ostriches indigenous mammals and other wild animals;

**"caravan"** means any vehicle permanently fitted out for use by persons for living and sleeping purposes, whether or not such vehicle is a trailer;

**"council"** means the Mookgophong Local Municipality and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

**"municipality"** has a similar meaning to "Council";

**"municipal area"** means the area of jurisdiction of Mookgophong Local Municipality as determined in terms of the Municipal Demarcation Act, 1998;

**"municipal manager"** means a person appointed in terms of section 82 of the Municipal Structures Act, 1998;

**"motor vehicle"** means any self-propelled vehicle and includes-

(a) a trailer; and

(b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include-

(i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or

(ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;

**"park"** means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle;

**"public place"** means any square, park, recreation ground, sports ground, sanitary lane or open space which has-

(a) in connection with any subdivision or layout of land into erven, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, whether or not it is shown on a general plan, plan of subdivision or diagram;

(b) at any time been dedicated to the public;

(c) been used by the public without interruption for a period of at least thirty years, or

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

**"public street"** means-

(a) any street which has at any time been-

(i) dedicated to the public;

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

(iii) declared or rendered such by the municipality or other competent authority, or

(iv) constructed by a local authority, and

(b) any land, with or without buildings or structures thereon, which is shown as a street on-

(i) any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon, or

(ii) any general plan as defined in the Land Survey Act, 1927, registered or filed in a deeds registry or Surveyor General's office;

(iii) unless such land is on such plan or diagram described as a private street;

**"semi-trailer"** means a trailer having no front axle and so designed that at least 15% of its tare is super-imposed on and borne by a vehicle drawing such trailer;

**"sidewalk"** means that portion of a street between the outer boundary of the roadway and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians;

**"street"** means any road, street or thoroughfare or any other place which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and except where inconsistent with the context includes -

- (a) the verge of any such road, street or thoroughfare
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other object belonging to such road, street or thoroughfare.

**"tare"**, in relation to a motor vehicle, means the mass of such a vehicle ready to travel on a road and includes the mass of-

- (a) any spare wheel and of all other accessories and equipment supplied by the manufacturer as standard for the particular model of motor vehicle concerned;
- (b) anything which is a permanent part of the structure of such vehicle;
- (c) anything attached to such vehicle so as to form a structural alteration of a permanent structure; and
- (d) the accumulators, if such vehicle is self-propelled by electrical power, but does not include the mass of-
  - (i) fuel, and
  - (ii) anything attached to such vehicle which is not of the nature referred to in paragraph (b) or (c);

**"trailer"** means a vehicle which is not self-propelled and designed or adapted to be drawn by a motor vehicle, but does not include a side-car fitted to a motor cycle;

**"vehicle"** means a device designed or adapted mainly to travel on wheels or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves solely on rails; and

**"work"** means work of any nature whatsoever undertaken on any land within the area of jurisdiction of Mookgophong Local Municipality and, without in any way limiting the ordinary meaning of the word, includes the erection of a new building or alterations or additions to any existing building, the laying of cables and pipes, the dumping of building or other material anywhere in the street, or delivery to or removal from any site of any soil or material of any nature whatsoever.

## 2. Streets, sidewalks and encroachments on streets

No person shall -

- (1) make, construct, reconstruct, or alter a street or sidewalk in a street -
  - (a) except with the written permission of the municipality; or
  - (b) otherwise than in accordance with the requirements prescribed by the municipality; or
- (2) construct a veranda, cover, steps or other projection or erect a post in a street except with the written permission of the municipality.

## 3. Advertisements visible from streets

- (1) No person shall display any advertisement, placard, poster or bill in a street -
  - (a) except with the written permission of the municipality; and
  - (b) otherwise than in accordance with such conditions as may be determined by the municipality.
- (2) This section shall not be applicable to signs which have been exempted under the provisions of the municipality's by-law relating to Advertising Signs and the Disfigurement of the Front or Frontages of Streets.

## 4. Animals or objects causing an obstruction

No person shall -

- (1) deposit or leave any goods or articles in a street, other than for a reasonable period during the course of the loading, off-loading or removal thereof; or
- (2) in any way obstruct the pedestrian traffic on a sidewalk by bringing or allowing to be brought thereon any animal, object or vehicle (other than a perambulator or wheel-chair which is being used for the conveyance of children or the disabled); or
- (3) cause or allow any blind, awning, cord or other object to project or to be stretched over or onto a street -
  - (a) except with the written permission of the municipality; or
  - (b) otherwise than in accordance with such conditions as may be determined by the municipality.

## 5. Trees in streets

- (1) No person shall -
  - (a) plant a tree or shrub in a street, or in any way cut down a tree or a shrub in a street or remove it therefrom, except with the written permission of the municipality;
  - (b) climb, break or damage a tree growing in a street; or
  - (c) in any way mark or paint any tree growing in a street or attach any advertisement thereto.
- (2) Any tree or shrub planted in a street shall become the property of the municipality.



**6. Trees or growth causing an interference or obstruction**

- (1) Whenever there is upon any property any tree or other growth which interferes with overhead wires or is a source of annoyance, danger or inconvenience to persons using a street, the municipality may by notice in writing order the owner or occupier of such property to prune or remove such tree or growth to the extent and within the period specified in such notice.
- (2) Any person failing to comply with a notice issued in terms of subsection (1) shall be guilty of an offence.
- (3) If any person fails to comply with a notice in terms of this section, the municipality may itself prune or remove the tree or growth at the expense of the person on whom the notice was served.

**7. Refuse, motor vehicle wrecks, waste material, etc.**

No person shall –

- (1) dump, leave or accumulate any garden refuse, motor vehicle wrecks, spare parts of vehicles, building or waste materials, rubbish or any other waste products in any street or public place; or
- (2) permit any such objects or substances to be dumped or placed in a street or public place from premises owned or occupied by him;
- (a) except with the written permission of the municipality; or
- (b) otherwise than in accordance with such conditions as may be determined by the municipality.

**8. Prohibition upon certain activities in connection with objects in streets**

No person shall, in a street -

- (1) effect any repairs or service to a vehicle, except where necessary for the purpose of removing such vehicle from the place where it was involved in an accident, or
- (2) clean or wash a vehicle.

**9. Prohibition upon games and other acts in streets**

No person shall –

- (1) roll a hoop, fly a kite, shoot with a bow and arrow or catapult, discharge fireworks or throw a stone, stick or other projectile in, onto or across a street; or
- (2) do anything in a street which may endanger the life or safety of any person, animal or thing or may be a nuisance, obstruction or annoyance to the public unless such street is provided with clear signs and identifiable paving and street furniture which distinguishes it as "residential erf" or "street park".

**10. Use of explosives**

No person shall in or upon a street use explosives or undertake blasting operations -

- (1) except with the written permission of the municipality; and
- (2) otherwise than in accordance with such conditions as may be determined by the municipality.

**11. Conveyance of animal carcasses or other waste products through streets**

No person shall carry or convey through a street the carcass of an animal or any garbage, night soil, refuse, litter, rubbish, manure, gravel or sand -

- (1) unless it is properly covered; and
- (2) unless it is conveyed in such type of container as will not allow any offensive liquids or parts of the load to be spilled in the street.

**12. Fences on street boundaries**

No person shall erect a barbed-wire fence or other dangerous fence on the boundary of a street except with the written permission of the municipality.

**13. Building materials in streets**

No person shall bore or cut stone or bricks, slake or sift lime, or mix building materials, or store or place building materials in a street except with the written permission of the municipality and then only in accordance with the requirements prescribed by the municipality.

**14. Balconies and verandas**

No person shall, except with the written permission of the municipality –

- (1) use a balcony or veranda erected beyond the boundary line of a street for purposes of trading or the storage of goods, or for the washing or drying of clothes thereon; or
- (2) enclose or partition a balcony or veranda erected beyond the boundary line of a street or portion thereof as a living or bedroom.

**15. Drying of washing on fences on boundaries of streets**

No person shall dry or spread washing on a fence on the boundary of a street.

**16. Outspanning in streets**

No person shall outspan or allow to be outspanned in any street any vehicle drawn by animals, or detach or leave in any street any trailer, caravan or vehicle which is not self-propelled; provided that this provision shall not apply to the actual loading or unloading of such vehicle.

**17. Protection of street surface**

(1) No person shall –

(a) use a vehicle or allow it to be used in any street if such vehicle is in such a defective condition that it will or may cause damage to any street; and

(b) drive, push, roll, pull or propel any object, machine or other material through or along a street in such a way, or while such object, machine or material is in such a condition, as may damage, break or destroy the surface of the street in any way;

(c) undertake any work which may cause the surface of any street to be altered, damaged or broken without the permission of the municipality.

(2) If the municipality identifies a person who, as a result of the actions referred to in subsection (1), has damaged, broken or destroyed the surface of a street, the cost of repairs, as determined by the municipality, may be recovered from the offender.

(3) Any person who is the owner of land on which any work is done shall be liable for any damage to any portion of a street caused by or in connection with the execution of such work by such owner, his or her employee or any independent contractor acting on behalf of such owner.

(4) When any work which has to be undertaken on any land entails the driving of vehicles over kerbs, sidewalks or road verges, the owner of such land shall not commence, or allow any other person to commence, any such work unless and until such a person has deposited with the municipality an amount sufficient to cover the cost of repairing any damage which may be caused to any portion of such street as a result of, or in connection with, the execution of such work by such owner, his or her employee or any independent contractor acting on behalf of such owner.

(5) After completion of such work, the municipality shall itself undertake the repair of any portion of such street as may have been damaged by such work and shall set off the cost of such repairs against such deposit. If such cost is less than the amount of the deposit, the municipality shall refund the balance to the depositor, but if the amount of the deposit does not cover such cost, the owner shall be liable for the difference, which shall become payable on receipt of an account specifying the additional amount due.

(6) No person other than an authorised official of the municipality in the performance of his or her duties may apply, mark, paint or draw lines, marks, words, signs or advertisements on the surface of a street.

**18. Damaging of notice-boards**

No person shall deface, damage or in any way interfere with any notice-board, road traffic sign, street-name board or other similar sign or any hoarding which has been erected in a street by or with the permission of the municipality.

**19. Street and door-to-door collections**

No person shall –

(1) collect or attempt to collect money in a street or organise or in any way assist in the organisation of such collection, except with the written permission of the municipality and otherwise than in accordance with such conditions as may be determined by the municipality; or

(2) collect from door to door, beg or solicit or accept alms, except with the written permission of the municipality.

**20. Excavations in streets**

No person shall make or cause to be made an excavation or dig or cause to be dug a pit, trench or hole in a street –

(1) except with the written permission of the municipality; and

(2) otherwise than in accordance with the requirements prescribed by the municipality.

**21. Poison in streets**

No person other than an official of the municipality or an authorised person who administers legally approved weed-killers or poisons, shall use, set or cast poison in any street.

**22. Processions**

(1) Subject to the provisions of sub-section (6) no person shall hold, organise, initiate, control or actively participate in a procession or gathering in a street, or dance or sing or play a musical instrument, or do anything which is likely to cause a gathering of persons or the disruption or obstruction of traffic in such street, or shall use any loudspeaker or other device for the reproduction or amplification of sound without the written permission of the municipality in terms of subsections (2) and (3).

(2) Any person who intends to perform or carry out any one or more of the actions described in subsection (1) in any street shall submit a written application for permission thereto, which shall reach the municipality at least seven days before the date upon which any one or more of such actions is or are intended to be performed or carried out; provided that persons who intend participating actively in a procession, or gathering in any street need not apply to the municipality for permission thereto and it shall not be illegal for such persons to participate actively in such procession or gathering if the organiser, promoter or controller thereof has obtained the permission of the municipality. An application made in terms hereof shall contain the following:

- (a) full details of the name, address and occupation of the applicant;
- (b) full details of the street where or route along which any one or more of the actions prescribed in subsection (1) is or are intended to be performed or carried out, proposed starting and finishing times or any one or more of the aforesaid actions and, in the case of processions and gatherings, the number of persons expected to attend; and
- (c) general details of the purpose of any one or more of the aforesaid actions intended to be performed or carried out.

(3) Any application submitted in accordance with subsection (2) shall be considered by the municipality and if any one or more of the actions to be performed or carried out as proposed in such application is or are not, in the opinion of the municipality, likely to be in conflict with the interests of public peace, good order or safety, the municipality shall issue a certificate granting permission and authorisation for the performance or carrying out of any one or more of such actions subject to such conditions as the municipality may deem necessary to uphold public peace, good order or safety.

(4) The municipality may refuse to grant permission for the performance or carrying out of any one or more of the actions described in subsection (1), if the performance or carrying out of such action or actions will, in the opinion of the municipality, be in conflict with the interests of public peace, good order or safety.

(5) The municipality may withdraw any permission granted in terms of subsection (3), if, as a result of further information, it is of the opinion that the performance or carrying out of the action or action in question will be in conflict with the interests of public peace, good order or safety.

(6) The provisions of this section shall not apply –

- (1) to wedding or funeral processions; or
- (2) to a gathering or demonstration as contemplated by the Regulation of Gatherings Act No 205 of 1993 in which case the provisions of the said act shall be applicable.

### **23. Roller-skating and skating on skate-boards**

No person shall, except with the prior written permission of the municipality, skate on roller skates or a skate board or a similar device in or on a public road or in or upon an area where skating is prohibited by an applicable road traffic sign.

### **24. Persons to be decently clad**

No person shall appear in any street without being clothed in such a manner as decency demands.

### **25. Overflow of water into streets**

No person shall cause or allow any water other than rain water to flow into a street.

### **26. Behaviour in streets**

No person shall –

- (1) cause a nuisance to other persons by loitering, standing, sitting or lying or begging;
  - (2) sleep, overnight or erect any shelter;
  - (3) wash or dry clothes, blankets or any other domestic articles;
  - (4) use abusive, insulting, obscene, threatening or blasphemous language;
  - (5) fight or act in a riotous manner;
  - (6) discharge a fire-arm, airgun or air-pistol;
  - (7) annoy or inconvenience any other person by yelling, shouting or making any noise in any manner whatsoever;
  - (8) defecate, urinate or wash himself;
  - (9) solicit or importune any person for the purpose of prostitution or immorality;
  - (10) engage in gambling;
  - (11) use intoxicating liquor or drugs;
  - (12) spit;
- in a street.

### **27. Animals in a street**

No owner or person in charge of any animal, monkey or horned cattle shall –

- (1) allow such animals at any time to be insufficiently attended or at large in any street or shall keep any such animal in such a manner as to be a danger or annoyance to the public; or
- (2) shall, allow, permit or cause any animal to graze or stray in or about any street.

**28. Display of street number of places**

- (1) The municipality may prescribe by notice in writing to the owner of any premises that a number allocated to such premises by the municipality in terms of section 37(c) shall be displayed and the owner of such premises shall, within 30 days of the date of such notice, display the allocated number on the premises.
- (2) a number displayed as contemplated by sub-section (1) shall –
- (a) be displayed in a conspicuous position on the premises and must at all times be visible and legible from the adjacent street; and
- (b) be replaced by the owner of the premises as often as it gets obliterated, defaced or illegible.

**29. Bridges and crossings over gutters and sidewalks**

No private crossing, pathway, bridge or culvert shall be made or built to or in front of any dwelling or other premises in any street or public place –

- (1) except with the written permission of the municipality; and
- (2) otherwise than in accordance with the requirements prescribed by the municipality.

**30. Control of amusement shows and devices**

- (1) No person shall set up or use in any street or public place any circus, whirligig, roundabout or other side-show or device for the amusement or recreation of the public –
- (a) except with the written permission of the municipality;
- (b) otherwise than in accordance with such conditions as may be determined by the municipality;
- (c) unless suitable sanitary conveniences for both sexes of the staff have been provided; and
- (d) if it is in any way dangerous or unsafe for public use.
- (2) An authorised official of the municipality shall, for the purposes of inspection, at all reasonable times have free access to such circus, whirligig, roundabout or other side-show or device.

**31. Control of animal-drawn vehicles**

- (1) No person shall –
- (a) simultaneously drive or be in control of more than one animal-drawn vehicle in a street;
- (b) drive or be in control of an animal-drawn vehicle in a street if he or she is under 16 years of age; or
- (c) if he or she is in control of an animal-drawn vehicle in a street, allow a person under 16 years of age to drive or be in control of such vehicle.

**32. Vehicles to be attended**

No person shall, in a street, sleep in a vehicle other than a motor vehicle parked in a taxi rank or on some other stand duly allocated by the municipality.

**33. Municipality may act and recover costs**

- (1) Notwithstanding any other provisions of this by-law, the municipality may –
- (a) where the permission of the municipality is required before a person may perform a certain action or build or erect anything and such permission has not been obtained; and
- (b) where any provision of this by-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance;
- (c) serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the municipality may require to rectify such contravention within the period stated in such notice.
- (2) Any person who fails to comply with a notice in terms of subsection (1) shall be guilty of an offence and the municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

**34. Closure and diversion of streets**

- (1) No person shall, without the approval of the municipality, close or barricade any street or restrict access thereto.
- (2) The municipality may close or divert any public street or part thereof -
- (3) When the municipality decides to act in terms of subsection (1), it shall give notice of such intention in terms of its communication policy;
- (4) Any objection against the intended action must be delivered in writing to the Municipal Manager within 30 days from the date of notification in terms of subsection (2) for submission to Council or a committee or person who has delegated powers to decide upon it.
- (5) The municipality may, without complying with the provisions of section 35 -
- (a) temporarily close a public street -
- (i) for the purpose of or pending the construction, reconstruction, maintenance or repair of such street;

- (ii) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under such street;
- (c) if such street is, in the opinion of the municipality, in a state dangerous to traffic;
- (d) by reason of any emergency or public event which, in the opinion of the municipality, requires special measures for the control of traffic or special provision for the accommodation of crowds, or
- (e) for any other reason which, in the opinion of the municipality, renders the temporary closing of such street necessary, and

(2) temporarily divert a public street which has been closed in terms of paragraph (1).

### **35. Construction, maintenance and naming of streets and public places**

The municipality may in its area-

- (1) make, construct, reconstruct, alter and maintain streets and public places;
- (2) name and re-name streets and public places;
- (3) allocate and re-allocate numbers to properties abutting on streets and public places.

### **36. Declaration of public streets and public places**

- (1) The municipality may declare any street or portion thereof to be a public street or any place to be a public place;
- (2) When the municipality decides to act in terms of subsection (1), it shall give notice of such intention in terms of its communication policy;
- (3) Any objection against the intended action must be delivered in writing to the Municipal Manager within 30 days from the date of notification in terms of subsection (2) for submission to Council or a committee or person who has delegated powers to decide upon it.

### **37. Parking of Heavy Vehicles and Caravans**

- (1) No person shall park on a public road within the municipal area-
  - (a) a motor vehicle with a tare exceeding 3500 kg;
  - (b) a trailer;
  - (c) a semi-trailer, or
  - (d) a caravan

for an uninterrupted period exceeding two hours.

- (2) Whenever a vehicle is parked in contravention of sub section (1), it shall be deemed that such vehicle has been parked by the owner thereof unless the contrary is proved.

### **38. Penalty**

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

- (1) a maximum fine of R 2000-00 or maximum imprisonment of 6 months, or either such fine or imprisonment or to both such fine and such imprisonment and,
- (2) in the case of a continuing offence, to an additional maximum fine of R200-00 or an additional maximum period of imprisonment of 1 day or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
- (3) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

### **39. Short Title and Commencement**

This By-law will be known as the Street By-Laws and shall commence on the date of promulgation in the Provincial Gazette.

**NOTICE 95 OF 2006****Mookgophong Local Municipality  
Proposed By-laws relating to Street Trading**

The Municipal Manager of Mookgophong Local Municipality hereby, in terms of section 13 (a) of the Local Government Municipal System Act, 2000 (Act No. 32 of 2000), publishes the By-Laws relating to Streets for Mookgophong Local Municipality as proposed by its Council, as set out hereunder.

**PURPOSE OF THE BY-LAW**

The purpose of this by-law is to regulate any form of trading in public places in an attempt to create an orderly environment and to prevent conflict of interest.

**MOOKGOPHONG LOCAL MUNICIPALITY  
STREET TRADING BY-LAWS****1. Definitions**

(1) In these by-law, unless the context indicates otherwise:

"**authorised official**" means an official of the Municipality authorised to implement the provisions of the by-law and "officer" shall have a corresponding meaning;

"**act**" means the Limpopo Business Registration Act, 2003, (Act 5 of 2003);

"**building**" means normal brick structures and includes informal structures such as shanties or movables such as caravans or any other mobile structures;

"**business registration centre**" as defined in the Limpopo Business Registration Act, 2003, (Act 5 of 2003);

"**municipality**" means the Mookgophong Local Municipality and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

"**foodstuff**" means any article or substance except a drug as defined in the Drugs and Drugs Trafficking Act, (Act 140 of 1992), ordinarily eaten or drunk by persons or purporting to be suitable, or manufactured or sold, for human consumption and includes any part or ingredient of any such article or substance, or any substance used or intended or destined to be used as a part or ingredient of any such article or substance;

"**garden of park**" means a garden or park to which the public has a right of access;

"**goods**" means any transferable interest but excludes any living thing and hazardous substances;

"**litter**" means any waste materials and includes any container or other matter which has been discarded, abandoned or left behind by a person trading or his/her customers;

"**pavement**" means a sidewalk or that portion of a road reserved for the exclusive use of pedestrians as defined in the National Road Traffic Act, 1996 (Act No 93 1996);

"**national monument**" means a building declared to be a national monument under the National Monuments Act, 1969 (Act No. 28 of 1969);

"**nuisance**" means any action or behaviour by anyone which constitutes a disturbance or causes discomfort to anyone;

"**perishables**" means milk, meat, fish, crustaceans, fruit and vegetables as well as products which require special storage facilities;

"**MEC**" means the Member of the Executive Council of the Limpopo Directorate of Business Registration and Business Registration Centres who is charged with the responsibility of the administration of the Limpopo Business Act, 1993;

"**prohibited area**" means any place declared or to be declared under resolution of the Municipality to be an area in which street trading may be prohibited;

"**property**" in relation to a person carrying on the business of street trading, means any article, receptacle, vehicle or structure used or intended to be used in connection with such business and includes goods in which he trades;

"**public building**" means a building occupied solely by the State or the Municipality or any organs of state;

"**public place**" means any square, park, recreation ground, sport ground, sanitary lane or open space which has-

(a) in connection with any subdivision or layout of land into erven, lots or plots, been provided, reserved or set apart for use by the public or the owner or occupiers of such erven, lots or plots, whether or not it is shown on a general plan, plan of subdivision or diagram;

(b) at any time been dedicated to the public;

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

"**public road**" means any road, street or thoroughfare or any other place (whether a thoroughfare or not)

which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and includes-

(a) the verge of any such road, street or thoroughfare;

(b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and

(c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

"restricted area" means any place declared by resolution of the Municipality to be an area in which street trading may be restricted;

"street trader" means a person that is mobile and sells goods for own profit whether such goods are the product of his own labour or not;

"sell" means alienation for value and includes supply to and also-

(a) exchange or hire;

(b) store, expose, offer or prepare for sale and "sale" has a corresponding meaning;

"services" means includes any advantage or gain for consideration or reward;

"South African Citizen" means a South African citizen in terms of the South African Citizenship Act, 1995 (Act 88 of 1995);

"trade" means the lawful sale of goods or services in a public road or public place and "trading" has a corresponding meaning;

"verge" means a verge as defined in section 1 of the Road Traffic Act, 1989 (Act No. 29 of 1989) and any word or expression to which a meaning has been assigned in the Business Act, 1991 (Act No. 71 of 1991).

(2) In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa;

(3) For the purpose of this by-law a single act of selling in a public place shall constitute trading.

## 2. Right to Trade

(1) Subject to the provisions of sections 3 and 4 and any other law, street trading is permitted except in so far as such trading is restricted or prohibited by sections 5 to 13 inclusive, provided further that no person who is not a South African citizen shall be entitled to operate as a street trader unless he is in possession of a valid work permit authorising such street trading.

(2) A person who wishes to carry on or conduct business shall apply to a Business Registration Centre within the area in which the business is to be conducted, for the registration of such business.

(3) A business registration certificate will be issued in terms of the Act, if the application is successful.

## 3. General conduct of street traders

A person shall -

(1) not place his property on a verge or public place except for the purpose of commencing to trade;

(2) ensure that his property does not cover an area of a public road, public place or pavement which is greater in extent than three square metres (3m<sup>2</sup>) unless written permission for a greater area is obtained from the Municipality;

(3) not trade on pavements narrower than 2,5m;

(4) not place or stack his property in such a manner that it constitutes a danger to any person or property or is likely to injure any person or damage property;

(5) not erect any structure for the purpose of providing shelter or sleep overnight at the place of business without the prior written approval of the Municipality provided that where approval is given for a shelter to protect goods he shall not erect an unsightly structure from which to conduct business;

(6) not obstruct access to a fire hydrant or area demarcated solely for the use of emergency vehicles and/or services;

(7) on concluding business for the day, remove his/her property, except any permanent structure permitted by the Municipality, to a place which is not part of a public road or public place;

(8) on request by an employee or agent of the Municipality or any supplier of telecommunication or electricity or other services, move his property so as to permit the carrying out of any work in relation to a public road, place or any such service;

(9) not attached any object or goods by any means to any building structure, pavement, tree, parking meter, lamp post, electricity pole, telephone booth, post box, traffic sign, fence, bench or any other street furniture in or on a public road or public place;

(10) not make an open fire at a place of trading or in circumstances where it could harm a person or damage a building or vehicle;

(11) not store his property in a manhole or storm water drain, bus shelter, public toilet or tree;

(12) not sell his goods in a street by constantly using megaphones, radios, loudspeakers, or constantly shouting or singing in a manner which shall constitute a nuisance or disturbance in the area;

(13) not commence street trading unless he registers with the Municipality and pay such fees or costs for services reasonably required including the costs of leasing any trading space or structure provided by the Municipality.

## 4. Cleanliness

(1) A Person trading shall-

(a) keep his property and the area or site occupied by him for the purpose of such business in a clean and sanitary condition;

(b) dispose of litter generated by his business in whatever receptacles provided therefore by the Municipality, including recycling and dumping sites and not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;

(c) ensure that on completion of business for the day the area or site occupied by him for the purpose of trade is free of litter.

(d) take such precautions as may be necessary or prescribed by the Municipality to prevent the spilling onto a public road or public place of any fat, oil, grease or any hazardous substances in the course of conducting his business and prevent any smoke, fumes, odour or noise emanating from his activities from becoming a nuisance.

(2) The Municipality shall-

(a) ensure that the site on which the street traders are trading are cleaned and sanitised on a regular basis;

(b) provide receptacles on the sites in order to facilitate the disposal of litter by the street traders; and

(c) ensure that the receptacles are emptied on a regular basis in order to facilitate clean trading sites.

#### **5. Obstruction of pedestrians**

No person shall trade at a place where such trading-

(1) obstructs access to or use of street facilities such as a bus passenger bench or shelter or queuing line, refuse disposal bin or other facility intended for the use of the general public;

(2) obstructs the visibility of a display window, signboard or premises, if the person carrying on business in the premises concerned objects thereto;

(3) obstructs access to a building in width, automatic bank teller machine, pedestrian crossing or motor vehicle;

(4) leaves less than 1,5m in width of a sidewalk clear for pedestrian use, or in any manner substantially obstructs pedestrians in their use of a sidewalk.

#### **6. Obstruction of vehicle traffic**

No person shall trade at a place where such trading-

(1) cause an obstruction on a roadway;

(2) limits access to parking or loading bays or other facilities for vehicular traffic;

(3) obscures any road traffic sign or any marking, notice or sign displayed or made in terms of this or any other law;

(4) interferes in any way with any vehicle that may be parked alongside such place; or

(5) obscures or impedes the view of any user of the road, any traffic sign or any other road user.

#### **7. Trading restricted to specified hours in certain places**

No person shall trade-

(1) on a verge contiguous to any place of worship, national monument or public building; or

(2) in a restricted area, which is specified in Schedule A, compiled by the Municipality according to the consultation process outlined in subsections 6A(2)(a) to (j) of the Business Act, 1991 (Act No, 71 of 1991), outside the hours so specified in relation to each garden, park, verge or area.

#### **8. Trading restricted to specified goods or services in certain places**

No person shall trade-

(1) on a verge contiguous to any place of worship, national monument or public building;

(2) in a restricted area, which is specified in Schedule B, compiled by the Municipality according to the consultation process outlined in subsections 6A(2)(a) to (j) of the Business Act, 1991, other than the goods or services so specified in relation to each such garden, park, verge or area; or

(3) on a verge contiguous to that part of a building in which business is being carried on by a person other than a department store or supermarket or other large supplier of many different lines of goods of the same nature as or of a similar nature to goods being sold by the first-mentioned person without the consent of the second-mentioned person.

#### **9. Trading restricted to demarcated stands or areas in certain places**

No person shall trade-

(1) on a verge contiguous to any gardens and parks, place of worship, national monument or public building; or

(2) in a restricted area, compiled by the Municipality according to the consultation process outlined in subsections 6A(2)(a) to (j) of the Business Act, 1991, outside a stand or area set apart for trading purposes as contemplated in subsection 6A(3)(b) of the Business Act, 1991.

#### **10. No trading in stands or areas which have been let except by the lessee**

If the Municipality has let or otherwise allocated any stand or area set apart or otherwise established for street trading purposes, as contemplated in subsection 6A(3)(c) of the Business Act, 1991, no person may trade in



such area if he is not in possession of proof that he has hired such stand or area from the Municipality or that it has otherwise been allocated to him.

**11. No trading near certain public buildings, places of worship and national monuments**

No person shall trade on a verge contiguous to any place of worship, national monument or public building which is specified by the Municipality according to the consultation process outlined in subsections 6A(2)(a) to (j) of the Business Act, 1991, unless he obtains written consent from the Municipality, which consent shall not be unreasonably withheld.

**12. No trading in prohibited area**

No person shall trade in any prohibited area, prohibited for that purpose by the Municipality.

**13. Trading near residential buildings**

No person shall, compiled by the Municipality according to the consultation process outlined in subsections 6A(a) to (j) of the Business Act, 1991, trade in that half of a public road contiguous to a building used exclusively for residential purpose if-

- (1) the owner, person in control or occupier of any part of the building facing onto such road has objected thereto in writing; and
- (2) the fact that such objection was made has been made known in writing to the first mentioned person by an authorised official.

**14. Signs indicating restrictions and area**

The Municipality may-

- (1) by resolution, after consultation with all interested parties, prescribed signs, markings or other devices approved by the MEC indicating-
  - (a) specified hours, places, goods or services in respect of which street trading is restricted;
  - (b) the location or boundaries of a restricted area;
  - (c) the boundaries of a stand or area set apart for the purpose of the carrying on of the business of street trading under subsection 6A(3)(b) of the Business Act, 1991 (Act No, 71 of 1991);
  - (d) the fact that any such stand or area has been let or otherwise allocated;
  - (e) any restrictions or prohibition against trading in terms of this by-law; and
  - (f) the location of boundaries of a prohibited area; and
- (2) display any such sign, marking or device in such a position and manner as will indicate the restrictions or the location or boundaries of the area of stand concerned.

**15. Removal and impoundment**

- (1) An officer may remove and impound any goods, articles, receptacle, vehicle or structure-
  - (a) which he reasonable suspects is being used or has been used in or in connection with street trading; and
  - (b) which he finds at a place where street trading is restricted or prohibited in terms of sections 5 to 13 inclusive and which, in his/her opinion, constitutes an infringement of any such section; or
  - (c) which constitutes an infringement of section 3(4) hereof.
- (2) Any officer acting in terms of these provisions shall-
  - (a) except in the case of goods which have been left or abandoned, issue forthwith to the person carrying on the business of street trader a detailed receipt for any property so removed and where the property will be impounded and the procedure for reclaiming such property; and
  - (b) forthwith deliver any such property to the Municipality .
- (3) Any property removed and impounded as contemplated by subsection 6A of the Act-
  - (a) may, in the case of perishable property, be sold or destroyed by the Municipality concerned within a reasonable time after the impoundment thereof, provided that such property shall subject to the provisions of 15(4) hereunder, at any time prior to the disposal thereof, be returned to the owner on request and proof of ownership by such owner to the Municipality provided such perishables are still fit for human consumption;
  - (b) shall, subject to the provisions of 15(4) hereunder, in the case of property other than perishable property, be returned to the owner thereof on request and proof of ownership by such owner to the Municipality within a period of one month of the date of impoundment.
- (4) The Municipality concerned shall be entitled to keep the property concerned until all reasonable expenses have been paid to it, failing which the property may be sold by public auction upon 14 days notice being given to the owner or in the case of perishable goods either be sold or destroyed by the Municipality
- (5) In case of a sale of impounded property by the Municipality, the proceeds of such sale less the reasonable expenses incurred by the Municipality in connection with the removal, impoundment and/or disposal of such property, shall be paid to the person who was the owner of such property when such property was impounded. If such owner fails to claim the said proceeds within three months of the date on which such property was sold, such proceeds shall be forfeited to the Municipality and shall be paid into a special fund created by the Municipality subject to the provisions of the Municipal Financial Management Act, 2003 (Act 56

of 2003) created by the Municipality dedicated to the development of the informal sector and matters ancillary thereto.

(6) In the event of the proceeds of any sale of property contemplated by this provision, not being sufficient to defray the reasonable expenses incurred by the Municipality concerned in connection with such removal, impoundment and/or disposal, the owner of such property, when such property was impounded, shall be held responsible for the costs.

#### **16. Vicarious responsibility of persons carrying on business**

When an employee of a person conducting the business of street trading does or omits to do anything which would be an offence in terms of this by-law for that person to do or omit to do, that person shall be deemed himself to have done or omitted to do the act, unless he satisfies the court that-

- (1) he neither connived at nor permitted the act or omission by the employee concerned;
- (2) he took all reasonable steps to prevent the act or omission; and
- (3) an act or omission, whether lawful or unlawful, of the nature charged on no condition or under no circumstances fell within the scope of the authority or employment of the employer concerned and the fact that the said person issued instructions whereby an act or omission of that nature is prohibited shall not in itself be sufficient proof that he took all reasonable steps to prevent the act or omission.

#### **17. Vicarious responsibility of employees**

When a person carrying on the business of street trading is by virtue of section 16 liable for an act or omission by an employee of that person, that employee shall also be liable as if he was the person carrying on the business concerned.

#### **18. Appeals**

- (1) Any person who feels himself aggrieved by the decision of the Business Registration Centre may appeal against such decision to an appeal committee in accordance with the provisions set out in the Limpopo Business Act, 1993.
- (2) Any person who feels himself aggrieved by a decision of the Municipality shall notify the Municipality of his intention to appeal the decision in writing within 10 days of having received notification of the Municipality's decision.

#### **19. Constitution of an appeal committee**

- (1) The member of the Executive Council of Economic Affairs may, with the concurrence of the Municipality, representatives of the informal traders and any other interested person, designate persons as members and alternate members of the Appeal Committee.
- (2) The Appeal Committee shall consist of a maximum of 7(seven) members with at least 1(one) member from the relevant sector.
- (3) The members of the Appeal Committee shall appoint a member to act as a Chairperson and Deputy Chairperson respectively.
- (4) When the chairperson is unable to perform the function of Chairperson, the Deputy Chairperson shall perform the function of Chairperson.
- (5) If the Chairperson is of the opinion that a particular person is able to assist the Appeal Committee, he may co-opt that person for that purpose.
- (6) A person so co-opted shall not be entitled to vote at any meetings of the Committee.
- (7) The chairperson shall notify the aggrieved person of the date, time and place of the meeting of the Appeal Committee at which his/her presence is required within 10 days of receipt of one Notice of Appeal.
- (8) The aggrieved person who has received notice in terms of section 19(7) shall personally appear at the meeting or appoint a legal representative or any other person to appear on his behalf.
- (9) An authorised official or a legal representative may represent the Municipality concerned.

#### **20. Procedure at appeal meetings**

- (1) The Chairperson shall determine the procedure of the meeting, provided-
  - (a) such procedures adhere to the *audi alteram partem* principle; and
  - (b) all parties are advised seven days prior to the hearing and the procedures to be observed.
- (2) All members shall be present at the meeting of the Appeal Committee.
- (3) Any person present at the meeting may-
  - (a) be called upon by the Chairperson to give evidence;
  - (b) be called upon by the Chairperson to produce to the Committee any document or any other property which is in his possession or under his control; or
  - (c) be questioned by the Committee on the matter before it.
- (4) The Appeal Committee shall review the decision of the Municipality and make a finding having regard to the following considerations;

Whether the decision of the Municipality was fair and equitable in the circumstances;

The effect of the decision on the ability to trade of the aggrieved person; and

(c) Whether alternative measures may be adopted to facilitate the continued business of the aggrieved person.

(5) A decision of the Committee shall be taken by a majority of votes of the members present at the meeting and in the event of an equality of votes, the Chairperson shall have a casting vote in addition to his deliberative vote.

(6) The Appeal Committee may after consideration by it of the evidence presented-

(a) refuse the appeal;

(b) uphold the appeal; or

(c) take such other steps as it may think fit.

(7) The Appeal Committee shall as soon as it is practicable-

(a) notify the aggrieved person of its decision in writing; and

(b) furnish the aggrieved person with written reasons for its decision.

#### **21. Offences**

Any person who-

(1) contravenes or fails to comply with any provision of this by-law;

(2) ignores, disregards or disobeys any notice, sign or marking displayed or erected for purpose of this by-law;

(3) contravenes or fails to comply with any approval or conditions granted or imposed in term this by-law;

(4) fails to comply with a written instruction to move or remove his property;

(5) deliberately furnishes false or misleading information to an officer or an employee of the Municipality ;

or

(6) threatens, resists, interferes with or obstructs an officer or employee of the Municipality the performance of his powers, duties or functions under this by-law; shall be guilty of an offence.

#### **22. Penalties**

A person found guilty of an offence will be liable to a maximum fine of R 500-00 or maximum imprisonment of 1 month or both such fine and imprisonment.

#### **23. Short title and commencement**

This By-law will be known as the Street Trading By-law and shall commence on the date of promulgation in the Provincial Gazette.

**NOTICE 96 OF 2006****Mookgophong Local Municipality  
Proposed By-laws relating to the Tariffs**

The Municipal Manager of Mookgophong Local Municipality hereby, in terms of section 13 (a) of the Local Government Municipal System Act, 2000 (Act No. 32 of 2000), publishes the By-Laws relating to Libraries, for Mookgophong Local Municipality as proposed by its Council, as set out hereunder.

**PURPOSE OF THE BY-LAW**

The purpose of this by-law is to regulate the tariffs to be charged by the Council in respect of the various services rendered as provided in terms hereof.

**MOOKGOPHONG LOCAL MUNICIPALITY  
TARIFF BY-LAW****1. Definitions**

(1) In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa

“**municipality**” means the Mookgophong Local Municipality and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any other official who has delegated powers in terms of section 59 of the Local Government: Municipal Systems Act (Act 32 of 2000);

“**cost to be recovered**” means the cost of purchasing, the cost of changing the product to the delivered, capital cost, administrative and support systems cost;

“**domestic consumers**” means in regard to the electricity services, it includes private dwelling houses, residential flats, hostels if provided with a separate meter;

“**bulk consumers**” means in regard to the electricity service, it exclude domestic consumers and relates to any consumer whose electricity demand exceeds 100 KVA per month for an uninterrupted period of 12 months;

“**commercial and business consumers**” means in regard to the electricity service, it excludes domestic consumers and relates to any consumer whose maximum electricity demand is less than 100 KVA per month for a period of 12 months;

“**sewerage unit**” means any direct connection to the water borne sewerage;

“**temporary consumers**” includes builders, carnivals, fairs, amusement of any consumer of a temporary nature.

(2) In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa.

**2. Cost of Services to be recovered**

(1) The Municipality shall levy charges for the delivery of services.

(2) The levied charges shall recover the cost to deliver the following services:-

- (a) Electricity;
- (b) Refuse Removal;
- (c) Sewerage & Sanitation; and
- (d) Water.

**3. Services co-funded by property tax**

(1) The Municipality may charge regularity tariffs to recover cost to deliver the following services:-

- (a) Libraries;
- (b) Cemeteries;
- (c) Recreational Facilities; and
- (d) Administration Services.

(2) The Municipality may adjust the service charges, annually.

**4. The Municipality's Policies**

Departure of the Municipality policies may only be made where there are sound practical reasons that prevent the implementation of the policy at the present time and/or where the phased adoption of the policy or policies would reduce an otherwise onerous burden on the Municipality and or consumers.

**5. Electricity Services (Vat applicable)**

(1) The Municipality may by resolution subsidise the provision of electricity supply to indigent consumers that qualify in accordance with the municipality's indigent policy and supply units free of charge for all household consumers. Such resolutions must be reviewed on an annual basis.

(2) The Municipality may charge the following rates:-

- (a) A basic charge differentiated amongst the various categories of consumers:-
  - (i) Bulk consumers.

- (ii) Business and commercial consumers.
- (iii) Household consumers.
- (b) Availability charges for all undeveloped stands based on the type of stands.
- (c) Consumption charges (per kWh) differentiated amongst the various categories of consumers:-
  - (i) Bulk consumers.
  - (ii) Business and commercial consumers.
  - (iii) Household consumers with pre-paid meters.
  - (iv) Household consumers with conventional meters.
- (d) Consumption charges (per kVA demand):-
  - (i) Any consumer with a kVA meter.
- (e) Special charges:-
  - (i) Re-connection fees.
  - (ii) Investigation of complaints.
  - (iii) Special meter readings.
  - (iv) Testing of electrical meters.
  - (v) Unmetered supply.
- (3) VAT is not included in the tariffs unless indicated otherwise and must and be added and levied.
- (4) The Municipality may lower any tariff in line with NER (National Electricity Regular) policy and incentive schemes of Municipality.
- (5) All electrical supplies are to be metered where possible.

#### 6. Refuse Removal (Vat applicable)

- (1) The Municipality may by resolution subsidise the provision of refuse removal services to indigent consumers that qualify in accordance with the municipality's indigent policy. Such resolutions must be reviewed on an annual basis.
- (2) The Municipality may charge the following rates:-
  - (a) Municipal Area:-
    - (i) Residential refuse removal per container per month or part thereof – for one removal per week.
    - (ii) Business refuse removal per container per month or part thereof – for two removals per week.
  - (b) Special removal services:-
    - (i) Removal of garden refuse per load.
    - (ii) Compact refuse and building rubble per load.
    - (c) Dumping of refuse at the Municipal Dumping Site.
    - (d) Rental of Bulk Container.
    - (e) Garden Refuse Bags.
    - (f) Removal of and handling of dead animals.
    - (g) Any other services for which provision has not been made.
- (3) VAT is not included in the tariffs unless indicated otherwise and must and be added and levied.

#### 7. Sewerage & Sanitation (Vat applicable)

- (1) The Municipality may by resolution subsidise the provision of sewerage & sanitation services to indigent consumers that qualify in accordance with the municipality's indigent policy. Such resolutions must be reviewed on an annual basis.
- (2) The Municipality may charge the following tariffs:-
  - (a) A basic charge for all properties based on the size of the stand.
  - (b) An additional amount for every residential house or flat on the stand.
  - (c) An additional amount for every other building or improvement (excluding residential houses or flats) per sewerage unit on the stand.
  - (d) Sewerage Connection Fee – amount payable per connection.
  - (e) Availability charges for all undeveloped stands based on the type of stands.
  - (f) Sewerage Blockages - Call out fee plus labour.
  - (g) Vacuum tank:-
    - (i) Urban: basic charge
    - (ii) Urban: removal on request
    - (iii) Services outside urban areas
- (4) VAT is not included in the tariffs unless indicated otherwise and must and be added and levied.

#### 8. Water Services (Vat applicable)

- (1) The Municipality may by resolution subsidise the provision of water services to indigent consumers that qualify in accordance with the municipality's indigent policy and supply a determined amount of water usage free of charge for all household consumers. Such resolutions must be reviewed on an annual basis.
- (2) The Municipality may charge the following tariffs:-
  - (a) Household Consumers:-
    - (i) No basic charge.

- (ii) Consumption charge per kilolitre usage.
- (b) All other consumers:-
  - (i) Basic charge based on the size of the stand.
  - (ii) Consumption charge per kilolitre usage.
- (c) Water taken or delivered per truck to persons or instances outside municipal borders:-
  - (i) Charge per kilolitre supplied.
  - (ii) Transport costs.
- (d) During announced water restrictions a penalty tariff may be levied for all usage above the announced limits.
- (e) Charges for the connection of a water supply based on the size of the connection.
- (f) Availability charges for all undeveloped stands based on the type of stands.
- (g) Fees for the investigation of water related complaints.
- (h) Re-connection fees.
- (3) VAT is not included in the tariffs unless indicated otherwise and must and be added and levied.

#### 9. Property Tax (Vat not applicable)

- (1) Classifications applicable to service delivery related tariffs according to the Tariff policy, is based on the following categories:-
  - (a) Residential – Developed stands.
  - (b) Residential – Undeveloped stands.
  - (c) Commercial - Towns.
  - (d) Commercial – Villages.
  - (e) Agricultural.
  - (f) Government.
- (2) The Municipality may allow discounts to the following categories:-
  - (a) Developed properties zoned residential.
  - (b) Pensioners, for one developed property zoned residential, based on monthly income as determined on annual basis.
  - (c) Government Properties.
- (3) The Municipality may place a priority on property tax for collection of revenue.

#### 10. Sundry Tariffs (Vat applicable)

- (1) The Municipality may on annual basis determine and charge any tariff it may deem necessary to recover the cost or any part thereof for such service rendered. These tariffs must be reviewed on an annual basis and may include the following services:-
  - (a) Hostel Rental.
  - (b) Admission to and use of the facilities at the Frikkie Geysers Dam.
  - (c) Fire Brigade services.
  - (d) Issue of Certificates and Furnishing of Information.
  - (e) Binding of Documents.
  - (f) Photostat Copies of Documents.
  - (g) Library Services.
  - (h) Hawker Stands.
  - (i) Building Plan Copies.
  - (j) Rental of Equipment.
  - (k) Concrete Entrances.
  - (l) Removing of Trees.
  - (m) Midwifery Services.
  - (n) Disposal of Deserted Vehicles.
  - (o) Licensing of Dogs.
  - (p) Receipts.
  - (q) Pound and Driving Fees.
  - (r) Cemetery Services.
  - (s) Testing of Fire-hose.
  - (t) Street Projections.
  - (u) Grassing of Footways or Sidewalks.
  - (v) Posters and Advertisements.
  - (w) Public Building Certificates.
  - (x) Approval of Plans for the Erection of Tombstones and Signs.
  - (y) Town Planning Services.
  - (z) Renting of Banquet Hall Equipment.
  - (aa) Lost and Broken Articles.
  - (bb) Renting of Stadiums.
  - (cc) Renting of Community Halls.

- (dd) Renting of the Lapa.  
(2) VAT is not included in the tariffs unless indicated otherwise and must and be added and levied.

#### 11. Offences

Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to:-

- (1) Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to a penalty not exceeding –
- (a) A maximum fine of R5 000-00 or maximum imprisonment of 6 months, or either such fine or such imprisonment or both such fine and such imprisonment;
- (b) in the case of a continuing offence, an additional maximum fine of R10-00 or an additional maximum period of imprisonment of 1 day or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention

#### 12. Short Title and Commencement

This By-law will be known as the Tariff By-Law and will come into operation on publication in the Provincial Gazette.