



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

Provincial Gazette Provinsiale Koerant

(Registered as a newspaper) • (As 'n nuusblad geregistreer)

Vol. 24

NELSPRUIT
15 DECEMBER 2017
15 DESEMBER 2017

No. 2883

We all have the power to prevent AIDS



**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-4518



02883



IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

CONTENTS

	<i>Gazette</i>	<i>Page</i>
	<i>No.</i>	<i>No.</i>
GENERAL NOTICES • ALGEMENE KENNISGEWINGS		
143	Steve Tshwete Spatial Planning and Land Use Management By-law, 2016: Erf 258, Hendrina Township, Registration Division I.S., Province of Mpumalanga.....	2883 11
143	Steve Tshwete Ruimtelike Beplanning en Grondgebruik Bestuur Bywet, 2016: Erf 258, Hendrina Dorpsgebied, Registrasie Afdeling I.S., Provinsie van Mpumalanga.....	2883 11
PROCLAMATION • PROKLAMASIE		
32	Black Communities Development Act (4/1984): Tushanang Extension 1	2883 12
32	Wet op die Ontwikkeling van Swart Gemeenskappe (4/1984): Tushanang Uitbreiding 1	2883 15
PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS		
151	Dipaleseng Spatial Planning and Land Use Management By-law, 2016: A portion of the Remaining Extent of Portion 5 (a portion of Portion 3) of the Farm Zyferfontein 576, Mpumalanga	2883 18
151	Dipaleseng Ruimtelikebeplanning en Grondgebruiksbestuur By-wet, 2016: 'n Gedeelte van die Resterende Gedeelte van Gedeelte 5 ('n gedeelte van Gedeelte 3) van die plaas Zyferfontein 576, Mpumalanga	2883 18
152	Steve Tshwete Town-planning Scheme, 2004: Remainder of Portion 1 of Erf 744, Middelburg Township	2883 19
152	Steve Tshwete-dorpsbeplanningskema, 2004: Remainder of Portion 1 of Erf 744, Middelburg Township.....	2883 20
154	Local Government: Municipal Systems Act (32/2000): Emalahleni Local Municipal Council Public Open Spaces By-Law	2883 21
155	Local Government: Municipal Systems Act, 2000 (32/2000): Emalahleni Local Municipal Council Cemeteries and Crematoria By-Laws	2883 38
LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS		
141	Town Planning and Townships Ordinance (15/1986), as amended: Portion 4 of Erf 264, Township of Middelburg.....	2883 68
142	Town-planning and Townships Ordinance (15/1986): Portion 1 of Erf 2434, Township of Aerorand.....	2883 69
143	Town Planning and Townships Ordinance (15/1986), as amended: Portion 1 of Erf 646, Township of Middelburg.....	2883 70
144	Town-planning and Townships Ordinance (15/1986: Portion 4 of Erf 745, Township of Middelburg.....	2883 71
145	Town Planning and Townships Ordinance (15/1986), as amended: Portion 3 of Erf 3112, Township of Mhluzi 2883.....	72
146	Town Planning and Townships Ordinance (15/1986), as amended: Remainder of Erf 364, Township of Middelburg.....	2883 73
147	Town Planning and Townships Ordinance 915/1986), as amended: Portion 108 of Erf 7742, Township of Middelburg.....	2883 74
148	Municipal Systems Act (32/2000): Tariff By-Law and Credit Control and Debt Collection By-Law	2883 75
149	Town-Planning and Townships Ordinance (15/1986), as amended: Portion 108 of Erf 7742, Township of Middelburg.....	2883 85
150	Mbombela By-law on Spatial Planning and Land Use Management, 2015: Stand 1726, Sonheuwel Extension 8	2883 86
151	Town-planning and Townships Ordinance, 1986: Portions 1134 to 1459 of Erf 1133, Karino Township.....	2883 86
152	Mbombela By-law on Spatial Planning and Land Use Management, 2015: Remainder of Portion 67 of Heidelberg 249-JU.....	2883 87

Closing times for **ORDINARY WEEKLY** 2017 MPUMALANGA PROVINCIAL GAZETTE

*The closing time is **15:00** sharp on the following days:*

- **29 December**, Thursday, for the issue of Friday **06 January 2017**
- **06 January**, Friday, for the issue of Friday **13 January 2017**
- **13 January**, Friday, for the issue of Friday **20 January 2017**
- **20 January**, Friday, for the issue of Friday **27 January 2017**
- **27 January**, Friday, for the issue of Friday **03 February 2017**
- **03 February**, Friday, for the issue of Friday **10 February 2017**
- **10 February**, Friday, for the issue of Friday **17 February 2017**
- **17 February**, Friday, for the issue of Friday **24 February 2017**
- **24 February**, Friday, for the issue of Friday **03 March 2017**
- **03 March**, Friday, for the issue of Friday **10 March 2017**
- **10 March**, Friday, for the issue of Friday **17 March 2017**
- **16 March**, Thursday, for the issue of Friday **24 March 2017**
- **24 March**, Friday, for the issue of Friday **31 March 2017**
- **31 March**, Friday, for the issue of Friday **07 April 2017**
- **07 April**, Friday, for the issue of Friday **14 April 2017**
- **12 April**, Wednesday, for the issue of Friday **21 April 2017**
- **20 April**, Thursday, for the issue of Friday **28 April 2017**
- **26 April**, Wednesday, for the issue of Friday **05 May 2017**
- **05 May**, Friday, for the issue of Friday **12 May 2017**
- **12 May**, Friday, for the issue of Friday **19 May 2017**
- **19 May**, Friday, for the issue of Friday **26 May 2017**
- **26 May**, Friday, for the issue of Friday **02 June 2017**
- **02 June**, Friday, for the issue of Friday **09 June 2017**
- **09 June**, Friday, for the issue of Friday **16 June 2017**
- **15 June**, Thursday, for the issue of Friday **23 June 2017**
- **23 June**, Friday, for the issue of Friday **30 June 2017**
- **30 June**, Friday, for the issue of Friday **07 July 2017**
- **07 July**, Friday, for the issue of Friday **14 July 2017**
- **14 July**, Friday, for the issue of Friday **21 July 2017**
- **21 July**, Friday, for the issue of Friday **28 July 2017**
- **28 July**, Friday, for the issue of Friday **04 August 2017**
- **03 August**, Thursday, for the issue of Friday **11 August 2017**
- **11 August**, Friday, for the issue of Friday **18 August 2017**
- **18 August**, Friday, for the issue of Friday **25 August 2017**
- **25 August**, Friday, for the issue of Friday **01 September 2017**
- **01 September**, Friday, for the issue of Friday **08 September 2017**
- **08 September**, Friday, for the issue of Friday **15 September 2017**
- **15 September**, Friday, for the issue of Friday **22 September 2017**
- **21 September**, Thursday, for the issue of Friday **29 September 2017**
- **29 September**, Friday, for the issue of Friday **06 October 2017**
- **06 October**, Friday, for the issue of Friday **13 October 2017**
- **13 October**, Friday, for the issue of Friday **20 October 2017**
- **20 October**, Friday, for the issue of Friday **27 October 2017**
- **27 October**, Friday, for the issue of Friday **03 November 2017**
- **03 November**, Friday, for the issue of Friday **10 November 2017**
- **10 November**, Friday, for the issue of Friday **17 November 2017**
- **17 November**, Friday, for the issue of Friday **24 November 2017**
- **24 November**, Friday, for the issue of Friday **01 December 2017**
- **01 December**, Friday, for the issue of Friday **08 December 2017**
- **08 December**, Friday, for the issue of Friday **15 December 2017**
- **15 December**, Friday, for the issue of Friday **22 December 2017**
- **20 December**, Wednesday, for the issue of Friday **29 December 2017**

LIST OF TARIFF RATES

FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2016

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1000 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	250.00
Ordinary National, Provincial	2/4 - Half Page	500.00
Ordinary National, Provincial	3/4 - Three Quarter Page	750.00
Ordinary National, Provincial	4/4 - Full Page	1000.00

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3000** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website [_____](#)

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00, to be published the following Friday	Tuesday, 15h00 - 3 days prior to publication
Petrol Price Gazette	As required	First Wednesday of the month	One week before publication	3 days prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00, to be published the following Friday	3 days prior to publication
Unclaimed Monies (justice, labour or lawyers)	January / As required 2 per year	Any	15 January / As required	3 days prior to publication
Parliament (acts, white paper, green paper)	As required	Any		3 days prior to publication
Manuals	As required	Any	None	None
State of Budget (National Treasury)	Monthly	Any	7 days prior to publication	3 days prior to publication
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 days prior to publication
North West	Weekly	Tuesday	One week before publication	3 days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 days prior to publication
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
Mpumalanga Liquor License Gazette	2 per month	Second & Fourth Friday	One week before	3 days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES**EXTRAORDINARY GAZETTES**

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website . _____
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the *eGazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For *National Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice .
(Please see *Quotation section below* for further details)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (Please see *the Copy Section below, for the specifications*).
 - 8.1.5. Any additional notice information if applicable.
9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**QUOTATIONS**

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** GPW's annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the *eGazette* Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03

20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).

20.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.

22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:

24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.

24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.

24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.

24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette(s)*.

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works
149 Bosman Street
Pretoria

Postal Address:

Private Bag X85
Pretoria
0001

GPW Banking Details:

Bank: ABSA Bosman Street
Account No.: 405 7114 016
Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za

E-mail: info.egazette@gpw.gov.za

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 143 OF 2017

STEVE TSHWETE AMENDMENT SCHEME No. 641

NOTICE OF APPLICATION FOR AMENDMENT OF STEVE TSHWETE TOWN PLANNING SCHEME, 2004, IN TERMS OF SECTION 62(1) AND 94(1)(A) OF THE STEVE TSHWETE SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016.

I, Jacobus van Wyk of Reed & Partners Land Surveyors being the authorised agent of the owner of *Erf 258 Hendrina Township*, Registration Division I.S., Province of Mpumalanga situated at *36 Eufees Street, Hendrina*, hereby give notice in terms of section 62(1) and 94(1)(a) of the Steve Tshwete Spatial Planning and Land Use Management By-law, 2016, that I have applied to the Steve Tshwete Municipality for the amendment of the Town Planning Scheme known as Steve Tshwete Town Planning Scheme, 2004, for the rezoning from “Residential 1” to “Business 1”.

Full particulars of the application will lie for inspection during normal office hours at the office of the Municipal Manager, Steve Tshwete Local Municipality, Cnr. Walter Sisulu and Wanderers Avenue, Middelburg, 1050, Tel: 013-249-7000, for a period of 30 days from 8 December 2017.

Any objections or comments including the grounds for such objections or comments with full contact details, shall be made in writing to the Municipal Manager, P.O. Box 14, Middelburg, 1050, within 30 days from 8 December 2017.

Any person who cannot write may consult with Rhulani Mathebula, Town Planner, Town Planning and Human Settlements, Steve Tshwete Local Municipality, Tel. no. 013-249-7789, or any other official from this department, during office hours and assistance will be given to transcribe the person’s objections or comments.

Address of the Applicant :

Reed & Partners Professional Land Surveyors, P.O. Box 132, Ermelo, 2350.
100 Joubert Street, Trigon Building 6, Ermelo, 2351. Tel. No. 017 – 811 2348.

8-15

KENNISGEWING 143 VAN 2017

STEVE TSHWETE WYSIGINGSKEMA 641

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DIE STEVE TSHWETE DORPSBEPLANNINGSKEMA, 2004, INGEVOLGE ARTIKEL 62(1) EN 94(1)(A) VAN DIE STEVE TSHWETE RUIMTELIKE BEPLANNING EN GRONDGEBRUIK BESTUUR BY-WET, 2016.

Ek, Jacobus van Wyk van Reed & Vennote Landmeters synde die gemagtigde agent van die eienaar van *Erf 258, Hendrina Dorpsgebied*, Registrasie Afdeling I.S., Provinsie van Mpumalanga geleë te *Eufeesstraat 36, Hendrina*, gee hiermee ingevolge artikel 62(1) en 94(1)(a) van die Steve Tshwete Ruimtelike Beplanning en Grondgebruik Bestuur Bywet, 2016, kennis dat ons by Steve Tshwete Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van Steve Tshwete Dorpsbeplanningskema, 2004, deur die hersonering vanaf “Residensieel 1” na “Besigheid 1”.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Steve Tshwete Plaaslike Munisipaliteit, Munisipale gebou, Wandererslaan, Middelburg, 1050, vir ‘n tydperk van 30 dae vanaf 8 Desember 2017.

Besware teen of verhoë ten opsigte van die aansoek moet binne ‘n tydperk van 30 dae vanaf 8 Desember 2017 skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Posbus 14, Middelburg, 1050, ingedien of gerig word.

Enige persoon wat nie kan skryf nie mag Rhulani Mathebula, Stadsbeplanner, Stadsbeplanning en Landelike Nedersettings, Steve Tshwete Plaaslike Munisipaliteit, Tel. Nr. 013-249-7789, of enige ander gemagtigde van hierdie afdeling, gedurende kantoorure raadpleeg en bystand sal aan sodanige persoon verleen word om die beswaar of kommentaar saam te stel.

Adres van Applikant :

Reed & Vennote Professionele Landmeters, Posbus 132, Ermelo, 2350.
Joubertstraat 100, Trigon Gebou 6, Ermelo, 2351. Tel. Nr. 017 – 811 2348.

8-15

PROCLAMATION • PROKLAMASIE

PROCLAMATION 32 OF 2017

EMALAHLENI LOCAL MUNICIPALITY PROCLAMATION OF THE TOWNSHIP, THUSHANANG EXTENSION 1

As a result of the Black Communities Development Act, 1984 (Act 4 of 1984), the Emalahleni Local Municipality hereby declares the township of Thushanang Extension 1 an approved township, subject to the conditions set out in the Schedule hereto

SCHEDULE

CONDITIONS UNDER WHICH THE APPLICATION ON TOWNSHIP ESTABLISHMENT ARE PROVIDED IN TERMS OF SECTION 35 (3) OF THE DEVELOPMENT OF BLACK COMMUNITIES ACT, 1984 (ACT 4 OF 1984) ON SECTION 7 OF THE KWA GUQA 313 JS, PROVINCE OF TRANSVAAL

1. CONDITIONS OF ESTABLISHMENT

1) NAME

The name of the town shall be **TUSHANANG EXTENSION 1**

2) LAYOUT

The township shall consist of erven and streets as indicated on General Plan: LG no 21/1985.

3) LAND USE CONDITIONS

a) CONDITIONS INCURRED BY THE LOCAL AUTHORITY

i. ALL ERVEN

(aa). The use of the erf is as defined and subject to such conditions as contained in the Land Use Conditions in Annexure F of the Township and Land Use Regulations, 1986, issued in terms of Section 66 (1) of the Black Communities Development Act, (Act No. 4 of 1984): Provided that on the date of commencement of a town planning scheme applicable to the erf, the rights and obligations contained in such scheme shall supersede the abovementioned Land Use Conditions.

(bb). The use zone of the erf may be amended on application by the local authority concerned on such terms as it may determine subject to such conditions as it may impose.

ii. ERVEN 1 TO 59, 62 TO 65, 67 TO 70, 72 TO 88, 90 TO 105, 107 TO 139, 141 TO 156, 159 TO 164, 168 TO 204, 207 TO 211, 213 TO 236, 238 TO 247, 250 TO 267, 386 AND 387.

The use zone of the erven is "*Residential*".

iii. ERVEN 66, 71, 89, 106, 157, 212, 237 AND 388

The use zone of the erven is "*Community Facility*".

2. RESTRICTIONS

1) DISCLAIMER OF EXISTING CONDITIONS OF TITLE

All erven shall be subject to the following existing conditions and servitudes in the Deed of Transfer T.61265/1988 in respect of portion 135 of the farm Witbank 307 JS:

31. The former portion 135 of the farm WITBANK 307 JS indicated by the figures JKLM qrstuvw OPQR x u1 A1 B1 C1 D1 E1 F1 G1 H1 J1 K1 L1 M1 N1 O1 P1 pnm lkj h gf e J, excluding the figures a1 b1 c1 d1 a1 and e1 j1 k1 l1 g1 h1 e1 forms a portion is specifically subject to the following conditions namely:

a) The WITBANK COLLIERY LIMITED (hereinafter referred to as "the Company") reserves to itself the following rights in respect of the property held hereunder, namely:

- i. The right to all precious and base metals, precious stones and oil in and under the property held hereunder, and all necessary facilities for exercising such rights.
- ii. All rights pertaining to the Holder of Mineral Rights under the Precious and Base Metals Act 1908, and any statutory amendment thereof.
- iii. Any rights which may be or become vested in the freehold "owner" to share in any proceeds which may accrue to the State from the disposal of rights to mine under the said property for precious metals and precious stones.

Should the Company or its successors in title, in exercising the right referred to in Sub-Section (i) and (ii) of this clause, disturb the TOWN COUNCIL OF WITBANK in its quiet possession of the property held hereunder, the Company or its successors in title shall compensate the Council for any loss or damage which it may sustain hereby; such compensation to be fixed by mutual agreement, or failing such agreement by arbitration as provided for in the Arbitration Ordinance 1904 of the Transvaal, or any amendment thereof or any Law taking its place at the time of such arbitration. THE foregoing Rights to Minerals are held under Certificate of Mineral Rights no.281/1950RM registered on 19th May 1950, issued in respect of portion 61 of the farm WITBANK 307 JS, measuring 251, 1158 hectares.

- b) The Council acknowledges that it is fully acquainted with the fact that the property held hereunder and the land in the vicinity thereof has been considerably undermined in the cause of coal mining operations, and the Council indemnifies the Company, against all or any claims for damage or loss which the Council or any claims for damage or loss which the Council or any person may at any time suffer in consequence of the aforesaid undermining in any way affecting the said property or any building erected thereon, and should the Company be called upon at any time by any competent authority of official to perform any work or to do any act required to be performed or done on or under the said property or in the vicinity thereof for the support of the surface of the said property or any portion of such surface, or for the protection of any building or erections thereon or for safeguarding the lives of any person from time to time occupying, living or being on the said surface or for any other purposes or reason whatsoever, then and in such event the Council shall forthwith pay and refund to the Company in full the reasonable cost and expense incurred by the Company in performing such work and doing such act.

35. Subject to a reservation of all rights to minerals except the right to all precious and precious metals, precious stones and oil which has been reserved in respect of the former Portion 135 (a portion of Portion 61) of the farm WITBANK 307, JS, indicated by the figure JKLM qretuvw OPQR x u1 A1 B1 C1 D1 E1 F1 G1 H1 J1 K1 L1 M1 N1 O1 P1 pnm lkj h gf e J excluded figures a1 b1 c1 d1 a1 and e1 j1 k1 l1 g1 h1 e1 on attached card LG No. A7127 / 1986, as more fully appears from the Certificate of Mineral Rights No. K2861 / 88RM in favor of the City Council of Kwa-Guqa.

2) CONDITIONS INCURRED BY THE LOCAL AUTHORITY

All erven, with the exception of the plots for public or municipal purposes, are subject to the following conditions:

- a) The erf is subject to a servitude 3m wide along the street boundary; in favor of the local authority for sewage and other municipal purposes and, in the case of a panhandle erf, an additional servitude of 1 meter wide, for municipal purposes, over the access portion of the erf, if and when by the local authority required: Provided that the local authority may relax or exempt these required servitudes.
- b) No building or other structure may be erected within the above servitude area and no large-rooted trees may be planted within the area of such servitude or within 1 meter of it.

- c) The local authority is entitled to temporarily land on land adjacent to the aforesaid servitude area, such material as may be excavated during the construction, maintenance or removal of such main sewage pipelines or other work as it may require is also entitled to reasonable access to the said land for the above purpose, subject to any damage caused during the process of construction, maintenance or removal of such main sewage pipelines and other work by the local authority.

EMALAHLENI LOCAL MUNICIPALITY
NOTICE OF APPROVAL OF AMENDMENT SCHEME 2181

The Local Municipality of Emalahleni declares hereby in terms of the provisions of Section 125 (1) of the Town-Planning and Townships Ordinance, 1986, that it has approved an amendment scheme, being an amendment of the Emalahleni Land Use Management Scheme, 2010, comprising the same land as included in the township Thushanang Extension 1.

Map 3 and the scheme clauses of the amendment scheme are filed with the Municipal Manager, Emalahleni Local Municipality and are open for inspection at all reasonable times. This amendment is known as Emalahleni Amendment Scheme 2181 and shall come into operation on date of publication of this notice.

HS MAYISELA
ACTING MUNICIPAL MANAGER

Civic Centre	P.O. Box 3
Mandela Street	eMalahleni
eMALAHLENI	1035
1035	

Publication date: Provincial Gazette of Mpumalanga: _____2017

PROKLAMASIE 32 VAN 2017**EMALAHLENI PLAASLIKE MUNISIPALITEIT**
PROKLAMASIE VAN DIE DORP, THUSHANANG UITBREIDING 1

In gevolg die Wet op die Ontwikkeling van Swart Gemeenskappe, 1984 (Wet 4 of 1984), die Emalthe Emalahleni Plaaslike Munisipaliteit verklaar hiermee die dorp Thushanang Uitbreiding 1 'n goedgekeurde dorp, onderworpe aan die voorwaardes soos uiteengesit in die Skedule hiermee gaande.

SCHEDULE

VOORWAARDES WAARONDER DIE DORPSGEBIED INGEVOLGE DIE BEPALINGS VAN ARTIKEL 35 (3) VAN DIE WET OP DIE ONTWIKKELING VAN SWART GEMEENSAPPE, 1984 (WET 4 VAN 1984) OP GEDEELTE 7 VAN DIE PLAAS KWA-GUQA 313 JS, PROVINSIE TRANSVAAL, GEAG GESTIG TE WEES

1. STIGTINGSVOORWAARDES**1) NAAM**

Die naam van die dorp sal wees TUSHANANG UITBREIDING 1

2) UITLEG

Die dorp sal bestaan uit erwe en strate soos aangedui op Algemene Plan: LG no 21/1985

3) GRONDGEBRUIKSVOORWAARDES**a) VOORWAARDES OPGELE DEUR DIE PLAASLIKE OWERHEID****i. ALLE ERWE**

(aa) Die gebruik van die erf is soos omskryf en onderworpe aan sodanige voorwaardes as wat vervat is in die Grondgebruiksvoorwaardes in Aangangsel F van die dorpsstigting- en Grondgebruiksregulasies, 1986, uitgevaardig kragtens artikel 66 (1) van die Wet op die Ontwikkeling van Swart Gemeenskappe, (Wet Nommer 4 van 1984): Met dien verstande dat, op die datum van inwerkingtreding van n' dorpsbeplanningskema wat op die erf van toepassing is, die regte en verpligtinge in sodanige skema vervat, die in die voormelde Grondgebruiksvoorwaardes vervang.

(bb) Die gebruiksone van die erf kan op aansoek deur die betrokke plaaslike owerheid verander word, op sodanige bedinge as wat hy mag bepaal onderworpe aan sodanige voorwaardes as wat hy mag ople.

ii. ERWE 1 TOT 59, 62 TOT 65, 67 TOT 70, 72 TOT 88, 90 TOT 105, 107 TOT 139, 141 TOT 156, 159 TOT 164, 168 TOT 204, 207 TOT 211, 213 TOT 236, 238 TO 247, 250 TOT 267, 386 EN 387.

Die gebruiksone van die erwe is "Residensieel".

iii. ERWE 66, 71, 89, 106, 157, 212, 237, EN 388

Die gebruiksone van die erwe is "Gemeenskapsfasiliteit".

2. TITELVOORWAARDES**1) BESIKKING OOR BESTAANDE TITELVOORWAARDES**

Alle erwe sal slegs onderworpe gestel word aan die volgende bestaande voorwaardes en serwitute in die Akte van Transport T.61265/1988 ten opsigte van gedeelte 135 van die plaas Witbank 307 JS:

31. The former portion 135 of the farm WITBANK 307 JS indicated by the figures J K L M q r s t u v w O P Q R x u1 A1 B1 C1 D1 E1 F1 G1 H1 J1 K1 L1 M1 N1 O1 P1 p n m lkj h gf e J, excluding the figures a1 b1 c1 d1 a1 and e1 j1 k1 l1 g1 h1 e1 forms a portion is specifically subject to the following conditions namely:

- a) The WITBANK COLLIERY LIMITED (hereinafter referred to as “the Company”) reserves to itself the following rights in respect of the property held hereunder, namely:
- i. The right to all precious and base metals, precious stones and oil in and under the property held hereunder, and all necessary facilities for exercising such rights.
 - ii. All rights pertaining to the Holder of Mineral Rights under the Precious and Base Metals Act 1908, and any statutory amendment thereof.
 - iii. Any rights which may be or become vested in the freehold “owner” to share in any proceeds which may accrue to the State from the disposal of rights to mine under the said property for precious metals and precious stones.

Should the Company or its successors in title, in exercising the right referred to in Sub-Section (i) and (ii) of this clause, disturb the TOWN COUNCIL OF WITBANK in its quiet possession of the property held hereunder, the Company or its successors in title shall compensate the Council for any loss or damage which it may sustain hereby; such compensation to be fixed by mutual agreement, or failing such agreement by arbitration as provided for in the Arbitration Ordinance 1904 of the Transvaal, or any amendment thereof or any Law taking its place at the time of such arbitration.

THE foregoing Rights to Minerals are held under Certificate of Mineral Rights no.281/1950RM registered on 19th May 1950, issued in respect of portion 61 of the farm WITBANK 307 JS, measuring 251, 1158 hectares.

- b) The Council acknowledges that it is fully acquainted with the fact that the property held hereunder and the land in the vicinity thereof has been considerably undermined in the cause of coal mining operations, and the Council indemnifies the Company, against all or any claims for damage or loss which the Council or any person may at any time suffer in consequence of the aforesaid undermining in any way affecting the said property or any building erected thereon, and should the Company be called upon at any time by any competent authority of official to perform any work or to do any act required to be performed or done on or under the said property or in the vicinity thereof for the support of the surface of the said property or any portion of such surface, or for the protection of any building or erections thereon or for safeguarding the lives of any person from time to time occupying, living or being on the said surface or for any other purposes or reason whatsoever, then and in such event the Council shall forthwith pay and refund to the Company in full the reasonable cost and expense incurred by the Company in performing such work and doing such act.

35. Onderhewig aan 'n voorbehoud van alle regte op minerale uitgesonderd die reg tot alle edele en onedele metale, edelgesteentes en olie welke voorbehoud gemaak is ten opsigte van die voormalige Gedeelte 135 ('n Gedeelte van Gedeelte 61) van die plaas WITBANK 307, JS, aangedui deur die figuur J K L M q r e t u v w O P Q R x u1 A1 B1 C1 D1 E1 F1 G1 H1 J1 K1 L1 M1 N1 O1 P1 p n m lkj h g f e J uitgesluit figure a1 b1 c1 d1 a1 en e1 j1 k1 l1 g1 h1 e1 op aangehegte kaart LG Nr. A7127/1986, soos meer ten volle sal blyk uit Sertifikaat van Minerale Regte Nr.K2861/88RM ten gunste van die Stadsraad van Kwa-Guqa.

2) VOORWAARDES OPGELE DEUR DIE PLAASLIKE OWERHEID

Alle erwe, met uitsondering van die erwe vir openbare of munisipale doeleindes, is onderworpe aan die volgende voorwaardes:

- a) Die erf is onderworpe aan 'n serwituut 3m wyd langs die straatgrens; ten gunste van die plaaslike owerheid vir riool-en ander munisipale doeleindes en, in die geval van 'n

pypsteelerf, 'n addisionele serwituu van 1 meter wyd, vir munisipale doeleindes, oor die toegangsdeel van die erf, indien en wanneer deur die plaaslike owerheid benodig: Met dien verstande dat die plaaslike owerheid hierdie vereiste serwitute mag verslap of vrystelling daarvan verleen.

- b) Geen gebou of ander struktuur mag opgerig word binne die bogenoemde serwituu gebied nie en geen grootwortelbome mag in die gebied van sodanige serwituu of binne 1 meter daarvan geplant word nie.
- c) Die plaaslike owerheid is daarop geregtig om tydelik op grond aangrensend aan die voorgenoemde serwituu gebied, sodanige materiaal te stort as wat uitgegrawe mag word in die loop van die konstruksie, onderhoud of verwydering van sodanige hoofrioolleidings of ander werk as wat hy na sy oordeel nodig ag en is voorts geregtig op redelike toegang tot genoemde grond vir bogenoemde doel, onderworpe daaraan dat enige skade aangerig tydens die proses van konstruksie, instandhouding of verwydering van sodanige hoofrioolleidings en ander werk, goed te maak deur die plaaslike owerheid.

EMALAHLENI PLAASLIKE MUNISIPALITEIT

KENNISGEWING VAN GOEDKEURING VAN WYSIGING SKEMA 2181

Die Plaaslike Munisipaliteit van Emalahleni verklaar hiermee in terme van die Gedeelte 125 (1) van die Dorpsbeplanning en Dorpe Ordonansie, 1986, dat dit 'n wysigingskema goed gekeur het, naamlik 'n wysiging van die Emalahleni Grondgebruik Bestuur Skema, 2010, bestaande uit dieselfde eiendom ingesluit in die dorp, Thushanang Extension 1.

Kaart 3 en skema klousules van bovermeld skema is beskikbaar by die Munisipale Bestuurder, Emalahleni Plaaslike Munisipaliteit en is beskikbaar vir besigtiging ten alle redelike tye. Die wysiging skema is bekend as Emalahleni Wysiging Skema 2181 and tree in werking op datum van publikasie van hierdie kennisgewing.

**HS MAYISELA
WAARNEMENDE MUNISIPALE BESTUURDER**

Civic Centre	Posbus 3
Mandela Straat	eMalahleni
eMALAHLENI	1035
1035	

Publikasie datum: Provinsiale Gazette van Mpumalanga: _____2017

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 151 OF 2017

NOTICE OF APPLICATION FOR LAND USE APPLICATION IN TERMS OF SECTION 26(3) OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT NO. 16 OF 2013 AND SECTION 90 OF THE GERT SIBANDE DISTRICT MUNICIPALITY SPATIAL PLANNING AND LAND USE MANAGEMENT BY-LAW, 2016, READ TOGETHER WITH SECTION 18(1) OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT REGULATIONS, 2015 AND SECTION 26(3) OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 2013

DIPALESENG AMENDMENT SCHEME NUMBER 04 WITH ANNEXURE 04

I, Laurette Swarts Pr. Pln (831214 0079 08 9) of Korsman & Associates being the authorised agent of the owner of a Portion of the Remaining extent of Portion 5 (a portion of Portion 3) of the farm Zyferfontein 576, Registration Division I.R., Province of Mpumalanga, hereby give notice in terms of chapter 5 and 6 of the Dipaleseng Spatial Planning and Land Use Management By-law, 2016, read together with SPLUMA, 2013, that I have applied to the Dipaleseng Local Municipality for the amendment of the town planning scheme known as the Dipaleseng Local Municipality Land Use Management Scheme 2012 by the rezoning of the erf described above, situated adjacent to the Greylingstad – Balfour dirt road situated south of R23 tar road, 7 km west of Greylingstad from “Agriculture” to “Industrial 1” with annexure 04 for the purpose of a Rendering Plant and uses subservient of the main land use. Particulars of the application will lay for inspection during normal office hours at the office of the Chief Town Planner, third Floor, Civic Centre, Mandela Avenue, Emalahleni, for a period of 30 days from **8 December 2017**. Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O Box 3, Emalahleni, 1035 within a period of 30 days from **8 December 2017**. Address of applicant: Korsman & Associates, Private Bag X7294, Suite 295, Witbank, 1035, Phone: 013-650 0408, Fax: 086 663 6326, Email admin@korsman.co.za
Our ref: R17200-advGazette

8–15

PROVINSIALE KENNISGEWING 151 VAN 2017

KENNISGEWING VAN GRONDGEBRUIKSAANSOEK INGEVOLGE ARTIKEL 26(3) VAN DIE WET OP RUIMTELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR NR. 16 VAN 2013 EN ARTIKEL 90 VAN DIE GERT SIBANDE DISTRIKSMUNISIPALITEIT SE RUIMTELIKE BEPLANNING EN GRONDGEBRUIKSVERORDENING, 2016 LEES TESAME MET ARTIKEL 18(1) VAN DIE RUIMBELIKE BEPLANNING EN GRONDGEBRUIKBESTUUR REGULASIES, 2015 & ARTIKEL 26(3) VAN DIE WET OP RUIMTELIKE BEPLANNING

DIPALESENG WYSIGINGSKEMA NOMMER 04 MET BYLAAG 04

Ek, Laurette Swarts Pr. Pln (831214 0079 08 9) van Korsman & Vennote synde die gemagtigde agent van die eienaar van 'n Gedeelte van die Resterende Gedeelte van Gedeelte 5 ('n gedeelte van Gedeelte 3) van die plaas Zyferfontein 576, Registration Division I.R., Provinsie van Mpumalanga gee hiermee ingevolge hoofstuk 5 en 6 van die Dipaleseng Ruimtelikebeplanning en Grondgebruiksbestuur By-wet, 2016, saamgelees met SPLUMA, 2013, kennis dat ek by die Dipaleseng Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die grondgebruikbestuurskema, bekend as die Dipaleseng Plaaslike Munisipaliteit Grondgebruikbestuurskema 2012 deur die hersonering van die eiendom hierbo beskryf, geleë aangrensend tot die Greylingstad – Balfour grondpad suid van R23 teerpad, 7km wes van Greylingstad, van “Landbou” na “Industrieel 1” met bylaag 04 vir die doel van 'n “Rendering Plant” en gebruike ondergeskik aan die hoof grondgebruik. Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Hoofstadsbeplanner, Derdevloer, Burgersentrum, Mandelarylaan, Emalahleni, vir 'n tydperk van 30 dae vanaf **8 Desember 2017**. Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf **8 Desember 2017** skriftelik tot die munisipale Bestuurder by bovermelde adres of by Posbus 3, Emalahleni, 1035 ingedien of gerig word.

Adres van applikant: Korsman & Vennote, Privaatsak X7294, Suite 295, Witbank, 1035, Tel: 013-650 0408 Faks: 086 663 6326, E-pos admin@korsman.co.za
Ons verwysing: R17200-advGazette

8–15

PROVINCIAL NOTICE 152 OF 2017
STEVE TSHWETE AMENDMENT SCHEME No. 734

NOTICE OF APPLICATION FOR THE AMENDMENT OF THE STEVE TSHWETE TOWN PLANNING SCHEME, 2004, IN TERMS OF SECTION 62(1) AND 94(1) (A) OF THE STEVE TSHWETE SPATIAL PLANNING AND LAND USE MANAGEMENT BYLAW, 2016.

I/we **Izwe Libanzi Development Consultants Planners**, being the authorized agent of the registered owner of **REMAINDER OF PORTION 1 OF ERF 744 MIDDELBURG TOWNSHIP** ___ hereby give notice in terms of section 94(1)(a) of the Steve Tshwete Spatial Planning and Land Use Management Bylaw, 2016, that I have applied to the Steve Tshwete Local Municipality for the amendment of the town planning scheme known as the Steve Tshwete Town Planning Scheme, 2004, for the rezoning of the abovementioned property situated at **REMAINDER OF PORTION 1 OF ERF 744 MIDDELBURG TOWNSHIP**, by rezoning the property from **Residential 1** to **Business 3** subject to certain conditions.

Any objection/s or comments including the grounds for such objection/s or comments with full contact details, shall be made in writing to the Municipal Manager, PO Box 14, Middelburg 1050 within 30 days from **08 December 2017**

Full particulars and plans may be inspected during normal office hours at the office of the Municipal Manager, Steve Tshwete Local Municipality, Cnr. Walter Sisulu and Wanderers Avenue, Middelburg, 1050, Tel: 013 2497000, for a period of 30 days from **08 December 2017**

Applicant: **IZWE LIBANZI DEVELOPMENT CONSULTANTS PLANNERS**

Postal Address: **P. O. BOX 114, EKANGALA 1021**

Mobile: **079 764 7239 FAX: (086) 273 1398**

PROVINSIALE KENNISGEWING 152 VAN 2017
STEVE TSHWETE WYSIGINGSKEMA No. 734

**KENNISGEWING VAN DIE AANSOEK OM DIE WYSIGING VAN DIE STEVE TSHWETE
DORPSBEPLANNINGSKEMA, 2004, INGEVOLGE ARTIKEL 62(1) EN 94(1) (A) VAN DIE
RUIMTELIKE BEPLANNING EN GROND GEBRUIK WET VERONDERING, 2016.**

Ek, **Izwe Libanzi Development Consultants Planners**, synde die gemagtigde agent van die geregistreeerde eienaar van **REMAINDER OF PORTION 1 OF ERF 744 MIDDELBURG TOWNSHIP**, gee hiermee ingevolge artikel 94(1)(a) van, Die Ruimtelike Beplanning En Grond Gebruik Wet Verondering, 2016. Kennis dat ons by Steve Tshwete Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van Steve Tshwete Dorpsbeplanningskema, 2004, deur die hersonering van die bogenoemde eiendom geleë te **REMAINDER OF PORTION 1 OF ERF 744 MIDDELBURG TOWNSHIP**, vanaf **Residensiële 1** na **Besigheid 3**, onderworpe aan sekere voorwaardes.

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die kantoor van die munisipale bestuurder, steve tshwete plaaslike Munisipaliteit, Munisipale gebou, wandererslaan, Middelburg, 1050, vir 'n tydperk van 30 dae vanaf **08 Desember 2017**

Besware of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf **08 Desember 2017**, skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Posbus 14, Middelburg, 1050, ingedien of gerig word.

Applikant: **IZWE LIBANZI DEVELOPMENT CONSULTANTS PLANNERS**

Posadres : **P. O. BOX 114, EKANGALA 1021**

Selfoon: **079 764 7239, FAX: (086) 273 1398**

PROVINCIAL NOTICE 154 OF 2017

**EMALAHLENI LOCAL MUNICIPAL COUNCIL PUBLIC OPEN SPACES BY-LAW**

The Municipal Manager of the Emalahleni Local Municipality hereby, in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the **Draft Reviewed Emalahleni Local Municipal Council Public Open Spaces By-law**, as set out hereunder for public comment:

DRAFT REVIEWED EMALAHLENI LOCAL MUNICIPAL COUNCIL PUBLIC OPEN SPACES BY-LAW

The Municipal Manager of the **EMALAHLENI LOCAL MUNICIPAL COUNCIL** hereby, in terms of Section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the **Draft Reviewed Emalahleni Local Municipal Council Public Open Spaces By-law** for the **EMALAHLENI LOCAL MUNICIPAL COUNCIL** as adopted by its Council, as set out hereunder.

TABLE OF CONTENTS

<i>CHAPTER</i>	<i>HEADING</i>	<i>SECTIONS</i>	<i>PAGE</i>
Chapter 1	Interpretation and fundamental principles	1. Definitions and interpretations	1
		2. Application of By-laws	5
		3. Purpose of By-laws	5
Chapter 2	Management and administration	4. Principles of By-laws	5
		5. Application of principles	6
		6. General powers of council	6
		7. Fees	7
		8. Restricting access	7
		9. Powers of authorized officials	7
		10. Obligations in relation to public open spaces	8
Chapter 3	Application for authorization	11. Application for permission	8
		12. Application for a special event permit	9
		13. Application for permission to farm in an urban agricultural public open space	9
Chapter 4	Tree preservation orders	14. General	10
		15. Procedure	10
Chapter 5	Cooperative management agreements	16. Entering into agreements	10
Chapter 6	Prohibited conduct	17. Prohibited activities	11
		18. General prohibition	12
		19. Prohibited use	12
		20. Waste	12
		21. Vehicles	12
		22. Vegetation and animals	13
		23. Municipal property and erection of structures	13
		24. Selling and special events	14
		25. Community service	14
		26. Restoration or removal notices	14
		Chapter 7	General
28. Short title and commencement	15		

1.

CHAPTER 1**INTERPRETATION AND FUNDAMENTAL PRINCIPLES****1. Definitions and interpretation:**

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

“ACTIVE GAME” means any physical sport, game or other activity participated in by one or more persons which is undertaken within a public open space other than in an area set aside for that purpose, and which may cause injury to other users of the public open space, a nuisance or damage to vegetation or municipal property within a public open space and includes rugby, golf, archery, football, tennis, badminton, hockey, netball, volleyball, skate-boarding, roller-skating and in-line skating;

“AUTHORIZED OFFICIAL” means any official of the Council who has been authorized by the Council to administer, implement, and enforce the provisions of these By-laws;

“CONSERVATION PUBLIC OPEN SPACE” means public open space, which is managed by or on behalf of the Council for conservation purposes, and includes any nature reserve, greenbelt, ravine, bird sanctuary and site of historic, ecological or archaeological value;

“COUNCIL” means –

- (a) the Emalahleni Local Municipal Council
- (b) its successor in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in Section 59 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000); or
- (d) a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of Section 81(2) of the Local Government: Municipal Systems Act (Act No. 32 of 2000) or any other law, as the case may be.

“DESIGNATED AREA” means an area designated by the Council as an area in which an active game or any other activity or conduct, which would otherwise be prohibited under Chapter 3 of these By-laws, may be undertaken; “environment” means the surroundings within which humans exist and that are made up of –

- (a) the land, water and atmosphere of the earth;

- (b) micro-organisms, plant and animal life;
- (c) any part or combination of paragraphs (a) and (b) and the interrelationships among and between them; and
- (d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well being;

“ENVIRONMENTALLY SUSTAINABLE” means the exercising of any decision-making powers or performance of any activities in a manner aimed at ensuring that –

- (a) the risk of harm to the environment and to human health and safety is minimized to the extent reasonably possible under the circumstances;
- (b) the potential benefits to the environment and to human health and safety are maximized to the extent reasonably possible under the circumstances; and
- (c) legislation intended to protect the environment and human health and safety is complied with;

“LOCAL COMMUNITY” means that body of persons comprising –

- (a) the residents of the area in which a public open space is situated;
- (b) the ratepayers of the area in which a public open space is situated; and
- (c) any civic organization and non-governmental or private sector organization or body which are involved in local affairs in the area in which a public open space is situated;

“MUNICIPAL MANAGER” means a person appointed as such by the Council in terms of Section 82 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998);

“MUNICIPAL PROPERTY” means any structure or thing owned or managed by or on behalf of the Council and which is incidental to the use and enjoyment of a public open space and includes any building, lapa, kiosk, bench, picnic table, playground equipment, fountain, statue, monument, fence, pole, notice and sign; “notice” means a clear and legible official notice drawn up by the Council in English and Afrikaans and prominently displayed in a public open space;

“NUISANCE” means an unreasonable interference or likely interference with–

- (a) the health or well being of any person;
- (b) the use and enjoyment by an owner or occupier of his or her property; or
- (c) the use and enjoyment by a member of the public of a public open space;

“ORGAN OF STATE” means –

- (a) any department of State or administration in the national, provincial or local sphere of government; and
- (b) any other functionary or institution –
 - (i) exercising a power or performing a function in terms of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996) or a provincial Constitution; or
 - (ii) exercising a public power or performing a public function in terms of any legislation, but does not include a court of law and a judicial officer;

“PERSON” means a natural person or a juristic person, and includes an organ of State;

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

“PRINTED MATTER” includes any advertisement, billboard, poster, book, pamphlet or handbill;

“PROHIBITED ACTIVITY” means any activity or behavior, which is prohibited in terms of Chapter 3 from being undertaken in a public open space, either completely or without permission in terms of Section 21, 22 or 23;

“PUBLIC OPEN SPACE” means any land which –

- (a) is owned by an organ of State, or
- (b) over which an organ of State has certain real rights arising from the filing in the Deeds Office or other registration office of a general plan of a township, agricultural holding or other division of land, or any alteration, addition to or amendment of such land approved by the Surveyor-General, on which is marked the land to which the public has a common right of use; and
- (c) is controlled and managed by the Council; and
- (d) is either –
 - (i) set aside in terms of any law, zoning scheme or spatial plan, for the purpose of public recreation, conservation, the installation of public infrastructure or agriculture; or
 - (ii) predominantly undeveloped and open and has not yet been set aside for a particular purpose in terms of any law, zoning scheme or spatial plan;

“PUBLIC UTILITY PUBLIC OPEN SPACE” means public open space which is managed by or on behalf of the Council for the purposes of providing a public service, which includes road reserves and areas subject to electrical, pipeline and other public utility servitudes, but excludes council housing, clinics and other social services;

“RECREATIONAL PUBLIC OPEN SPACE” means public open space, which is managed by or on behalf of the Council for public recreational purposes, and includes any park, botanical garden, sports ground and playground, but excludes any golf course;

“ROAD RESERVE” means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic and which is between the edges of the roadway and that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway or shoulder;

“SPECIAL EVENT” means a parade, procession, race, concert, show, exhibition, festival, ceremony, film shoot, photographic shoot or similar event, which requires, for that purpose, exclusive use of a part of a public open space;

“URBAN AGRICULTURAL PUBLIC OPEN SPACE” means public open space, which is managed by or on behalf of the Council for urban agricultural purposes;

“VEHICLE” means a device designed or adapted mainly to travel on wheels, but excludes a wheelchair and children’s pushchair and perambulator;

“WASTE” means any substance, whether or not that substance can be reduced, re-used, recycled and recovered – that is surplus, unwanted, rejected, discarded, abandoned or disposed of; and which the generator has no further use of for the purposes of production.

“WATERCRAFT” includes any boat, raft, yacht, canoe, inflatable mattress, model ship or boat, radio-controlled boat or similar device; “water body” means any body of water within a public open space and includes a pond, fountain, artificial watercourse, dam, lake, canal, reservoir, stream, river and wetland.

- (2) If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of Section 81(2) of the Local Government: Municipal systems Act, 2000, or any other law been assigned to a service provider, the reference

in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it.

2. Application of By-laws

- (1) These By-laws apply to every public open space which falls under the jurisdiction of the Council, but do not apply to cemeteries.
- (2) These By-laws are binding on the State.

3. Purpose of By-laws

- (1) The purpose of these By-laws is to provide, in conjunction with other applicable legislation, an effective legal and administrative framework-
 - (a) to ensure that the way in which the Council controls, manages and develops public open spaces is environmentally sustainable, and is in the long-term interests of the whole community of Emalahleni, including future generations; and
 - (b) which clearly defines the rights and obligations of the public in relation to public open spaces.

CHAPTER 2

MANAGEMENT AND ADMINISTRATION OF PUBLIC OPEN SPACES

4. Principles of By-laws

- (1) Public open spaces must be managed, and where appropriate developed, in the interests of the whole community, and in determining the interests of the whole community –
 - (a) the long-term collective interests of the community of Emalahleni, and of South Africa, must be prioritized over the interests of any specific interest group or sector of society;
 - (b) a long-term perspective, which takes account the interests of future generations, must be adopted; and
 - (c) the interests of other living organisms, which depend on public open spaces, must be taken into account.
- (2) Public open spaces must be managed in an environmentally sustainable manner.
- (3) Subject to the provisions of subSection (5) and Section 7, people must be given access to public open spaces on a non-discriminatory and equitable basis.
- (4) If necessary, special measures must be taken to facilitate access to public open spaces by historically disadvantaged persons and by disabled persons.

- (5) Access to a public open space may be restricted in a manner, which does not unjustifiably discriminate against any person or class of persons—
 - (a) if the restriction is authorized by these By-laws or by any other law; or
 - (b) in order to achieve the purposes of these By-laws.
- (6) The recreational, educational, social and other opportunities which public open spaces offer must be protected and enhanced to enable local communities, particularly historically disadvantaged communities, and the public to improve and enrich their quality of life.
- (7) Local communities must be encouraged to use and care for public open spaces in their areas.
- (8) The natural environment and heritage resources within public open spaces must be identified, preserved, protected and promoted, for the benefit of the local community, the public and future generations.

5. Application of principles

- (1) The public open space management principles set out in Section 4, and the national environmental management principles set out in Section 2 of the National Environmental Management Act, 1998 (Act 107 of 1998), must be considered and applied by any person—
 - (a) exercising a power or function or performing a duty under these By-laws;
 - (b) formulating or implementing any policy which is likely to have a significant effect on, or which concerns the use of, public open spaces within the Council's jurisdiction; or
 - (c) exercising a public power or function or performing a public duty, which is likely to have a significant effect on, or which concerns the use of, public open spaces.

6. General Powers of Council

- (1) The Council may in relation to any public open space—
 - (a) designate any area within a public open space as an area within which one or more activities otherwise prohibited in terms of these By-laws may be undertaken, and display a prominent notice to this effect at every entrance to the designated area;
 - (b) develop any public open space in accordance with the principles set out in Section
 - (c) erect, construct, establish or demolish municipal property; and

- (d) exercise any other power reasonably necessary for the discharge of the Council's obligations in terms of these By-laws relating to the management of public open spaces.

7. Fees

- (1) Any member of the public must pay –
 - (a) a prescribed fee to use recreational or other facilities, which the Council provides, within any public open space;
 - (b) a prescribed fee for entrance to any public open space which is significantly more expensive to maintain than other public open spaces, such as botanical gardens;
 - (c) a prescribed fee for the right to undertake a special event;
 - (d) a prescribed fee for the right to exclusively use municipal property for a specific period;
 - (e) a deposit prior to undertaking a prohibited activity permitted by the Council;
 - (f) an annual or monthly fee for the right to use urban agricultural public open space to the exclusion of any other person; and
 - (g) a prescribed fee for processing applications for permits or letters of permission under these By-laws, if the Council has determined such a fee or deposit.

8. Restricting access

- (1) The Council may restrict access to any public open space or to any part of a public open space for a specified period of time –
 - (a) to protect any aspect of the environment within a public open space;
 - (b) to reduce vandalism and the destruction of property;
 - (c) to improve the administration of a public open space;
 - (d) to develop a public open space;
 - (e) to enable a special event which has been permitted in terms of Section 22, to proceed; or
 - (f) to undertake any activity which the Council reasonably considers necessary or appropriate to achieve the purposes of these By-laws.

9. Powers of authorized officials

- (1) In relation to any public open space, an authorized official may –
 - (a) to the extent authorized by the Council administer, implement and enforce the provisions of these By-laws;
 - (b) issue a notice in terms of Section 20;

- (c) instruct any person to leave a public open space if the authorized official reasonably believes that the person is contravening any provision of these By-laws, and fails to immediately terminate such contravention upon the instruction of that official; and
- (d) if such official is a peace officer, exercise any power, which may be exercised by a peace officer under the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

10. Obligations in relation to public open spaces

- (1) The Council must within a public open space display any notice required under these By-laws.
- (2) In relation to recreational public open spaces, the Council must –
 - (a) ensure that they are open to the public between sunrise and sunset, unless specified otherwise in terms of a notice; and
 - (b) prominently display a notice at every entrance indicating:
 - (i) the opening and closing times of that recreational public open space; and
 - (ii) any rules made by the Council in relation to that recreational public open space.
- (3) Council must ensure the well maintenance of the public open spaces within its available means.

CHAPTER 3

APPLICATIONS FOR AUTHORIZATION

11. Application for permission

- (1) Any person who wants to undertake a prohibited activity must make application in writing to the Council for permission to do so, which application must be accompanied by the prescribed fee.
- (2) The Council may, after receiving an application, request the applicant to provide additional information, which the Council reasonably requires in order to consider the application.
- (3) The Council may refuse to consider an application until it has been provided with the information that it reasonably requires to make an informed decision and if the prescribed fee has not been paid.
- (4) Subject to the provisions of Sub Sections (2) and (3), the Council must consider the application within 30 days and must either-
 - (a) refuse the application; or
 - (b) grant permission in writing to the applicant subject to such conditions as the Council may consider appropriate to best achieve the purposes of these By-laws, which may include payment of a deposit, a prescribed fee or both.

12. Application for a special event permit

- (1) An application for permission to hold a special event in a public open space must be made at least 21 days prior to the proposed date of the special event.
- (2) The time period referred to in Sub Section (1) may, on good cause shown, be reduced by the Council.
- (3) An application in terms of subSection (1), must contain the following information:
 - (a) The name and full contact details of the applicant, including name, postal address, telephone and fax numbers and email address, if available;
 - (b) the nature and purpose of the special event;
 - (c) the intended route or area proposed to be used for purposes of the special event; and
 - (d) any permission required under Chapter 3 of these By-laws.
- (4) Subject to any permit conditions imposed by the Council, the holder of a special events permit has the right to use the area of public open space specified in the permit to the exclusion of any other person during the period specified in the permit.

13. Application for permission to farm in an urban agricultural public open space

- (1) An application for permission to farm in an urban agricultural public open space must be made following spatial planning processes and must contain the following information:
 - (a) The name and full contact details of the applicant, including name, postal address, telephone and fax numbers and email address, if available;
 - (b) the nature of the agricultural activity that the applicant proposes to undertake; and
 - (c) the size and location of the area on which the applicant wishes to undertake the proposed agricultural activity.
- (2) A permit under this Section may require the permit holder to pay an annual or monthly fee for the use of the land.
- (3) The holder of an urban agricultural permit may, subject to any condition specified in the permit, use the area of public open space specified in the permit for agricultural purposes to the exclusion of any other person.

CHAPTER 4

TREE PRESERVATION ORDERS

14. General

- (1) If the Council believes that any tree or group of trees in a public open space requires legal protection the Council may issue a tree preservation order in respect of that tree or group of trees.
- (2) A tree preservation order-
 - (a) must indicate the tree or trees to which it relates; and
 - (b) may provide that any person who cuts, disturbs, damages, destroys, removes, transports, exports, purchases, sells, donates or in any other manner acquires or disposes of the tree or trees to which it relates, commits an offence.
- (3) The Council must prominently display a copy of a tree preservation order issued within 3 meters of the tree or trees to which the order relates.

15. Procedure

- (1) Unless, in the Council's opinion, the issuing of a tree preservation order is required as a matter of urgency, the Council must, before issuing a tree preservation order in terms of Section 25-
 - (a) give notice of the proposal to protect the tree or group of trees and invite comments and objections within a specified period, by publishing a notice in the *Provincial Gazette* and in two newspapers circulating in the area in which the tree or group of trees is situated;
 - (b) notify any affected organs of State; and
 - (c) consider any comments and objections received in response to the notice.

CHAPTER 5

CO-OPERATIVE MANAGEMENT AGREEMENTS

16. Entering into agreements

- (1) The Council may enter into a written agreement with any organ of State, local community or organization to provide for –
 - (a) the co-operative development of any public open space; or
 - (b) the co-operative management of any public open space; and
 - (c) the regulation of human activities within a public open space.

- (d) the co-operate agreement must be in line with Adopt A spot policy
- (2) The Council may not enter into an agreement in terms of Sub Section (1) (b) unless it reasonably believes that entering into such an agreement will promote the purpose of these By-laws.
- (3) The Council must monitor the effectiveness of any agreement entered into in terms of Sub Section (1), in achieving the purposes for which it was entered into and may cancel the agreement after giving reasonable notice to the other party if the Council has reason to believe that the agreement is not effective, or is inhibiting the attainment of the purpose of these By-laws.

CHAPTER 6

PROHIBITED CONDUCT

17. Prohibited activities

- (1) Any person who undertakes an activity or behaves in a manner that is prohibited in terms of these By-laws, commits an offence unless, in addition to any exceptions contained in Sections 12 to 19, that activity or conduct—
 - (a) takes place in a designated area within which that activity or conduct is allowed; or
 - (b) is authorized in terms of a permission granted or permit issued in terms of Section 21, 22 or 23; or
 - (c) is deemed to be authorized by the Council under Sub Section (2).
- (2) Subject to the provisions of subSection (3), a person is not in contravention of any provision of Section 12 to 19 if that person needs to undertake the prohibited activity –
 - (a) to perform his or her obligations as an employee, agent or contractor of the Council under his or her contract with, or mandate from, the Council or to achieve the purposes of these By-laws;
 - (b) to carry out public duties as an employee, agent or contractor of an organ of State within a public open space which is subject to a public utility servitude in favour of that organ of State;
 - (c) to fulfill his or her duties as an authorized official; or
 - (d) to fulfill his or her duties as a peace officer.
- (2) Sub Section (2) must not be interpreted to allow a contravention of Section 12(a) or (e) or any activity, which the Council has expressly refused to permit.

18. General prohibition

- (1) No person may within a public open space –
- (a) act in a manner, which is dangerous to life or property;
 - (b) contravene the provisions of any notice within any public open space;
 - (c) unlawfully enter a public open space to which access has been restricted in terms of Section 8;
 - (d) cause a nuisance; or
 - (e) behave in an indecent or offensive manner.

19. Prohibited use

- (1) No person may within a public open space –
- (a) bathe, wade, or swim in or wash himself or herself, an animal or any object, including clothing, in any water body;
 - (b) make, light or otherwise start a fire except in a facility provided by the Council for that purpose;
 - (c) camp or reside;
 - (d) consume, brew, store or sell any alcoholic beverage;
 - (e) use any sound equipment, including a radio, portable hi-fi or car stereo;
 - (f) play an active game, except in an area designated for that purpose on a sport playing field or on a golf course; or
 - (g) shoot a projectile of any nature.

20. Waste

- (1) No person may within a public open space –
- (a) deposit, dump or discard any waste, other than in a receptacle provided by the Council for that purpose; or
 - (b) pollute or deposit any waste or thing in a manner which may detrimentally impact on a water body.

21. Vehicles

- (1) No person may within a public open space –
- (a) except at times specified and on roads or pathways provided by the Council, drive, and draw or propel any vehicle other than a bicycle;
 - (b) drive, draw or propel a vehicle in excess of five kilometers per hour; or
 - (c) park a vehicle in a public open space, except in designated area or other area where the Council otherwise permits parking.

22. Vegetation and animals

- (1) Subject to the provisions of subSection (2), no person may within a public open space –
- (a) disturb, damage, destroy or remove any tree, shrub or other vegetation;
 - (b) affix or place any printed matter on a tree;
 - (c) plant any vegetation;
 - (d) alter the slope or drainage pattern so as to interfere with the access of water, air or nutrients to any tree or other plant;
 - (e) capture or attempt to capture, chase, shoot at, injure, throw objects at, tease, molest or in any other way disturb any animal, fish, or bird; (f) disturb, damage or destroy any bird nest or egg;
 - (g) ride a horse, except-
 - (i) in a public open space or any part thereof designated by the Council for that purpose; and
 - (ii) a person who in the performance of his or her official duties, patrols a public open space on horseback;
 - (h) walk, carry, ride or bring an animal other than a horse or dog; or
 - (i) walk any dog unless-
 - (i) it is in a public open space or any part thereof which has not been designated by the Council as an area where no dogs are allowed, and it is on a leash and under control of a person; or
 - (ii) it is in a public open space or any part thereof designated by the Council as an area where dogs may run free:

Provided that if any dog excretes in a public open space, the person in control of the dog must immediately remove such excrement and dispose of it in a waste bin or other receptacle provided by the Council for that purpose.

- (2) The provisions of subSection (1)(a) and (c) do not apply to any person who has obtained a permit in terms of Section 23 to undertake agricultural activities in an urban agricultural public open space.

23. Municipal property and erection of structures

- (1) Subject to the provisions of Sub Section (2), no person may within a public open space –

- (a) deface, damage, destroy or remove any municipal property;
 - (b) disturb the surface of any land, whether by digging, undertaking any earthworks or otherwise;
 - (c) erect, build or assemble any structure, including a hut, tent, screen, bulletin board, pole, stand or stage;
 - (d) affix or place on any municipal property, or distribute, any printed matter; or
 - (e) plug, tamper with, or in any way damage any plumbing, electrical, heating or other fixtures or installations.
- (2) The provisions of Sub Section (1)(b) do not apply to any person who has obtained a permit in terms of Section 23 to undertake agricultural activities in an urban agricultural public open space.

24. Selling and special events

- (1) No person may within a public open space –
- (a) use municipal property in a way that unfairly restricts or prevents other users of the public open space from enjoying that municipal property; or
 - (b) except within a public open space or part thereof, which has been let to a person by the Council for that purpose, sell alcohol, hawk, offer or display any goods or articles for sale or hire;
 - (c) sell any alcohol unless a permit has been issued by the relevant authorities.
- (2) No person may undertake a special event, except in terms of a permit issued in terms of Section 22.

25. Community service

Except in terms of an agreement entered into in terms of Section 24, no person may within a public open space undertake any community or voluntary work of any description.

26. Restoration or removal notices

- (1) Unless permission or a permit to do so has been obtained in terms of Section 21, 22 or 23, an authorized official may issue a restoration or removal notice to any person who has in a public open space –
- (a) damaged, defaced, disturbed, destroyed, demolished or removed vegetation or a municipal structure;
 - (b) erected, built or assembled a structure; or
 - (c) dumped, discarded or deposited any waste, other than in a receptacle provided by the Council for that purpose.

- (2) The restoration or removal notice may direct the person concerned within a reasonable time specified in the notice to take stated reasonable steps specified in the notice-
- (a) to restore or rehabilitate the affected area to the reasonable satisfaction of the Council; or
 - (b) to remove a structure or thing and restore the affected site, as nearly as practicable, to its former condition.

CHAPTER 7

GENERAL

27. Offences and penalties

- (1) Any person who –
- (a) contravenes or fails to comply with any provisions of these By-laws;
 - (b) fails to comply with any notice or other document issued or displayed in terms of these By-laws;
 - (c) fails to comply with any lawful instruction given in terms of these By-laws; or
 - (d) obstructs or hinders any authorised official in the execution of his or her duties under these By-laws is guilty of an offence and liable on conviction to a fine of R1 500-00 or in default of payment to imprisonment for a period not exceeding six months and in the case of a continuing offence, to a further fine not exceeding R3 000.00, or in default of payment to imprisonment not exceeding twelve months, for the continuance of such offence after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

28. Short Title and Commencement

These By-laws shall be called the Emalahleni Public Open Spaces By-laws, 2017 and shall commence on the date as determined by resolution of council.

SCHEDULE 1: BY- LAWS REVIEWED

NUMBER AND YEAR OF BY-LAW	SHORT TITLE	EXTENT OF REVIEW
No. 1510 of 27 February 2008.	Emalahleni Public Open Spaces By- laws, 2016.	Section 13(1) Section 24(1)(c) Section 27(1)(d)

PROVINCIAL NOTICE 155 OF 2017**EMALAHLENI LOCAL MUNICIPAL COUNCIL
CEMETERIES AND CREMATORIA BY-LAWS**

The Council of Emalahleni Local Municipality acting in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, read with section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) hereby publishes the Emalahleni Local Municipal Cemetery and Crematoria By-law hereunder for public comment:

EMALAHLENI LOCAL MUNICIPAL COUNCIL CEMETERIES AND CREMATORIA BY-LAWS

The Municipal Manager of the **EMALAHLENI LOCAL MUNICIPAL COUNCIL** hereby, in terms of Section 13(a) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Cemeteries and Crematoria By-laws for the **EMALAHLENI LOCAL MUNICIPAL COUNCIL** as adopted by its Council, as set out hereunder.

TABLE OF CONTENTS

<u>CHAPTERS</u>	<u>HEADING</u>	<u>SECTIONS</u>	<u>PAGE</u>
CHAPTER 1	INTERPRETATION	1. Definitions.	1-6
CHAPTER 2	ESTABLISHMENT OF PUBLIC CEMETERIES	2. Establishment of Cemeteries. 3. Supervisors. 4. Classification of Cemeteries. 5. Passive Cemeteries.	7 7 7 7
CHAPTER 3	PRIVATE CEMETERIES	6. Registration of Existing Graves. 7. Establishment and Continued Use of Private Cemeteries. 8. Application for a Private Cemetery. 9. Duties of the Owner of a Private Cemetery.	8 8 8 9
CHAPTER 4	SERVICE PROVIDERS	10. Agreement, Delegation and Customer-Care Charter. 11. Tariffs.	10 10
CHAPTER 5	DISPOSAL OF A BODY	12. Disposal of a Body. 13. Funeral Undertakers. 14. Register.	11 11 11
CHAPTER 6	FUNERALS	15. Religious Ceremonies. 16. Exposure of Corpses. 17. Instructions of the Supervisor. 18. Music and Signing. 19. Structures used for Religious Services or Rites. 20. Hours for Interments. 21. Numbering of Graves.	12 12 12 12 12 12 12

CHAPTER 7	INTERMENTS	22.	Application for Use of a Grave.	13
		23.	Purchase of Burial Rights.	13
		24.	Rights Not Transferable.	14
		25.	Permission to Inter.	14
		26.	Alterations of Date of Interment.	14
		27.	Dimensions of Grave Openings.	14
		28.	Children's Coffins which are too Large for a Child's Grave.	15
		29.	Covering with Earth.	15
		30.	Coffins in Graves.	15
		31.	Number of Bodies in One Grave.	15
		32.	Interment of Deceased Persons Resident Outside the Municipality.	15
		33.	Pauper and Indigent Burials.	15
		CHAPTER 8	EXHUMATION OF BODIES AND RE-OPENING OF GRAVES.	34.
35.	Opening of Graves.			16
36.	Exhumations.			16
37.	Screening of Activities.			16
38.	Persons to be Present During Exhumations.			16
39.	Transfer of Buried Corpses.			17
CHAPTER 9	CARE OF GRAVES	40.	Care of Graves.	17
		41.	Shrubs and Flowers.	17
CHAPTER 10	ERECTION AND MAINTENANCE OF MEMORIAL WORK	42.	Memorial Work.	17
		43.	Position of Memorial Work.	17
		44.	Repairs to Memorial Work.	17
		45.	Damaging of Memorial Work.	18
		46.	Bringing Material into Cemetery.	18
		47.	Conveying of Memorial Work.	18
		48.	Vehicles and Tools.	18
		49.	Complying with the Supervisor's Directions.	18
		50.	Rubbish and Damage to Cemetery.	18
		51.	Time for Bringing in Material and Doing Work.	18
		52.	Production of Written Permission.	18
		CHAPTER 11	SECTION	53.
CHAPTER 12	ESTABLISHMENT AND OPERATION OF CREMATORIA	54.	Establishment and maintenance of Crematorium.	19
		55.	Conditions for the establishment of Crematorium.	20
		56.	Site of Crematorium.	20
		57.	Appointment and Powers of Inspector.	20
		58.	Routine inspection of Crematorium.	20
		59.	Entry and search of Crematorium.	21
		60.	Entry and search of Crematorium without warrant.	22
		61.	Closing of Crematorium.	22
		62.	Cremation.	22
		63.	Coffin.	22

CHAPTER 13	ADMISSION TO CEMETERIES AND PROHIBITED CONDUCT	64. Admission of Visitors.	23
		65. Dress.	23
		66. Prohibited Acts within cemeteries.	23
		67. Keeping of paths.	24
		68. Entrance to and exits from cemetery.	24
		69. Offences.	24
CHAPTER 14	GENERAL	70. Service of documents.	25
		71. Compliance with Notices.	25
		72. Review of By-Laws.	25
		73. Date of Commencement.	25

CHAPTER 1
INTERPRETATION

1. Definitions

For the purpose of these by-laws, any word or expressions to which a meaning has been assigned in the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) shall bear the same meaning in these by-laws, and unless the context indicates otherwise-

“ACTIVE CEMETERY”	means a public cemetery situated within the area of jurisdiction of the municipality, and includes the buildings and fixtures within the cemetery;
“ADMINISTRATOR OF CEMETERIES”	means the head of the Section or department of the Council which has the responsibility for the administration of the cemeteries of the Council, and any person acting in his or her stead or any person duly authorized by the Council to act on his or her behalf.
“ADULT”	means a deceased person over the age of 12 years and any deceased person the dimensions of whose coffin cannot be accommodated in an excavation of 1,40m in length and 400 mm in width;
“AESTHETIC SECTION” (lawn Section)	means a Section of a cemetery, set aside by the municipality, in which a headstone only may be erected on a berm and on which the municipality must provide and maintain a strip of lawn;
“ASHES”	means the cremated remains of a cremated human body;
“BERM”	means a concrete strip laid by the municipality in the aesthetic Section beside a row of graves or between two rows of graves;
“BERM SECTION”	means a Section set aside by the Council in a cemetery, where memorial work is erected on a berm;
“BIRTHS AND DEATHS REGISTRATION ACT”	means the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);
“BODY”	means any dead human body, including the body of a stillborn child;
“BURIAL”	means burial or inhumation into earth or any other form of burial and includes a tomb and any other mode of disposal of a body;
“BURIAL ORDER”	means an order issued by a person authorized to do so in terms of the Births and deaths Registration Act, 1992 (Act 51 of 1992);

“BURIAL PLACE”	means any burial-ground whether public or private, or any place whatsoever in which one or more bodies is or are buried, interred, cremated or otherwise disposed of, or where it is intended to bury, inter, cremate, or otherwise disposed of a body;
“CEMETERY”	means any piece of land for the burial or interment of a body and, except for Chapter 3 of these by-laws, refers only to public cemeteries.
“CEMETERY SERVICES”	means services relating to the management, administration, operation and maintenance of an active cemetery;
“CREMATORIUM”	means any building fitted with appliances for cremation, including everything essential, incidental or ancillary thereto, and, includes buildings in which the ceremony is conducted and the cremation carried out and any structure which in any special circumstance the MEC for health may approve as a crematorium;
“CHILD”	means a deceased person under the age of 12 years old or under whose coffin will fit into a grave opening prescribed for children in Section 27 of these by-laws.
“COMMONWEALTH WAR BURIAL”	means a commonwealth war burial as defined in Section 1 of the Commonwealth War Graves Act, 1992 (Act 8 of 1992);
“COMMONWEALTH WAR GRAVE”	means any grave, tombstone, monument or memorial connected with a Commonwealth war burial in terms of the Commonwealth War Graves Act, 1992 (Act No. 8 of 1992);
“COUNCIL”	means <ul style="list-style-type: none"> a) the Emalahleni Local Municipality established by Section 12 of the Municipal Structures Act, 1998 (Act no. 117 of 1998), exercising its legislative and executive authority through its municipal Council; or b) its successor in title; or c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or sub-delegated, or an instruction given, as contemplated in Section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or d) a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of Section 81(2) of the Local Government: Municipal Systems Act, or any other law, as the case may be;
“CREMATION”	means the process of disposing of a human body or any remaining part of a human body by burning it and reducing it to ashes;
“CREMATED REMAINS”	means all recoverable human remains after the cremation;
“ ENVIRONMENTAL HEALTH PRACTITIONER”	means a person registered as such in terms of Section 34 of the Health Professions Act, 1974,(Act 56 of 1974) and who performs functions as listed in the Schedule of the Scope of Profession of Environmental Health, as amended.

“EXHUMATION”	means the removal of a human body from its place of interment;
“FULL CAPACITY”	means that all existing space for interment has been used so that it is no longer reasonably practicable, whether for economic, aesthetic, physical or any other good reason for the municipality to set out any more sites for graves;
“GARDEN OF REMEMBRANCE”	means a Section of a cemetery or crematorium set aside for the erection of memorial work to commemorate a deceased person whose body has been cremated;
“GRAVE”	means any piece of land excavated for the burial of a body within a cemetery and includes the contents, headstone or other marker of such place and any other structure on or associated with such place;
“GRAVE OF A VICTIM OF CONFLICT”	means grave of a victim of conflict as defined in Section 2 of the National Heritage Resources Act 1999 (Act 25 of 1999);
“GRAVE OF CONFLICT”	means the grave of a person who died while defending the country;
“HEALTH ACT”	means the National Health Act, 2003 (Act 61 of 2003);
“HERO”	means a person who performed a heroic act for the country and is given the status of a hero by the Council;
“HEROES ACRE”	means an area of land set aside for the burial of a hero;
“INDIGENT PERSON”	means a person who makes use of the cemetery service and who is called an indigent person either in these by-law or in any other law or;
“INDIGENT RELIEF”	means assistance received for the burial or cremation of an indigent person;
“INHUMATION”	means the action or practice of burying human remains or the fact or condition of being buried;
“INSPECTOR”	means a person appointed by Council in terms section 8 of the Mpumalanga cemeteries, crematoria and exhumation of bodies Act.
“INTERMENT”	means burial in the ground or in any form of tomb or burial place and includes the cremation of a body and interred shall have a corresponding meaning;
“LAWN SECTION”	means a Section in a cemetery set aside by the Council where memorial work is restricted to a headstone only;
“MEMORIAL SECTION”	means a Section of a cemetery set aside for the erection of memorials;
“MEMORIAL WALL”	means a wall in a cemetery or crematorium Section containing a niche or niches for placing of ashes or inscribed plaques or both in a garden of remembrance;

4.

“MEMORIAL WORK”	means any headstone, monument, plaque, or other work, or object, erected or intended to be erected in any cemetery or crematorium to commemorate a deceased person, and includes a curb demarcating a grave, and a slab covering a grave;
“MUNICIPALITY”	Includes, subject to the provisions of any other law, the municipal manager, but only if his inclusion is impliedly required or permitted by these by-laws and only in respect of the performance of any function, or the exercise of any duty, obligation or right in terms of these by-laws or any other law;
“MUNICIPAL AREA”	means the area under the control and jurisdiction of the Council;
“MUNICIPAL MANAGER”	Means the municipal manager as defined in Section 82 (1)(a) of the Structures Act;
“NEW CEMETERY”	Means a public cemetery which is developed, or set aside for development, by the municipality and which is or may become an active cemetery as contemplated in Section 2(1) of these by-laws;
“NICHE”	means a compartment or hollow in a memorial wall or garden of remembrance for the placing of ashes;
“NORMAL OPERATIONAL HOURS”	means Monday to Thursday 07:30 to 16:30 and Friday 07:30 to 13:30 excluding Saturdays, Sundays and Public holidays;
“OFFICE HOURS”	means Monday to Thursday 07:30 to 16:30 and Friday 07:30 to 13:30 excluding Saturdays, Sundays and Public holidays;
“OFFICER-IN-CHARGE”	means the person authorized by the Council to be in control of any cemetery;
“PASSIVE CEMETERY”	Means a public cemetery owned, regulated, established, maintained, or controlled by the municipality that is certified as a “passive cemetery” in terms of Section 5(1) of these by-laws.
“PAUPER”	Means a dead person whose identity is unknown to the municipality despite all reasonable steps to identify him or her;
“PRESCRIBED FEE”	means a fee determined by the Council by resolution in terms of Section or any other applicable legislation;
“PRESCRIBED”	means prescribed by the Council;
“PRIVATE CEMETERY”	Means any cemetery which is not a public cemetery;
“PRIVATE GRAVE”	Means any piece of ground that has been laid out for a grave within any cemetery and in respect of which an exclusive right of use has been purchased in terms of Section 23 of these by-laws;
“PUBLIC CEMETERY”	Means any cemetery which is owned, regulated, established or maintained by, or the control of which is legally vested in, the municipality;

“REGISTERED DESCRIPTION”	Means the description of the land as set out in the title deed registered at the deeds office in terms of the Deeds Registry Act, 1937 (Act 47 of 1937);
“REGISTRAR OF DEATHS”	Means a person duly appointed to register deaths in terms of the Births and Deaths Registration Act, 1992 (Act 51 of 1992);
“RESIDENT”	Means a person who, at the time of death, ordinarily resides in the boundaries of the municipality;
“SANS”	Means the South African National Standards Codes of Practice or the South African Bureau of Standards Codes of Practice as contemplated in Government Notice No. 1373 (Act 29 of 1993);
“SERVICE AREA”	Means the area of jurisdiction of the municipality;
“SERVICE DELIVERY AGREEMENT”	Means an agreement between the municipality and a service provider in terms of which the service provider is required to provide cemetery service;
“SOUTH AFRICAN HERITAGE RESOURCES AGENCY”	means the South African Heritage Resources Agency, established in terms of Section 11 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999);
“STILL-BORN CHILD”	Means a human fetus that has had at least 26 weeks of intra-uterine existence but who was born dead in the sense of showing no sign of life after a complete birth;
“STONE MASON”	means a person carrying on business as a stonemason;
“STRUCTURES ACT”	Means the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);
“SUPERVISOR”	Means a person appointed from time to time by the municipality to supervise any cemetery in accordance with Section 3(1) of these by-laws;
“SYSTEMS ACT”	Means the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);
“TARIFF”	Means the charge to users for rendering cemetery services, determined and promulgated by the municipality, or adjusted by a service provider, in terms of Tariff Policy by-laws adopted under Section 75 of the Systems Act;
“TOMB”	means an above ground burial vault;
“UNDERTAKER”	Means a person registered to undertake the preparation of a human body for burial or cremation in terms of the Health Act;
“USER”	Means a person who has paid or caused any of the charges determined from time to time by the municipality to be paid or who has obtained the right to have any memorial work erected or constructed or who has obtained any other rights referred to or mentioned in these by-laws;

“VICTIM OF CONFLICT” means a person defined in Section 1 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of Section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), or any other law been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it.

CHAPTER 2**ESTABLISHMENT OF PUBLIC CEMETERIES****2. Establishment of Cemeteries**

- (1) The municipality may from time to time set aside, acquire or develop any ground for the purpose of establishing a cemetery.
- (2) The municipality may allocate and set apart portions of the cemetery for different religious denominations.
- (3) The municipality must at all times ensure that sufficient burial space is available for the burial of bodies within the service area.
- (4) The municipality is responsible for the maintenance of all cemeteries and for repairing damage to the cemetery other than the maintenance and repair of memorial work.
- (5) The cemetery services may be suspended by the municipality for maintenance or repair but only after reasonable notice has been given by it of its intention to do so in a newspaper, published in an official language, circulating in the municipality and specifying that an objection to the suspension may be made in writing to the municipal manager within 30 days of the publication of the notice in the newspaper. Suspension may not be made unless there is another active cemetery in the same category that is available to the public in the service area as an adequate temporary substitute.

3. Supervisors

- (1) The municipality or service provider must appoint a supervisor to every cemetery to control the day-to-day management of the cemetery.
- (2) The supervisor may supervise more than one cemetery.

4. Classification of Cemeteries

- (1) The municipality or service provider may classify active cemeteries into different categories for the purposes of establishing different levels of service.
- (2) The classification must be undertaken in such a manner that the cemeteries are classified for the purposes of price differentiation in order to ensure affordability but must not amount to unfair discrimination.

5. Passive Cemeteries

- (1) Once a cemetery is full and can no longer be used as an active cemetery, the municipality must issue a certificate declaring that cemetery to be a passive cemetery.
- (2) The municipality or service provider may close any Section of the cemetery on the grounds of it being full and, if either the municipality or service provider does so, it may continue to use the rest of the cemetery as an active one until the whole cemetery is full and, when that happens, it must be declared a passive cemetery in accordance with Subsection (1).
- (3) The municipality is responsible for the maintenance of all passive cemeteries.

CHAPTER 3**PRIVATE CEMETERIES****6. Registration of Existing Graves**

Any owner, other than the municipality, of land in which any grave exist, must, if he is aware of its existence, inform the municipality about it on a form prescribed by the municipality.

7. Establishment and Continued Use of Private Cemeteries

No person shall establish a private cemetery within the service area, and no owner of any private cemetery already in existence shall, if the municipality did not authorize the use of such cemetery previously, continue to use it for burial purposes without the municipality's authority having been obtained in terms of Section 8.

8. Application for a Private Cemetery

- (1) An application to establish a private cemetery, or for the municipality to approve the continued use of a private cemetery must be made in writing to the municipal manager. The application must include –
 - (a) A locality plan to a scale of not less than 1:10 000, showing the position of a proposed or existing cemetery in relation to the boundaries of the land on which it is either proposed to be established or upon which it is already situated, and a registered description of the site showing all streets, public places and privately-owned property within a distance of 100 meters of the site;
 - (b) A block plan to a scale of at least 1 in 500 showing the position of external boundaries, internal roads and paths, sub-divisions, grave sites, drainage and any buildings existing or proposed to be erected;
 - (c) A plan and Sections to a scale of at least 1 in 100 of any building existing or proposed to be erected, which shall in the latter case conform with the building and sewage by-laws of the municipality;
 - (d) A list of registers or records kept, or proposed to be kept, for the identification of graves, the sale or the transfer of grave sites and interments;
 - (e) The full names and addresses of the owner and the supervisor;
 - (f) The nature of the title under which the owner of the private cemetery holds or will hold the land on which the cemetery is or will be used as a cemetery, and whether the land is encumbered in any way;
 - (g) Proof, to the satisfaction of the municipality, that the owner has adequate financial measures and insurance to be able to discharge the obligation of maintaining the private cemetery and all existing and future graves; and
 - (h) A schedule of burial fees proposed to be charged or currently being charged.
- (2) On receipt of the application referred to in Subsection (1), the municipal manager must place a notice in at least one newspaper, in an official provincial language, circulating within the municipality stating the nature of the application and specifying a date, being not less than 14 days, by which objections to the granting of the application must be lodged with the municipal manager.
- (3) Within 7 days of the closing date for the lodging of objections, the municipal manager must submit the application to the municipality for consideration by the municipality.
- (4) The municipality must consider the application and any objections to it that may have been lodged within 30 days. If, after consideration of the application and any objection to it, the municipality is satisfied that no interference with any public amenity, or nuisance or danger to the public health is likely to take place or arise, the municipality may authorize, in writing, the establishment or the continued use of the

- (5) proposed private cemetery, in accordance with the written application submitted to the municipality in terms of Subsection (1).
- (6) If approval is granted for the establishment or continued use of a private cemetery, or for the continued use of the private cemetery in terms of Subsection (4), no departure from the plans submitted in terms of Subsection (1) may be made without the approval of municipality in writing.

9. Duties of the Owner of a Private Cemetery

Every owner of a private cemetery, which has been, authorized in terms of Section 8(4) to establish or continue the use of a private cemetery shall-

- (a) maintain a burial register in accordance with Section 21 of the Births and Deaths Registration Act, 1992 (Act 51 of 1992)
- (b) maintain a duplicate copy of the burial register referred to in Subsection (a) at a place other than the place where the burial register referred to in Subsection (a) is kept;
- (c) keep a record or records showing –
 - (i) the number of each grave site and the ownership of the ground in which the grave is situated; and
 - (ii) the number of interments in each and every grave site and the name, age, sex, race, last known address, date and cause of death of each person interred in it;
- (d) comply with the provisions of Chapter 3 and any other relevant provisions of the Births and Deaths Registration Act, 1992 (Act 51 of 1992);
- (e) maintain all grounds, fences, gates, roads, paths and drains in good order and condition and clear of weeds and overgrowth;
- (f) provide for the identification of grave sites by subdividing the cemetery into blocks containing a number of graves or grave sites and demarcated by means of signs showing the number and situation of each block;
- (g) separately number every grave site in each block by means of a durable number plate;
- (h) maintain all signs and number plates in a neat and legible condition;
- (i) allow the municipality or its duly authorized officers to enter and inspect the cemetery, the burial register, and all records kept in connection therewith;
- (j) render a monthly report on all burials to the municipal manager on a date to be determined by the municipal manager, detailing the name, last known address, age, sex, race, date and cause of death of every deceased person who has been interred, and the name of the medical practitioner who issued the certificate of death, a copy of the burial order, the authority who issued the burial order, the block and grave site number, and the date of interment;
- (k) render an annual return to the municipal manager on a date to be determined by the municipal manager, detailing the names and addresses of all trustees, committee members and persons controlling the private cemetery, if there be any;
- (l) appoint a supervisor to manage the cemetery and keep the requisite records;

- (m) the appointment and any subsequent appointment of a supervisor must be reported to the municipal manager in an appropriate monthly report submitted to the municipal manager in terms of Subsection (j); and
- (n) comply with any other conditions prescribed by the municipality.

CHAPTER 4

SERVICE PROVIDERS

10. Agreement, Delegation and Customer-Care Charter

- (1) The municipality may discharge all or any of its obligations under these by-laws for the rendering of cemetery services by entering into a service delivery agreement with a service provider or service providers in terms Section 81 (2) of the Systems act: Provided that it shall not be discharged from its obligation to enforce these by-laws or to monitor whether they have been complied with by the service provider or any other person.
- (2) Subject to the provisions of the Systems Act or any other law, the municipality may assign to a service provider any power enjoyed by it under these by-laws but may do so only if the assignment is necessary to enable the service provider to discharge an obligation under the service delivery agreement.
- (3) Any reference in these by-laws to “municipality or service provider” must be read as applying only to the municipality if there is no relevant service delivery agreement and, if there be a service delivery agreement it must be read as applying to the service provider.
- (4) Without derogating from the generality of the provisions of Subsection (1), the municipality may not discharge an obligation to monitor and enforce the provisions of these by-laws by entering into an agreement with a service provider to do so.
- (5) A service provider employed in terms of Subsection (1) must prepare a customer care charter which shows how the service provider intends to deal with complaints and customer care.

11. Tariffs

- (1) Notwithstanding the provisions of Section 10(1), the municipality retains the responsibility to establish maximum tariffs for cemetery services.
- (2) The municipality must evaluate and promulgate maximum tariffs annually, prior to 1 July of each year.

CHAPTER 5
DISPOSAL OF A BODY

12. Disposal of a Body

- (1) No person may, without prior written permission of the municipality, dispose of or attempt to dispose of a body, other than –
 - (a) by interment in a private cemetery established or approved in terms of Sections 7 or 8 or a public cemetery established by the municipality in terms of Section 2(1), and in accordance with the procedure set out in Chapter 7 or these by-laws; or
 - (b) by cremation in a crematorium as regulated by Chapter 13 of these by-laws.
- (2) No body intended for burial or cremation may be presented at a cemetery or crematorium unless being first enclosed in a sealed body bag or placed within a coffin, except where there is an objection thereto on religious grounds.
- (3) Where there is an objection to a coffin or body bag on religious grounds, the body must be covered in a burial shroud or other suitable perishable material.

13. Funeral Undertakers

- (1) Subject to the provisions of the R.363 section 3(1)(a) of the Health Act, no funeral undertaker shall enter into a contract to bury or cremate any body in any cemetery or crematorium under the control of the municipality unless –
 - (a) the funeral undertaker is in possession of a certificate of competence issued by the municipality in terms of the Health Act;
 - (b) the premises from which the funeral undertaker operates is zoned in accordance with any law relating to where such business may be carried out; and
 - (c) all the requirements of a funeral undertaker and a funeral undertaker's premises in terms of the Health Act have been complied with.
- (2) The Environmental Health Practitioner may, after giving reasonable time as specified in the notice to an undertaker of its intention to conduct an inspection, enter into and inspect the undertaker's premises to enable it to determine whether Subsection (1)(b) and (1)(c) have been complied with.
- (3) Undertakers must keep records of all the bodies, which they receive, and of the burial orders for these bodies.
- (4) Any supervisor may refuse to bury a body presented for burial by an undertaker who has not complied with these by-laws.
- (5) Where a supervisor refuses such a burial the refusal must be reported in writing to the municipality with the reasons for refusal within 7 days of the refusal.

14. Register

- (1) The Cemetery Clerk must maintain a burial register in accordance with Section 21 of the Births and Deaths Registrations Act, 1992 (Act 51 of 1992).
- (2) The supervisor must maintain a duplicate copy of the burial register referred to in Subsection (1) at a place other than the place where the burial register referred to in Subsection (1) is kept.

CHAPTER 6**FUNERALS****15. Religious Ceremonies**

- (1) The members of any religious denomination may, subject to these by-laws and the control of the municipality, conduct religious ceremonies in a cemetery in connection with any interment or memorial service.
- (2) Religious ceremonies according to the rites of any denomination may only be conducted in the Section of a cemetery set apart by the municipality for members of the denomination.

16. Exposure of Corpses

No person shall convey a corpse which is not covered, or expose any corpse or any part of it in any street, part of the cemetery which the public has access to or public place.

17. Instructions of the Supervisor

Every person taking part in any funeral procession ceremony shall comply with the directions of the supervisor within a cemetery.

18. Music and Singing

No music or singing will be allowed in a cemetery, except for sacred singing, and except in a police or military funeral, without the supervisor's permission.

19. Structures used for Religious Services or Rites

No person shall occupy any chapel or shelter or any other structure used for religious services or rites in a cemetery for more than 45 minutes, unless authorized to do so by the supervisor of the cemetery.

20. Hours for Interments

- (1) Subject to the provisions of Subsection (2), interments shall take place during the following hours;
 - (a) on a Monday to Thursday, excluding public holidays, from 07h30 to 16h30 and
 - (b) on a Friday, excluding public holidays, from 7h30 to 13h30.
- (2) The supervisor may, upon payment of the prescribed charge, allow interments to take place after the hours referred to in Subsection (1) on weekdays and also on Saturdays, Sundays and public holidays.
- (3) If the interment commences or is completed after the hours referred to in Subsection (1), the charges will be payable as prescribed in the cemetery tariffs.

21. Numbering of Graves

- (1) Until such time as a memorial has been erected on a grave, the supervisor shall fix and maintain an identification plate on every grave plot in the cemetery.
- (2) No person shall inter a body in any grave, which has not been allotted by the municipality.

CHAPTER 7
INTERMENTS

22. Application for Use of a Grave

- (1) No person shall inter or cause to be interred, any body within any cemetery without the permission of the supervisor, which may only be granted on the submission to him or her of the original burial order authorizing interment, together with the notice referred to in Subsection (2).
- (2) A person wishing to have a body interred must notify the supervisor on a form prescribed by the municipality not less than eight hours before the desired time for the interment.
- (3) The application must be signed by the nearest surviving relative of the person whose body is to be interred in the grave, or by someone whom the nearest surviving relative has authorized to sign the application on his or her behalf.
- (4) If the supervisor is satisfied that the signature of the nearest surviving relative cannot be obtained promptly, he may, grant permission to inter a body on an application signed by any other interested person.
- (5) Not more than one interment may be made in a grave, except with the written permission of the supervisor.
- (6) Where there has been an interment in a grave, and where a deeper grave is subsequently required for the interment of another body in the same grave, application to inter the other body must be made to the supervisor when notice of the first interment is given to the supervisor.
- (7) A second interment in the same grave will not be allowed within one year of the date of the first interment.
- (8) Not more than three bodies may be interred in the same grave.
- (9) The municipality may, upon application and in its sole discretion, inter any body without any charge in whatever place and manner as it considers fit.
- (10) No body shall be interred unless it is placed in a coffin as described in Section 30, unless there is an objection thereto on religious grounds in terms of Section 12(2).

23. Purchase of Burial Rights

- (1) The municipality or service provider may sell the right to use any piece of ground for a grave to any person.
- (2) Any person wishing to purchase the right to use a piece of ground for a grave must apply to the municipality.
- (3) The piece of land in respect of which a right of use is sold must be allotted by the municipality and the holding and exercising of the right shall be subject to the cemetery by-laws.
- (4) The purchase price of the right to use a piece of land for the grave shall be a prescribed tariff and the purchaser shall not be entitled to use the land as a grave until the price is paid.
- (5) Upon the death of a person the nearest relative shall have the right, on payment of the charges determined from time to time by the municipality, to purchase one adjoining grave, if it be available, for future use.

24. Rights Not Transferable

- (1) No person shall, without the consent of the municipality or service provider, sell or transfer to any other person any right relating to a grave or niche which he has obtained or may obtain in terms of the provisions of these by-laws.
- (2) Every acquisition of the right to use a piece of land as a purchased grave or to make use of a niche shall be registered by the municipality and the charge determined from time to time by the municipality shall be paid to the municipality by the new user.
- (3) The municipality or service provider may repurchase the right to an unused grave or niche if this is necessary either for the efficient administration of the cemetery or because of any reasonable environmental considerations.
- (4) Where the municipality repurchases a right to use land for a grave, it must provide just compensation to the user which shall not be less than the initial purchase price and which shall make an allowance for inflation.
- (5) The right to a niche shall accrue to the municipality without any compensation when the ashes of a deceased are removed or when the commemorative plate is removed from a niche.

25. Permission to Inter

- (1) Subject to the provisions of Subsection (2), the supervisor may not grant permission to inter a body where –
 - (a) a burial order in terms of the Births and Deaths Registration Act, 1992 (Act 51 of 1992) has not been presented to the supervisor;
 - (b) all appropriate tariffs, as prescribed by the municipality, have not been paid; and
 - (c) an application in terms of Section 22(2) has not been made.
- (2) Where, in the opinion of the supervisor, circumstances are exceptional he or she may grant permission to inter a body where the requirements in Subsections (1)(b) and (1)(c) have not been met.

26. Alteration of Date of Interment

Should any alteration be made to the day or hour that has been previously fixed for an interment, notice of the alteration shall be given to the supervisor at the cemetery at least 6 hours before the time that had been fixed for interment.

27. Dimensions of Grave Openings

- (1) Graves for adults shall have at least the following dimensions:
 - (i) a length of 2 200 millimeters;
 - (ii) a width at the position of the shoulders of 900 millimeters;
 - (iii) a width at the position of the head of 600 millimeters;
 - (iv) a width at the position of the feet of 500 millimeters; and
 - (v) a depth of 1 900 millimeters.
- (2) Graves for children shall have the following dimensions:
 - (i) a length of 1 400 millimeters;
 - (ii) a width at the position of the shoulders of 500 millimeters;
 - (iii) a width at the position of the head of 450 millimeters;
 - (iv) a width at the position of the feet of 330 millimeters; and
 - (v) a depth of 1 500 millimeters.

- (3) Where the interment of any body requires an aperture in excess of the standard dimensions, the notice of interment must specify the dimensions of the coffin and its fittings.

28. Children's Coffins which are too Large for a Child's Grave

Should a child's coffin be too large for the dimensions of a child's grave, it will be placed in an adult's grave and the prescribed charge for an adult's grave shall be paid.

29. Covering with Earth

There shall be at least 1 200 mm of earth between the top of any adult's coffin or body bag and the surface of the ground and at least 900 mm of earth between the top of a child's coffin or body bag and the surface of the ground. Every coffin or body bag shall, upon being placed in a grave, be covered by at least 300 mm of earth without delay.

30. Coffins in Graves

No person shall place in any grave, or cause to be placed in any grave, any coffin constructed from any material other than soft wood or other perishable material, without the written consent of the supervisor but any attachments that normally form part of a coffin need not be made of soft wood or other perishable material.

31. Number of Bodies in One Grave

- (1) Subject to the provisions of Section 22(5) two or three bodies of members of the same family may be buried in the same grave where –
- (a) two members of a family die together, including, but not limited to two persons who were married to one another;
 - (b) a mother and child or children die during childbirth; or
 - (c) two unmarried persons of the same or different sex whom the user believes on reasonable ground to have lived together as man and wife, who die at the same time.
- (2) Anatomy remains of two or more bodies may be buried in the same grave.
- (3) Where more than one body is buried, the user will be liable to pay the tariff prescribed for each of the bodies.

32. Interment of Deceased Persons Resident Outside the Municipality

- (1) Subject to Subsection (2), the municipality may in its discretion permit the interment of a deceased person who was resident outside the municipal area.
- (2) Where a person has been granted a right in terms of Section 23, the municipality must permit the interment of that person even if he was resident outside the municipal area at the time of death.

33. Pauper and Indigent Burials

- (1) The body of a pauper or an indigent person must be buried at the cost of the municipality at a Cemetery to be determined by the municipality.
- (2) In the case of an indigent person, the municipality or service provider shall take all reasonable steps to ascertain the religion of the deceased and bury him in the Section of the cemetery set apart for members of the denomination.

CHAPTER 8**EXHUMATION OF BODIES AND RE-OPENING OF GRAVES****34. Disturbance of Human Remains**

Subject to these by-laws, the provisions of an exhumation order given in terms of the Inquests Act, 1959 (Act 58 of 1959), National Health Act, or any other provision of any law relating to the exhumation of bodies, no person shall disturb any mortal remains or any ground surrounding them in any cemetery.

35. Opening of Graves

- (1) Subject to the provisions of any law pertaining to the exhumation of a corpse, no grave may be opened without the written consent of the following authorities:
 - (a) the Department of Health for the province in which the municipality is situated; and
 - (b) the municipality.
 - (c) An order of a court having jurisdiction over such matters.
- (2) In addition to the consent required in Subsection (1), where a grave is older than 60 years and is situated outside a cemetery administered by the municipality, or constitutes a grave of a victim of conflict, the approval of the South African Heritage Resources Authority or the Provincial heritage Resources Authority established for the province if there be one, is required through the issuing of a permit in terms of Section 36(3) of the National Heritage Resources Act, 1999 (Act 25 of 1999).
- (3) No person may disinter, remove, re-inter or cremate a body buried in a Commonwealth war grave, or otherwise interfere with a Commonwealth war grave or a Commonwealth war burial other than in accordance with the Commonwealth War Graves act, 1992 (Act 8 of 1992).

36. Exhumations

- (1) Subject to the provisions of Sections 34 and 39, no person shall exhume or cause any corpse to be exhumed or removed without the written consent of the municipality and the medical officer of health.
- (2) The charges for exhumation determined from time to time by the municipality shall in every case be paid before the exhumation takes place.
- (3) The written consent of the municipality must be submitted to the supervisor at least two days before the date fixed for the exhumation or removal of a corpse.

37. Screening of Activities

An undertaker must effectively screen the grave, from which any corpse is to be removed, from public view during the exhumation.

38. Persons to be Present During Exhumations

No exhumation or removal of any body or human remains shall take place unless the Environmental Health Practitioner, Cemetery Supervisor and a member of the South African Police Service are present.

39. Transfer of Buried Corpses

Should the transfer of a corpse be considered expedient by the municipality at any time, or should any provision of these by-laws be contravened during the interment of a corpse in any grave, the municipality may, after having complied with any applicable provincial or national legislation and these by-laws, transfer the corpse to another grave and where it is reasonably possible to do so, a relative of the deceased person must be notified of the transfer.

CHAPTER 9**CARE OF GRAVES****40. Care of Graves**

The municipality or service provider shall keep graves clear of weeds and in proper order.

41. Shrubs and Flowers

- (1) No person, other than the supervisor, may plant any shrub, tree, plant or flower upon any grave in the cemetery.
- (2) No shrub, tree, plant or flower in the cemetery may be cut or removed by any person without the consent of the supervisor.
- (3) The supervisor shall have the right to prune, cut down, dig up or remove any shrub, tree, plant or flower in the cemetery at any time without the necessity of obtaining permission of any person or court to do so.

CHAPTER 10**ERECTION AND MAINTENANCE OF MEMORIAL WORK****42. Memorial Work**

No person shall, unless the charges as determined from time to time by the municipality have been paid, and the consent in writing of the supervisor and of the user for such grave has been obtained, bring any memorial work into a cemetery, or, after its having been brought into it, erect, alter, paint, renovate, remove or otherwise interfere with it, or cut any inscription on it.

43. Position of Memorial Work

No person shall erect any memorial work on any grave except in a position approved by the supervisor or as otherwise provided for in these by-laws.

44. Repairs to Memorial Work

- (1) Should a person who has erected any memorial work to fall into a state of disrepair that may, in the opinion of the supervisor, cause danger to any person or thing situated in the cemetery, or to deface or damage the cemetery, the supervisor may order him or her by notice in writing, to make whatever repairs that the supervisor may consider necessary.
- (2) Should the address of the user be unknown to the supervisor, the notice may be published in an official language in any daily newspaper circulating within the municipality in terms of Section 70(1)(c).

- (3) If the required repairs are not carried out within one month of the posting of the notice or the publication of it in a newspaper, the supervisor may him or herself carry out the repairs or remove the memorial work without paying any compensation and may recover the cost of the repairs or of removal from the person who erected the memorial work.

45. Damaging of Memorial Work

In the case of intentional or negligent acts of the municipality or service provider, the municipality or service provider shall not be liable to compensate any person for any damage which may at any time occur to any memorial work

46. Bringing Material into Cemetery

- (1) No person shall bring any material into the cemetery for the purpose of constructing any memorial work on any grave, or to erect a commemorative plaque in the garden of remembrance, unless-
- (a) all charges to in respect of such graves or niches have been paid;
 - (b) the supervisor's written approval of the proposed work has been given; and
 - (c) the grave number has been engraved on the memorial work.

47. Conveying of Memorial Work

- (1) The conveying of any stone, brick, or memorial work or any part of it along paths between graves may be undertaken only by means of a trolley fitted with pneumatic tires.
- (2) No trolley shall be moved along any path, which in the opinion of the supervisor is too narrow or unsuitable for conveyance, by a trolley.

48. Vehicles and Tools

The supervisor may prohibit the use of any vehicle, tool or other appliance by a person working on a grave.

49. Complying with the Supervisor's Directions

Any person carrying on any work within a cemetery shall at all times comply with the directions of the supervisor.

50. Rubbish and Damage to Cemetery

No person shall at any time leave any rubbish, soil, stone or other debris within any cemetery or in any way damage or deface any part of any cemetery or anything contained in it.

51. Times for Bringing in Material and Doing Work

- (1) No person shall bring memorial work or material or do any work in a cemetery on public holidays or outside of the hours of 07h00 to 16h00 during Mondays to Fridays.
- (2) In exceptional cases the supervisor may permit work to be done outside of the times prescribed in Subsection (1), but only if the prescribed charges determined from time to time by the municipality have been paid.

52. Production of Written Permission

Any person who undertakes any work within any cemetery shall, upon demand by the municipality, produce the written consent issued to him or her in terms of Section 42.

CHAPTER 11**SECTION****53. Aesthetic Section**

- (i) The following provisions shall apply to the aesthetic Section of a cemetery:
- (a) no kerbing or any form of base shall be erected;
 - (b) the headstone memorial shall be erected only on the concrete strip provided by the municipality;
 - (c) the pedestal of the memorial shall not exceed 800 millimeters by 260 millimeters unless the memorial is to be erected on two adjoining grave plots, in which case the measurements may be 1 220 millimeters by 260 millimeters;
 - (d) no memorial shall overhang the pedestal at any point and it shall be erected on the berm with the edge nearest to the grave being at least 120 millimeters from the edge of the berm;
 - (e) the height of memorial shall not exceed 1 000 millimeters, including the bar;
 - (f) the municipality retains the right to flatten any remains of soil or fill any subsidence of a grave to the level of the adjoining undisturbed ground;
 - (g) except for a memorial or vase for flowers or foliage which may be placed in the space provided on the berm, no object may be placed or kept on any grave after six months of the date of interment;
 - (h) the supervisor may remove any object, which has been placed on a grave; and
 - (i) excluding the vase for flowers or foliage in the berm, no memorial may contain more than one additional container for flowers or foliage.

CHAPTER 12**ESTABLISHMENT AND OPERATION OF CREMATORIA****54. Establishment and maintenance of crematorium**

- (1) A municipality may, in the prescribed manner, establish and maintain a crematorium in its area of jurisdiction: Provided that a crematorium may not be established –
- a) On privately owned land without the prior written consent of the owner or legal occupier of such land;
 - b) In the area of jurisdiction of a traditional council without the prior written consent of the traditional council concerned which consent may not be unreasonably withheld.
- (2) A municipality may, subject to such conditions as may be considered necessary, in writing grant a person authority to establish and maintain a crematorium and to regulate and control the use thereof including the authority to determine fees for the use of such crematorium.
- (3) The municipality shall have the authority to determine fees for the use of such Crematorium in consultation with the proprietor.

55. Conditions for establishment of crematorium

- (1) No crematorium may be established unless the site, plans and specifications thereof have been approved by the municipality in whose area of jurisdiction the crematorium will be established.
- (2) No person may operate a crematorium unless the relevant municipality has issued a certificate of registration in respect of such crematorium as prescribed.
- (3) The certificate referred to in subsection (2) must be issued only if the municipality is satisfied that a crematorium has been established in accordance with this By-law and that it is properly equipped for the purpose for which it is intended.
- (4) A municipality may issue a certificate of registration only to a person who has obtained the authority contemplated in section 55(2).

56. Site of crematorium

- (1) A crematorium may not be established within-
 - (a) Two hundred meters of the boundary of private land without the written consent of the owner of such land or legal occupier.
 - (b) Fifty meters of any public road, street, thoroughfare or public place.

57. Appointment and powers of inspector

- (1) A municipality must, for the purposes of the By-law, appoint one or more persons as inspectors on such conditions as may be considered necessary.
- (2) A person appointed as an inspector in terms of subsection (1) must be issued with a certificate of appointment.

58. Routine inspection of crematorium

- (1) Before issuing a certificate referred to in section 55(2), a municipality may require that the premises to be utilized as crematorium, the equipment and appliances, be inspected by an inspector.
- (2) The inspector may enter a crematorium in respect of which a certificate has been issued in terms of section 55(2), at any reasonable time and-
 - (a) inspect such crematorium in order to ascertain whether it is maintained and managed in a proper, decent and orderly manner and whether the conditions imposed are being observed and complied with;
 - (b) question any person on the premises whom he or she believes may have information relevant to the inspection;
 - (c) require the person in charge of the crematorium at the time to produce, for inspection or for the purpose of obtaining copies or extracts thereof, any document that such person is required to maintain in terms of any law; and
 - (d) remove or take samples of any substance relevant to the inspection.
- (3) The inspector may issue a compliance notice to a person in charge of the premises if a provision of this By-law has not been complied with.
- (4) An inspector who removes any samples as contemplated in subsection (2)(d) must-
 - (a) Issue a receipt for the sample of any substance so removed or taken to the person in charge of the crematorium; and
 - (b) Subject to any applicable law, return it as soon as practicable after achieving the purpose for which it was removed.

59. Entry and search of crematorium with warrant

- (1) An inspector accompanied by a police officer may, on the authority of a warrant issued in terms of subsection (4) enter any crematorium specified in the warrant, and;
 - (a) inspect, photograph, copy, test and examine any document, record, object or material, or cause it to be inspected, photographed, copied, tested or examined;
 - (b) seize any document, record, object or material if he or she has reason to suspect that it might be used as evidence in a criminal trial;
 - (c) examine any activity, operation or process carried out in the crematorium.
- (2) An inspector who removes anything from the crematorium being searched must-
 - (a) issue a receipt for anything removed from the crematorium to the owner or person in charge of the crematorium; and
 - (b) unless it is an item prohibited in terms of any applicable law, return it as soon as practicable, after achieving the purpose for which it was removed.
- (3) Upon the request of an inspector acting in terms of a warrant issued in terms of subsection 4, the owner or person in charge of the crematorium or any other person present in the crematorium must-
 - (a) make available or accessible or deliver to the inspector, any document, record, object or material which pertains to an investigation contemplated in subsection (1) and which is in the possession or under the control of the owner or the person in charge;
 - (b) furnish such information as he or she has with regard to the matter under investigation; and
 - (c) render such reasonable assistance as the inspector may require to perform his or her functions in terms of this By-law efficiently.
- (4) A warrant contemplated in subsection (1) should be issued by a judge or a magistrate-
 - (a) in relation to premises on or from which there is reason to believe that a contravention of this By-law has been or is being committed;
 - (b) if it appears from information obtained under oath or affirmation that there are reasonable grounds to believe that there is evidence available in or upon such premises of a contravention of this By-law.
- (5) The warrant issued in terms of subsection (4) may impose restrictions on the powers of the inspector.
- (6) A warrant issued in terms of this section-
 - (a) remains in force until-
 - (i) it is executed;
 - (ii) it is cancelled by the person who issued it or, if such person is not available, by any person with authority;
 - (iii) the expiry of one month from the day of its issue; or
 - (iv) the purpose for the issuing of the warrant has elapsed, whichever occurs first; and
 - (b) must be executed by day unless the person who issue the warrant authorizes the execution thereof by night.
- (7) No person can be held personally liable for any loss or damage arising out of a *bona fide* action by a police officer or inspector under this section.
- (8) An inspector exercising any power conferred upon him or her in terms of the By-law must, on demand produce the certificate of appointment issued to him or her in terms of section 57(2).

- (9) An inspector exercising any power conferred upon him or her in terms of this By-law must, on demand produce the warrant.

60. Entry and search of crematorium without warrant

- (1) An inspector accompanied by a police officer may, without a warrant exercise any power referred to in section 59 if-
- (a) the person in charge at the time so consents to such exercise; or
 - (b) there are reasonable grounds to believe that a warrant would be issued in terms of section 59(4) and that the delay in obtaining the warrant would defeat the object of the search.

61. Closing of crematorium

- (1) If an inspector, after inspection of a crematorium, certifies that such crematorium is defectively or inadequately constructed or equipped, or is in a state of disrepair or constitutes a nuisance, the relevant municipality may issue a closing order requiring that such crematorium or part thereof be closed and remain closed permanently or until any instruction given by the municipality to remedy such defect, inadequacy or disrepair or to abate such nuisance, has been complied with.
- (2) If the owner or person in charge of a crematorium contravenes or fails to comply with any provision of this by-law or if the relevant municipality is satisfied that such crematorium is not maintained or managed in a fit and proper manner, the municipality may issue a closing order requiring that such crematorium be closed and remain closed permanently or for such period as the municipality may determine.
- (3) If a closing order in terms of subsection (1) or (2) has been issued in respect of a crematorium or part thereof, no person may perform, or permit or take in the performance of, a cremation in such crematorium or part thereof.

62. Cremation

- (1) No person shall dispose of a body in any manner other than by interring it in a cemetery or having it cremated in a crematorium that is approved of in law.
- (2) No person shall dispose of a body by cremation other than in conformity with the requirements of any law relating to cremation.
- (3) The ashes remaining after a cremation, may, with the written consent of the supervisor, be interred in a public or private grave in which the body of a relative or any other person has already been interred.
- (4) If ashes are not collected after a cremation, they may be strewn in a garden of remembrance by the supervisor.

63. Coffins

Coffins intended for cremation shall be constructed principally out of timber or wood derivatives, as regulated by applicable legislation

CHAPTER 13**ADMISSION TO CEMETERIES AND PROHIBITED CONDUCT****64. Admission of Visitors**

- (1) Every cemetery shall be open to the public during the following hours:
 - (a) Monday to Sunday from 7H30 to 16H30
- (2) Notwithstanding the provisions of Subsection (1) the municipality shall have the right to close any cemetery or part of it to the public for such period as it may consider fit if it is, in the opinion of the municipality, in the interests of the public to do so.
- (3) No person shall enter into or remain in any cemetery, or part of it, before or after the times set out in Subsection (1) or during any period when it is closed to the public.
- (4) No person under 12 years of age may enter any cemetery unless in the care of a responsible adult person.

65. Dress

The municipality may prescribe the apparel that it considers appropriate for entry into a cemetery but, in doing so, must not unfairly discriminate between persons on the basis of race, religion or gender.

66. Prohibited Acts within Cemeteries

- (1) No person shall –
 - (a) solicit any business, order or exhibit, distribute or leave any tracts, business cards or advertisements within any cemetery other than as provided for in Section 51(3) of these by-laws;
 - (b) sit, stand or climb upon or over any memorial work, gate, wall, fence or building in any cemetery;
 - (c) commit any nuisance within any cemetery;
 - (d) ride any animal or motorcycle within any cemetery, and no other vehicle may exceed a speed of 16 km per hour;
 - (e) spin any vehicle or motorcycle within any cemetery;
 - (f) ride any motorcycle within any cemetery unless prior permission is obtained from the Supervisor.
 - (g) intentionally bring any animal, other than a guide dog, or bird, into a cemetery or allow an animal to wander in it;
 - (h) plant, cut, pick or remove any plant, shrub or flower without the permission of the supervisor;
 - (i) hold or take part in any demonstration in any cemetery;
 - (j) hinder any officer, workman or labourer employed by the municipality in any cemetery during the performance of his or her duties;
 - (k) obstruct, resist or oppose the supervisor in the course of his or her duty or refuse to comply with any order or request which the supervisor is entitled to make;
 - (l) mark, draw, scribble, erect advertisements or objects on any wall, building, fence, gate, memorial work or other structure within any cemetery or in any other way defaces them.

(2) Where it is appropriate to do so, the assessment of what constitutes a prohibited act in terms of Subsection (1)(c) and (1)(j) the social and cultural values of the local community should be taken into account.

(3) The supervisor must place a notice in the cemetery setting out the prohibited conduct.

67. Keeping to the Paths

All persons shall use only the roads, walkways and paths provided in the cemetery.

68. Entrance to and Exits from Cemeteries

No person shall enter or leave any cemetery except by the gates provided for that purpose and no person shall enter any office or fenced place in a cemetery except in connection with lawful business.

69. Offences

(1) Subject to Subsection (2), any person who –

- (a) contravenes or fails to comply with any provisions of these by-laws, other than a provision relating to payment for cemetery services;
- (b) fails to comply with any notice or order issued or condition imposed in terms of or for the purposes of these by-laws;
- (c) fails to comply with any lawful instruction given in terms of or for the purposes of these by-laws; or
- (d) who obstructs or hinders any authorized representative or employee of the municipality in the execution of his duties under these by-laws;

is guilty of an offence and liable on conviction to a fine not exceeding R5 000-00 or in default of payment to imprisonment for a period not exceeding 6 months and in the case of any continued offence, to a further fine not exceeding R10 000-00, or in default of payment, to imprisonment not exceeding one year.

(2) No person shall be liable to imprisonment if he is unable to afford to pay a fine at that time, the amount shall be added to the transgressors municipal account and if not an account holder then the transgressor shall be liable to a period of community service.

(3) Any person committing a breach of the provisions of these by-laws shall be liable to recompense the municipality for any loss or damage suffered or sustained by it in consequence of the breach.

(4) The supervisor may at any time order any person who does not comply with these by-laws in the cemetery or disturbs the sacred atmosphere in the cemetery in any manner, to leave the cemetery immediately in which event the person must forthwith comply with the order.

CHAPTER 14**GENERAL****70. Service of Notices**

- (1) Any notice, order or other document that is served on any person in terms of these by-laws must, subject to the provisions of the Criminal Procedure Act 1977 (Act 51 of 1977), be served personally, failing which it may be regarded as having duly been served –
- (a) when it has been left at that person's place of residence or business, or, where his household is situated in the Republic, when it has been left with a person who is apparently 16 years or older;
 - (b) 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 either personally or in the manner provided by Subsections (a), (c) or (d); or
 - (c) If that person's address and the identity or the address of his agent or representative in the Republic is unknown, when it has been published in an official language in any daily newspaper circulating within the municipality; or
 - (d) if sent by registered post, whether service by registered post is, or is not required, if effected by sending it by properly addressing to the addressee's last known residence, place of business or postal address, prepaying and posting a registered letter containing the notice, order or other document, and unless the contrary be proved, shall be presumed to have been effected at the time at which the letter would be delivered in the ordinary course of post.
- (2) 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.

71. 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.

72. Review of By-Laws

The by-laws specified in the first column of Schedule 1 are hereby reviewed to the extent set out in the second column of Schedule 1: Provided that the review of such by-laws shall not affect anything done in terms of or any right, obligation or liability acquired or incurred under those by-laws.

73. Date of Commencement

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

SCHEDULE 1: BY-LAWS REVIEWED

NUMBER AND YEAR OF BY-LAW	SHORT TITLE	EXTENT OF REVIEW
1510 of 27 February 2008	Emalahleni Local Municipal Council Cemeteries and Crematoria by laws, 2008	<p>Definitions: Health Act, 1977 substituted by Health Act 2003, Ordinance scrapped as it is repealed, Normal operational hours means Monday to Friday 08:00 to 15:00 excluding Saturdays, Sundays and Public Holidays substituted by Monday to Thursday 7h30 to 16h30 and Friday 7h30 to 13h30 excluding Saturdays, Sundays and Public holidays. Office hours means Monday to Friday 07h30 to 16h30 excluding Saturdays, Sundays and Public Holidays substituted by Monday to Thursday 07h30 to 16h30 and Friday 07h30 to 13h30 excluding Saturdays, Sundays and Public Holidays. Section 13,14,20,31,35,38,64,66,69, Addition of chapter 12 establishment and operation of crematoria</p>

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 141 OF 2017**STEVE TSHWETE AMENDMENT SCHEME 636
NOTICE OF APPROVAL**

Notice is hereby given in terms of Section 57(1)(a) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986, as amended) that the Steve Tshwete Local Municipality, has approved the amendment of the Steve Tshwete Town Planning Scheme, 2004 by the rezoning of **Portion 4 of Erf 264 Township of Middelburg** from “**Residential 1**” to “**Business 4**”.

Map 3 and the scheme clauses of the amendment scheme will lie open for inspection at all reasonable times at the office of the Director-General, Mpumalanga, Provincial Administration, Department of Agriculture, Rural Development and Land Administration, Mbombela, as well as at the Municipal Manager, Municipal Buildings, Wanderers Avenue, Middelburg.

This amendment is known as Steve Tshwete Amendment Scheme **636** and shall come into operation on the date of publication of this notice.

SM Mnguni
Acting Municipal Manager

Municipal Offices
Wanderers Avenue
P.O. Box 14
MIDDELBURG
1050

REF: 15/4/R

LOCAL AUTHORITY NOTICE 142 OF 2017

**STEVE TSHWETE AMENDMENT SCHEME 648
NOTICE OF APPROVAL**

Notice is hereby given in terms of Section 57(1)(a) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986, as amended) that the Steve Tshwete Local Municipality, has approved the amendment of the Steve Tshwete Town Planning Scheme, 2004 by the rezoning of **Portion 1 of Erf 2434 Township of Aerorand** from “**Business 2**” to “**Business 3**”.

Map 3 and the scheme clauses of the amendment scheme will lie open for inspection at all reasonable times at the office of the Director-General, Mpumalanga, Provincial Administration, Department of Agriculture, Rural Development and Land Administration, Mbombela, as well as at the Municipal Manager, Municipal Buildings, Wanderers Avenue, Middelburg.

This amendment is known as Steve Tshwete Amendment Scheme **648** and shall come into operation on the date of publication of this notice.

SM Mnguni
Acting Municipal Manager

Municipal Offices
Wanderers Avenue
P.O. Box 14
MIDDELBURG
1050

REF: 15/4/R

LOCAL AUTHORITY NOTICE 143 OF 2017

**STEVE TSHWETE AMEDEMMENT SCHEME 527
NOTICE OF APPROVAL**

Notice is hereby given in terms of Section 57(1)(a) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986, as amended) that the Steve Tshwete Local Municipality, has approved the amendment of the Steve Tshwete Town Planning Scheme, 2004 by the rezoning of **Portion 1 of Erf 646 Township of Middelburg** from “**Residential 1**” to “**Residential 3**”.

Map 3 and the scheme clauses of the amendment scheme will lie open for inspection at all reasonable times at the office of the Director-General, Mpumalanga, Provincial Administration, Department of Agriculture, Rural Development and Land Administration, Mbombela, as well as at the Municipal Manager, Municipal Buildings, Wanderers Avenue, Middelburg.

This amendment is known as Steve Tshwete Amendment Scheme **527** and shall come into operation on the date of publication of this notice.

SM Mnguni
Acting Municipal Manager

Municipal Offices
Wanderers Avenue
P.O. Box 14
MIDDELBURG
1050

REF: 15/4/R

LOCAL AUTHORITY NOTICE 144 OF 2017

**STEVE TSHWETE AMENDMENT SCHEME 676
NOTICE OF APPROVAL**

Notice is hereby given in terms of Section 57(1)(a) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986, as amended) that the Steve Tshwete Local Municipality, has approved the amendment of the Steve Tshwete Town Planning Scheme, 2004 by the rezoning of **Portion 4 of Erf 745 Township of Middelburg** from “**Residential 1**” to “**Business 4**”.

Map 3 and the scheme clauses of the amendment scheme will lie open for inspection at all reasonable times at the office of the Director-General, Mpumalanga, Provincial Administration, Department of Agriculture, Rural Development and Land Administration, Mbombela, as well as at the Municipal Manager, Municipal Buildings, Wanderers Avenue, Middelburg.

This amendment is known as Steve Tshwete Amendment Scheme **676** and shall come into operation on the date of publication of this notice.

SM Mnguni
Acting Municipal Manager

Municipal Offices
Wanderers Avenue
P.O. Box 14
MIDDELBURG
1050

REF: 15/4/R

LOCAL AUTHORITY NOTICE 145 OF 2017

**STEVE TSHWETE AMEDEMMENT SCHEME 579
NOTICE OF APPROVAL**

Notice is hereby given in terms of Section 57(1)(a) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986, as amended) that the Steve Tshwete Local Municipality, has approved the amendment of the Steve Tshwete Town Planning Scheme, 2004 by the rezoning of **Portion 3 of Erf 3112 Township of Mhluzi** from “**Municipal**” to “**Institutional**”.

Map 3 and the scheme clauses of the amendment scheme will lie open for inspection at all reasonable times at the office of the Director-General, Mpumalanga, Provincial Administration, Department of Agriculture, Rural Development and Land Administration, Mbombela, as well as at the Municipal Manager, Municipal Buildings, Wanderers Avenue, Middelburg.

This amendment is known as Steve Tshwete Amendment Scheme **579** and shall come into operation on the date of publication of this notice.

SM Mnguni
Acting Municipal Manager

Municipal Offices
Wanderers Avenue
P.O. Box 14
MIDDELBURG
1050

REF: 15/4/R

LOCAL AUTHORITY NOTICE 146 OF 2017

**STEVE TSHWETE AMEUREMENT SCHEME 601
NOTICE OF APPROVAL**

Notice is hereby given in terms of Section 57(1)(a) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986, as amended) that the Steve Tshwete Local Municipality, has approved the amendment of the Steve Tshwete Town Planning Scheme, 2004 by the rezoning of **Remainder of Erf 364 Township of Middelburg** from “**Residential 1**” to “**Residential 2**”.

Map 3 and the scheme clauses of the amendment scheme will lie open for inspection at all reasonable times at the office of the Director-General, Mpumalanga, Provincial Administration, Department of Agriculture, Rural Development and Land Administration, Mbombela, as well as at the Municipal Manager, Municipal Buildings, Wanderers Avenue, Middelburg.

This amendment is known as Steve Tshwete Amendment Scheme **601** and shall come into operation on the date of publication of this notice.

SM Mnguni
Acting Municipal Manager

Municipal Offices
Wanderers Avenue
P.O. Box 14
MIDDELBURG
1050

REF: 15/4/R

LOCAL AUTHORITY NOTICE 147 OF 2017

**STEVE TSHWETE AMEDEMMENT SCHEME 568
NOTICE OF APPROVAL**

Notice is hereby given in terms of Section 57(1)(a) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986, as amended) that the Steve Tshwete Local Municipality, has approved the amendment of the Steve Tshwete Town Planning Scheme, 2004 by the rezoning of **Portion 108 of Erf 7742 Township of Middelburg** from “**Special**” to “**Residential 3**”.

Map 3 and the scheme clauses of the amendment scheme will lie open for inspection at all reasonable times at the office of the Director-General, Mpumalanga, Provincial Administration, Department of Agriculture, Rural Development and Land Administration, Mbombela, as well as at the Municipal Manager, Municipal Buildings, Wanderers Avenue, Middelburg.

This amendment is known as Steve Tshwete Amendment Scheme **568** and shall come into operation on the date of publication of this notice.

SM Mnguni
Acting Municipal Manager

Municipal Offices
Wanderers Avenue
P.O. Box 14
MIDDELBURG
1050

REF: 15/4/R

LOCAL AUTHORITY NOTICE 148 OF 2017

MSUKALIGWA LOCAL MUNICIPALITY**Tariff By-law****1. Preamble**

WHEREAS section 229(1) of the Constitution authorises a municipality to impose rates on properties and surcharges on fees for the services provided by or on behalf of the municipality.

AND WHEREAS section 75A of the Municipal Systems Act authorises a municipality to levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and recover collection charges and interest on any outstanding amount.

AND WHEREAS section 74(1) of the Municipal Systems Act requires a municipality to adopt and implement a tariff policy on the levying of fees for municipal services provided by the municipality or on behalf of the municipality which complies with the provision of the Municipal Systems Act, Municipal Finance Management Act and any other applicable legislation.

AND WHEREAS section 75 of the Municipal Systems Act, requires a municipality to adopt by-laws to give effect to the implementation and enforcement of its tariff policy.

AND WHEREAS by-law adopted in terms of the said section 75 of Municipal Systems Act may differentiate between different categories of users, debtors, service providers, services, service standards and geographic areas as long as such differentiation does not amount to unfair discrimination.

NOW THEREFORE the Municipal Council of the municipality in terms of section 156 of the Constitution of the Republic of South Africa read with section 11 of the Municipal Systems Act hereby makes and enacts the following By-law:

2. Definitions

“**Constitution**” means the Constitution of the Republic of South Africa

“**Council**” means Municipal Council of the Municipality

“**Credit Control and Debt Collection By-law and Policy**” means Credit Control and Debt Collection Policy and By-law of the Municipality

“**Municipal Council**” means Municipal Council of the Local Municipality

“**Municipal Finance Management Act**” means Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) as amended

“**Municipal Property Rates Act**” means Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004)

“**Municipal Systems Act**” means Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended

“**Municipality**” means Msukaligwa Local Municipality

“**Policy**” means Tariff Policy of the Municipality

“**Rate**” means property rate in terms of Municipal Property Rates Act

“**Tariff**” means fees, charges and surges on tariffs levied by the municipality in respect of any function or service provided by the municipality or on behalf of the municipality, but excludes levying of property rates in terms of Municipal Property Rates Act

3. Objects

- 3.1 The object of this by-law is to give effect to the implementation and enforcement of the Tariff policy as contemplated in section 74(1) of the Municipal Systems Act.
- 3.2 Further, to give effect to the Credit Control and Debt Collection Policy and/or By-law of the municipality.

4. Adoption and Implementation of Tariff Policy

- 4.1 The municipality shall adopt and implement tariff policy on the levying of fees for municipal services provided by the municipality or on behalf of the municipality which complies with the provisions of the Municipal Systems Act read together with Municipal Finance Management Act and any other applicable legislation.

- 4.2 The tariff policy adopted in terms of 4.1 hereof shall reviewed annually as part of the Annual Budget Process; and be amended accordingly, if need be.
- 4.3 The municipality shall not impose tariffs other than in terms of a valid tariff policy

5. Tariff Policy

- 5.1 The tariff policy shall apply to all tariffs imposed by the municipality.
- 5.2 The tariff policy shall reflect the principles referred to in:
 - (a) Section 74(1) of the Municipal Systems
 - (b) Section 97 of the same Act
 - (c) section 4(2) of the same Act
- 5.3 The tariff policy shall specify the basis of differentiation, if any, for tariff purposes, between different categories of users, debtors, service providers, services, service standards and geographic areas as long as such differentiation does not amount to unfair discrimination.
- 5.4 The policy shall include such further enforcement mechanism, if any, as the municipality may wish to impose in addition to those contained in the Credit Control and Debt Collection Policy and/or By-law

6. Enforcement of Tariff Policy

The tariff policy shall be enforced through Credit Control and Debt Collection Policy and Credit Control and Debt Collection Policy and Credit Control and Debt Collection By-law; and any further enforcement mechanisms set out in other relevant and applicable legislation or Policy of the municipality.

7. Repeal of previous by-laws

This By-law hereby repeals all previous by-laws on Tariff of the municipality hitherto the promulgation of this by-law

8. Short Title and Commencement

This By-law shall be called Tariff By-law, 2017 and takes effect on the date of the publication hereof in the provincial gazette or as otherwise indicated in the Notice hereof

Msukaligwa Local Municipality

Credit Control and Debt Collection By-law

1. Preamble

WHEREAS section 229(1) of the Constitution authorises a municipality to impose rates on properties and surcharges on fees for the services provided by or on behalf of the municipality.

AND WHEREAS section 4 (1) (c) of the Municipal Systems Act provides that a municipality has a right to finance its affairs by charging fees for services, imposing surcharges on fees, rates on property and, subject to national legislation, other taxes, levies and duties.

AND WHEREAS section 5 (1) (g) provides that the members of the community have a right to have access to municipal services which the municipality provides; section 5 (2) (b) places a duty on the members of the community to pay promptly for services fees, surcharges on fees and other taxes, levies and duties imposed by the municipality.

AND WHEREAS section 95 of the Municipal Systems Act provides for the municipality must, within its financial and administrative capacity, establish a total responsive Customer Relations Management System to cater for:

- Positive and reciprocal relationship with the Rates Payers and Users of municipal services who are liable for payment thereof.
- Mechanism for Rate Payers and Users of municipal services to give a feedback on the quality.
- Informing the Users of services of the costs of services, the reasons for payment for services and the utilisation of the money raised from services.

- Measurement and accurate/verifiable quantification of consumption of services.
- Regular and accurate accounts to Rate Payers/Users of services, showing the basis of the calculation of the due to municipality.
- Accessible pay points and other mechanism for settling accounts including pre-payments for services.
- Query and Complaints management and procedure thereof for prompt response and corrective action on one hand and monitoring thereof on the other

AND WHEREAS section 96 of the Municipal Systems Act and section 62 (1) (f) of Municipal finance Management Act read together with section 21 (2) of Water Services Act, 1997, place an obligation on the municipality to collect all money due and payable to the municipality; and, for this purpose, must adopt, maintain and implement a credit control and debt collection policy which is consistent with rates and tariff policies and compliant with the Act.

AND WHEREAS section 100 of the Municipal Systems Act places obligation on the Municipal Manager or the Service Provider to implement and enforce the Municipality's Credit Control Policy and the By-law enacted in terms of section 98 of the Municipal Systems Act.

AND WHEREAS section 97 of the Municipal Systems Act requires that the said policy must provide for the:

- Credit control procedure and mechanisms
- Debt collection procedure and mechanisms
- Provision for the indigent debtors which is consistent with the rate and tariff policies and national policy on indigents
- Interest on arrears, where appropriate
- Extension of time for the payment of accounts
- Termination of services or restriction of services when the payments are in arrears
- Illegal consumption of services and damage to municipal infrastructure
- The credit control and debt collection policy may differentiate between different categories of ratepayers, users, debtors, taxes,

services, service standards and other matters as long as the differentiation does not amount to unfair discrimination

AND WHEREAS section 102 of the Municipal Systems Act permits the municipality to consolidate the accounts of a debtor liable for payment to the municipality; credit payment from such debtor against any of the debtor's accounts; and implement any of the credit control and debt collection measures provided for in the Act in respect of any of the debtor's accounts which remains in arrears; subject to subsection 2 of the said section.

AND WHEREAS section 62 of the Municipal Systems Act, makes ample provisions for consumers or debtors to appeal decisions or actions of municipal officials in instances of disagreement with such decisions or actions.

AND WHEREAS section 98 of the Municipal Systems Act requires the municipality to adopt a By-law to give effect to the municipality's credit control and debt collection policy including its implementation and enforcement.

NOW THEREFORE the Council of the municipality in terms of section 156 of the Constitution of the Republic of South Africa read together with section 11 of the Municipal Systems Act hereby makes and enacts the following By-law:

2. Definitions

"Act" means Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended

"Constitution" means the Constitution of the Republic of South Africa

"Council" means Municipal Council of Municipality

"Councillor" means a sitting Councillor of Municipality

"Credit Control and Debt Collection By-law and Policy" means Credit Control and Debt Collection Policy and By-law of the Municipality

"Municipal Council" means Municipal Council of the Municipality

"Municipal Equipment" means any part of the reticulation supply system, water meter, electricity meter, water pre-paid meter,

electricity pre-paid meter or water smart meter or electricity smart meter

“Municipal Finance Management Act” means Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) as amended

“Municipal Property Rates Act” means Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004)

“Municipal Systems Act” means Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as amended

“Municipality” means Msukaligwa Local Municipality

“Official” means employee of the municipality or/and employee of the Service Provider of the Municipality

“Policy” means Credit Control and Debt Collection Policy

“Rate” means property rate in terms of Municipal Property Rates Act

“Tariff” means fees, charges and surcharges on tariffs levied by the municipality in respect of any function or service provided by the municipality or on behalf of the municipality, but excludes levying of property rates in terms of Municipal Property Rates Act

Water Services Act means Water Services Act, 1997 (Act no. 108 of 1997) as amended

3. Interpretation of the By-law

This is an English version of this By-law. In the event of a conflict of interpretation between the English version and another translated version, the English version prevails over the other

4. Object

The Object of this By-law is to:

- a. Give effect to the implementation and enforcement of the Credit Control and Debt Collection Policy of the municipality as contemplated in section 96 of the Municipal Systems Act
- b. Provide enforcement instrument for the collection of all money due and payable to the municipality in terms of the mechanism and procedure more fully set out in the policy referred to in paragraph 5 hereof and other enforcement mechanism which the municipality may adopt from time-to-time subject to compliance with Municipal Systems Act.

5. Adoption and Implementation of Credit Control and Debt Collection Policy

- a. The municipality shall in terms of section 96 of the Municipal Systems Act, adopt, maintain and implement Credit Control and Debt Collection Policy for the purpose of collecting all money due and payable to the municipality
- b. The Credit Control and Debt Collection Policy adopted in terms of sub-paragraph 5.1 hereof shall be reviewed annually as part of the Annual Budget Process of the municipality, for either confirmation and reiteration or amendment; which reiteration or amendment shall have the force and effect as contemplated in section 96 of the Municipal Systems Act.

6. Enforcement

This By-law shall be enforced through:

- a. The Credit Control and Debt Collection Policy of the municipality adopted in terms of paragraph 5 hereof and;
- b. The Property Rates and Tariff Policies of the municipality, including the By-laws thereof.

7. Offences and penalties

Any person who:

- (a) Contravenes or fails to comply with the provisions of this By-law or the Policy;
- (b) Fails to comply with a notice served in terms of this By-law or the Policy;
- (c) Tampers with any municipal equipment or breaks any seal on a meter ;
- (d) Uses or consumes municipal service(s) unlawfully;
- (e) Interferes unlawfully with municipal equipment or the supply system of municipal service(s) in one way or another; or

(f) Obstruct or hinders any official or councillor of the municipality in the execution of her/his duties under this By-law or the Policy, is guilty of an offence and liable on conviction to a penalty.

8. Repeal

This By-law hereby repeals all previous by-laws on Credit Control and Debt Collection of the municipality hitherto the promulgation of this by-law

9. Short title

This By-law shall be called Credit Control and Debt Collection By-law, 2017 and takes effect on the date of the publication hereof in the provincial gazette or as otherwise indicated in the Notice hereof

LOCAL AUTHORITY NOTICE 149 OF 2017

**STEVE TSHWETE AMEDEMMENT SCHEME 568
NOTICE OF APPROVAL**

Notice is hereby given in terms of Section 57(1)(a) of the Town Planning and Townships Ordinance, 1986 (Ordinance 15 of 1986, as amended) that the Steve Tshwete Local Municipality, has approved the amendment of the Steve Tshwete Town Planning Scheme, 2004 by the rezoning of **Portion 108 of Erf 7742 Township of Middelburg** from “**Special**” to “**Residential 3**”.

Map 3 and the scheme clauses of the amendment scheme will lie open for inspection at all reasonable times at the office of the Director-General, Mpumalanga, Provincial Administration, Department of Agriculture, Rural Development and Land Administration, Mbombela, as well as at the Municipal Manager, Municipal Buildings, Wanderers Avenue, Middelburg.

This amendment is known as Steve Tshwete Amendment Scheme **568** and shall come into operation on the date of publication of this notice.

SM Mnguni
Acting Municipal Manager

Municipal Offices
Wanderers Avenue
P.O. Box 14
MIDDELBURG
1050

REF: 15/4/R

LOCAL AUTHORITY NOTICE 150 OF 2017**AMENDMENT SCHEME 2049**

It is hereby notified in terms of Section 50 of the Mbombela By-law on Spatial Planning and Land Use Management, 2015, that the City of Mbombela has approved an amendment of the Nelspruit Town Planning Scheme, 1989, to rezone Stand 1726, Sonheuwel Extension 8 from "Residential 1" excluding the erection of a 2nd dwelling to "Residential 1" with the right to erect a second dwelling, subject to Annexure conditions.

Copies of the amendment scheme are filed with the Municipal Manager, Civic Centre, Nel Street, Mbombela, and are open for inspection at all reasonable times. This amendment scheme shall come into operation on day of publication hereof.

**N DIAMOND
MUNICIPAL MANAGER**

City of Mbombela
P O Box 45
NELSPRUIT
1200

LOCAL AUTHORITY NOTICE 151 OF 2017**NELSPRUIT AMENDMENT SCHEME 1904**

It is hereby notified in terms of section 57(1) of the Town-planning and Townships Ordinance, 1986, that the City of Mbombela has approved an amendment of the Nelspruit Town Planning Scheme, 1989, by the rezoning of Portions 1134 to 1459 of Erf 1133, Karino Township from "Residential 1", "Residential 3", "Special", "Public Open Space" and "Existing Public Street" to "Educational", "Residential 1", "Residential 3", "Public Open Space", "Private Open Space" and "Existing Public Street", subject to Annexure conditions.

Copies of the amendment scheme are filed with the Director, Department of Cooperative Governance and Traditional Affairs, Mbombela and the office of the Municipal Manager, Civic Centre, Nel Street, Mbombela, and are open for inspection at all reasonable times.

This amendment scheme is known as the Nelspruit Amendment Scheme 1904 and shall come into operation 56 days after date of publication hereof.

A copy of this notice will be provided in Afrikaans or Siswati to anyone requesting such in writing within 30 days of this notice.

**N DIAMOND
MUNICIPAL MANAGER**

City of Mbombela
P O Box 45
NELSPRUIT
1200

LOCAL AUTHORITY NOTICE 152 OF 2017**WHITE RIVER AMENDMENT SCHEME 388**

It is hereby notified in terms of Section 50 of the Mbombela By-law on Spatial Planning and Land Use Management, 2015, that the City of Mbombela has approved an amendment of the White River Town Planning Scheme, 1985, by the rezoning of the Remainder of Portion 67 of Heidelberg 249-JU, from "Agriculture" to "Agriculture 1" with Agricultural Industry rights subject to Annexure Conditions.

Copies of the amendment scheme are filed with the Municipal Manager, Civic Centre, Nel Street, Mbombela, and are open for inspection at all reasonable times. This amendment scheme shall come into operation on date of publication hereof.

NEIL DIAMOND
ACTING MUNICIPAL MANAGER

City of Mbombela
P O Box 45
MBOMBELA
1200

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Publications: Tel: (012) 748 6053, 748 6061, 748 6065

Also available at the **Provincial Legislature: Mpumalanga**, Private Bag X11289, Room 114, Civic Centre Building,
Nel Street, Nelspruit, 1200. Tel. (01311) 5-2133.